

ORDINANCE NO. 62-26

**AN ORDINANCE TO AMEND ORDINANCE NO. 156-06 TO EXTEND THE
TERM OF THE TAX INCREMENT FINANCING FOR TIF#3
FOR AN ADDITIONAL 30 YEARS PURSUANT TO OHIO REVISED CODE
SECTION 5709.51; AUTHORIZING OTHER RELATED ACTIONS
PURSUANT TO OHIO REVISED CODE SECTIONS
5709.40(B), 5709.42, 5709.43, AND RELATED LAWS
AND DECLARING AN EMERGENCY**

WHEREAS, on December 11, 2006, the Council of the City (the "Council") of Avon, Ohio (the "City") passed Ordinance No. 156-06 (the "Original TIF Ordinance") in accordance with Ohio Revised Code ("R.C.") Section 5709.40(B) declaring an increase in the assessed value of real property that would first appear on the tax list and duplicate of real and public utility property after the effective date of the Original TIF Ordinance (the "Commercial Improvements") with respect to the parcels comprising TIF#3 (each a "Parcel" as described on Exhibit A to the Original TIF Ordinance, as they may have been consolidated, split, or renumbered from time to time) to be a public purpose; and

WHEREAS, the Original TIF Ordinance exempted 100% of the Commercial Improvements with respect to each Parcel for a period of up to 30 years (the "Original TIF Exemption"), commencing on the effective date of the Original TIF Ordinance and ending on the earlier of (a) the date a Commercial Improvement has been exempted from taxation for a period of 30 years or (b) the date on which the City has collected into the State Route 83/Chester Road/Nagel Road Municipal Public Improvement Tax Increment Equivalent Fund II established in Section 6 of the Original TIF Ordinance (the "Fund") a total amount sufficient to pay those costs of the Public Infrastructure Improvements authorized in Section 3 of the Original TIF Ordinance; and

WHEREAS, R.C. Section 5709.51 provides the City with the ability to extend the Original TIF Exemption for an additional period of not more than 30 years (the "TIF Extension Law") if certain conditions are met; and

WHEREAS, the City has determined that the Service Payments made with respect to the Original TIF Exemption exceeded \$1,500,000 in calendar year 2025 (which is the calendar year immediately preceding the effective date of this Ordinance), and calendar year 2025 was the first year in which such Service Payments exceeded \$1,500,000; and

WHEREAS, this Council desires to extend the term of the Original TIF Exemption by an additional 30 years (the "Extended TIF Exemption") beyond its original expiration date to capture additional tax increment financing revenue to finance the various Public Infrastructure Improvements identified in Section 3 and Exhibit B of the Original TIF Ordinance; and

WHEREAS, that notice of Council's intent to pass this Ordinance has been delivered to the Avon Local School District and the Lorain County Joint Vocational School District, in accordance with R.C. Sections 5709.40 and 5709.83; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Avon, Ohio that:

Section 1 - Each capitalized term not otherwise defined in this Ordinance or by reference to another document shall have the meaning assigned to it in the Original TIF Ordinance.

Section 2 - This Council determines that each condition of the TIF Extension Law required to cause the Extended TIF Exemption is met because: (a) pursuant to R.C. Section 5709.51(A)(1), the Service Payments made pursuant to R.C. Section 5709.42 by the owners of the Parcels with respect to the Original TIF Ordinance and the Original TIF Exemption exceeded \$1,500,000 for calendar year 2025 (which is the calendar year immediately preceding the effective date of this Ordinance); (b) calendar year 2025 was the first year in which the Service Payments with respect to the Original TIF Ordinance and the Original TIF Exemption exceeded \$1,500,000; and (c) pursuant to R.C. 5709.51(A)(3), this Ordinance provides for compensation to the Avon Local School District equal in value to the amount of taxes that would be payable to the School District if the Commercial Improvements had not been exempted from taxation but for the Extended TIF Exemption.

Section 3 - In accordance with R.C. Section 5709.40(B), this Council declares that Commercial Improvements to the Parcels subsequent to the effective date of the Original TIF Ordinance were at the time of the Original TIF Ordinance and remain as of the date of this Ordinance a public purpose. The Original TIF Ordinance authorizing the Original TIF Exemption, under the authority of R.C. Section 5709.40(B), is amended pursuant to R.C. Section 5709.51 for the purpose of extending the Original TIF Exemption from taxation of the Commercial Improvements to the Parcels designated under the Original TIF Ordinance for an additional period of not more than 30 years according to the requirements set forth under the TIF Extension Law.

Section 4 - Notwithstanding anything in the Original TIF Ordinance, this Council reaffirms and clarifies that:

(a) the Original TIF Ordinance and this Ordinance authorize the Original TIF Exemption and the Extended TIF Exemption, respectively, as tax increment financing programs under R.C. Section 5709.40(B); and

(b) the Public Infrastructure Improvements described in Sections 3 and 6 and Exhibit B of the Original TIF Ordinance that directly benefit or, once made, will directly benefit the Parcels include, but are not limited to, those Public Infrastructure Improvements described in the Original TIF Ordinance; and

(c) as provided in R.C. Section 5709.42, for the effective duration of the Original TIF Exemption and the Extended TIF Exemption, the owner of any portion of any Parcel shall be required to, and shall make, Service Payments with respect to the Commercial Improvements allocable thereto to the Treasurer of Lorain County in accordance with the provisions of Section 4 of the Original TIF Ordinance; and

(d) the term and percentage rate of the Extended TIF Exemption for each Parcel shall be 100% of the increased value of the Commercial Improvements and shall be exempt from taxation commencing for each Parcel on the 30th anniversary of the commencement date of the Original TIF Exemption (as described in the Original TIF Ordinance) applicable to each Parcel and ending on the earlier of (i) the 60th anniversary of the commencement date for each Parcel or (ii) the date on which the cost of the Public Infrastructure Improvements are paid in full from the Fund; and

Section 5 - As required by R.C. Section 5709.51(A)(3), during the term of the Extended TIF Exemption (the final 30 years of the exemption period), the School District shall be compensated in an amount equal in value to the amount of taxes that would be payable to the School District if the Extended TIF Exemption did not apply during such 30-year period.

Section 6 - This Council established the Fund in accordance with the Original TIF Ordinance and in accordance with the provisions of R.C. Section 5709.43, which such Fund shall continue to be maintained with respect to the Extended TIF Exemption.

Section 7 - Pursuant to R.C. Section 5709.40(I), the Clerk of Council is directed to deliver a copy of this Ordinance to the Director of the Department of Development of the State of Ohio within 15 days after its passage. On or before March 31 of each year that the Extended TIF Exemption remains in effect, the Clerk of Council or other authorized official of the City shall prepare and submit to the Director of the Department of Development of the State of Ohio the status report required under R.C. Section 5709.40(I).

Section 8 - This Council authorizes and directs the Mayor, the Director of Finance, the Law Director, the Clerk of Council, or other appropriate officers of the City to prepare, sign, and deliver all agreements, certificates, and instruments and to take any other actions as may be necessary or appropriate in connection with this Ordinance and to extend the Original TIF Exemption as described in this Ordinance.

Section 9 - Except as otherwise provided in this Ordinance, all other provisions of the Original TIF Ordinance shall remain in full force and effect.

Section 10 - It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any decision-making bodies of the City that resulted in such formal actions were in meetings open to the public and in compliance with all legal requirements, including R.C. Section 121.22.

Section 11 - This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance must be immediately effective to ensure the City receives the benefits of the Extended TIF Exemption to fund or recover all or a portion of the costs of the Public Infrastructure Improvements; therefore, this Ordinance shall be in force and effect immediately upon its passage and approval by the Mayor.

PASSED: June 8, 2026 DATE SIGNED: June 8, 2026

By: Brian Fischer
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: June 9, 2026

Bryan K. Jensen
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior
John A. Gasior, Law Director

ATTEST:

Barbara J. Brooks
Barbara J. Brooks, Clerk of Council

Posted: June 11, 2026
Electronically and at City Hall as
Provided by Council

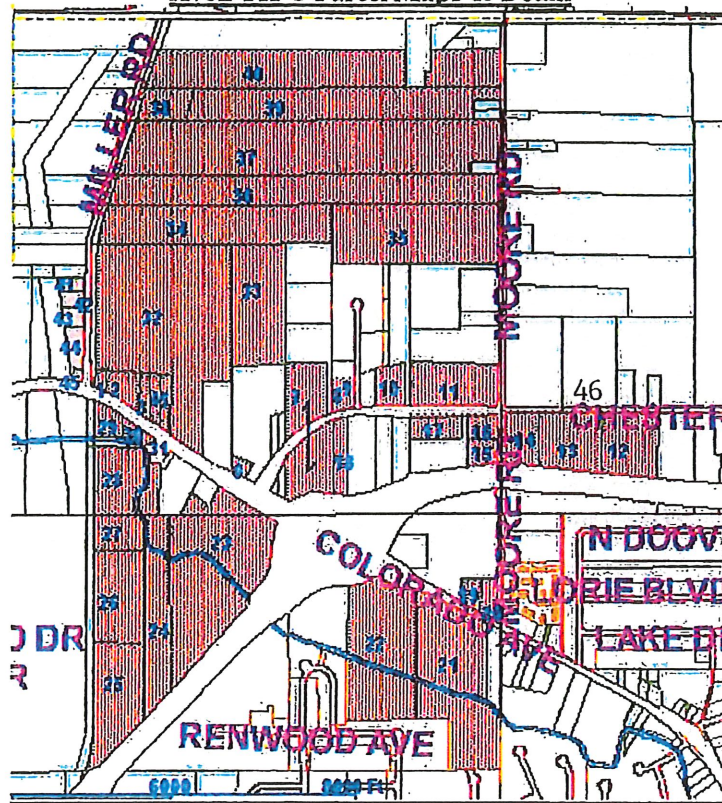
Prepared By:
John A. Gasior, Esq.
Law Director

I, Barbara J. Brooks, Clerk of the Council of the City of Avon, Ohio, hereby certify this document to be a true and exact copy of Ordinance No. 62-26, passed by the Council of said City on June 8, 2026.

IN WITNESS WHEREOF, I have on this 10th day of June 2026, affixed my signature and official seal.

Barbara J. Brooks
Barbara J. Brooks, Clerk of the Council
of the City of Avon, Ohio

EXHIBIT A
Avon TIF 3 Parcel Maps & Detail



Map ID	Parcel Number	Owner Name 1	Parcel Address
1	0400004102146	WARNER JUNE M	39460 COLORADO AV
2	0400004102142	MILLER MARY B	39348 COLORADO AV
		BERGENSTEIN MARY BETH & BRACKETT	
3	0400004102129	CHERYL	39308 COLORADO AV
4	0400004102143	CONRAD DONALD A & CECELIA A	39280 COLORADO AV
5	0400004102144	CONRAD DONALD A & CECELIA A	COLORADO AV
6	0400004102105	ARMBRUSTER ENERGY STORES INC	COLORADO AV
7	0400004102117	KOLYNO KEVIN & KOLYNO SUSAN & RICHARD	CHESTER RD
8	0400004102135	611 BUILDING I LLC	CHESTER RD
9	0400004102134	611 BUILDING I LLC	CHESTER RD
10	0400004102162	EASY STORAGE II LIMITED PARTNERSHIP	CHESTER RD
11	0400004102120	AVON VINEYARDS ASSOC LTD	CHESTER RD
12	0400009000132	SECOND GENERATION HOLDINGS LLC	CHESTER RD
13	0400009000133	K A M OF LORAIN LIMITED	CHESTER RD
14	0400009000134	PRITCHARD DALE A ETAL	CHESTER RD
15	0400004102173	SYLVESTER STEVEN L	1610 MOORE RD
16	0400004102172	AVENS INVESTMENT LTD	38381 CHESTER RD
17	0400004102170	AVENS INVESTMENT LTD	CHESTER RD
18	0400004102175	PUSTAY PAUL M & DARLENE L	CHESTER RD
19	0400003102030	38244 COLORADO LLC	38244 COLORADO AV
20	0400003102031	FIRST INTERSTATE 611 LTD	COLORADO AV
21	0400003101111	WARNER REALTY COMPANY LTD	COLORADO AV
22	0400003101054	WARNER REALTY COMPANY LTD	COLORADO AV
23	0400003101089	COLORADO I-90 LLC	39091 S R 90
24	0400003101059	SSA DELAWARE LLC	COLORADO AV
25	0400003101108	AVON CITY OF	COLORADO AV

26	0400003101101	AVON CITY	COLORADO AV
27	0400003101003	AVON CITY	COLORADO AV
28	0400004103025	AVON CITY	COLORADO AV
29	0400004103019	PATEL BHUPENDRA	COLORADO AV
30	0400004103022	FANOURAKIS GEORGE & DIANNA	39301 COLORADO AV
31	0400004103023	FANOURAKIS GEORGE & DIANNA	COLORADO AV
32	0400004102151	VIRGINIA HOLDING COMPANY	
33	0400004102027	VIRGINIA HOLDING CORP	
34	0400004102016	VIRGINIA HOLDING CORP	
35	0400004102017	VIRGINIA HOLDING CORP	
36	0400004102014	VIRGINIA HOLDING CORP	
37	0400004102011	VIRGINIA HOLDING CORP	
38	0400004102047	VIRGINIA HOLDING CORP	
39	0400004102007	VIRGINIA HOLDING CORP	
40	0400004102003	VIRGINIA HOLDING CORP	
41	0400004101033	1284 REALTY CO INC	
42	0400004101035	WEILAND JAMES R & PEARL A	
		AJAX TREE SERVICE LLC & STANLEY D	
43	0400004101029	NICHOLS	
44	0400004101062	BENTOFF FRED J	
45	0400004101061	BENTOFF FRED	
46	0400009000001	17 Chester Properties, LTD	38000 Chester Road

EXHIBIT A

DESCRIPTION OF COMMERCIAL IMPROVEMENTS

Parcel Number	Owner Name 1	Description of Improvements
0400004102146	WARNER JUNE M	Construction of commercial buildings and related improvements
0400004102142	MILLER MARY B BERGENSTEIN MARY BETH & BRACKETT	Construction of commercial buildings and related improvements
0400004102129	CHERYL	Construction of commercial buildings and related improvements
0400004102143	CONRAD DONALD A & CECELIA A	Construction of commercial buildings and related improvements
0400004102144	CONRAD DONALD A & CECELIA A	Construction of commercial buildings and related improvements
0400004102105	ARMBRUSTER ENERGY STORES INC	Construction of commercial buildings and related improvements
0400004102117	KOLYNO KEVIN & KOLYNO SUSAN & RICHARD	Construction of commercial buildings and related improvements
0400004102135	611 BUILDING I LLC	Construction of commercial buildings and related improvements
0400004102134	611 BUILDING I LLC	Construction of commercial buildings and related improvements
0400004102162	EASY STORAGE II LIMITED PARTNERSHIP	Construction of commercial buildings and related improvements
0400004102120	AVON VINEYARDS ASSOC LTD	Construction of commercial buildings and related improvements
0400009000132	SECOND GENERATION HOLDINGS LLC	Construction of commercial buildings and related improvements
0400009000133	K A M. OF LORAIN LIMITED	Construction of commercial buildings and related improvements
0400009000134	PRITCHARD DALE A ETAL	Construction of commercial buildings and related improvements
0400004102173	SYLVESTER STEVEN L	Construction of commercial buildings and related improvements
0400004102172	AVENS INVESTMENT LTD	Construction of commercial buildings and related improvements
0400004102170	AVENS INVESTMENT LTD	Construction of commercial buildings and related improvements
0400004102175	PUSTAY PAUL M & DARLENE L	Construction of commercial buildings and related improvements
0400003102030	38244 COLORADO LLC	Construction of commercial buildings and related improvements
0400003102031	FIRST INTERSTATE 611 LTD	Construction of commercial buildings and related improvements
0400003101111	WARNER REALTY COMPANY LTD	Construction of commercial buildings and related improvements
0400003101054	WARNER REALTY COMPANY LTD	Construction of commercial buildings and related improvements
0400003101089	COLORADO 1-90 LLC	Construction of commercial buildings and related improvements
0400003101059	SSA-DELAWARE LLC	Construction of commercial buildings and related improvements
0400003101108	AVON CITY OF	Construction of commercial buildings and related improvements
0400003101101	AVON CITY	Construction of commercial buildings and related improvements
0400003101003	AVON CITY	Construction of commercial buildings and related improvements
0400004103025	AVON CITY	Construction of commercial buildings and related improvements
0400004103019	PATEL BHUPENDRA	Construction of commercial buildings and related improvements
0400004103022	FANOURAKIS GEORGE & DIANNA	Construction of commercial buildings and related improvements
0400004103023	FANOURAKIS GEORGE & DIANNA	Construction of commercial buildings and related improvements
0400004102151	VIRGINIA HOLDING COMPANY	Construction of commercial buildings and related improvements
0400004102027	VIRGINIA HOLDING CORP	Construction of commercial buildings and related improvements
0400004102016	VIRGINIA HOLDING CORP	Construction of commercial buildings and related improvements
0400004102017	VIRGINIA HOLDING CORP	Construction of commercial buildings and related improvements
0400004102014	VIRGINIA HOLDING CORP	Construction of commercial buildings and related improvements
0400004102011	VIRGINIA HOLDING CORP	Construction of commercial buildings and related improvements
0400004102047	VIRGINIA HOLDING CORP	Construction of commercial buildings and related improvements
0400004102007	VIRGINIA HOLDING CORP	Construction of commercial buildings and related improvements
0400004102003	VIRGINIA HOLDING CORP	Construction of commercial buildings and related improvements
0400004101033	1284 REALTY CO INC	Construction of commercial buildings and related improvements
0400004101035	WEILAND JAMES R & PEARLA A AJAX TREE SERVICE LLC & STANLEY D	Construction of commercial buildings and related improvements
0400004101029	NICHOLS	Construction of commercial buildings and related improvements
0400004101062	BENTOFF FRED J	Construction of commercial buildings and related improvements
0400004101061	BENTOFF FRED	Construction of commercial buildings and related improvements
0400009000017	Chester Properties, Ltd	Construction of commercial buildings & related improvements

Avon TIF 3 Aerial Map

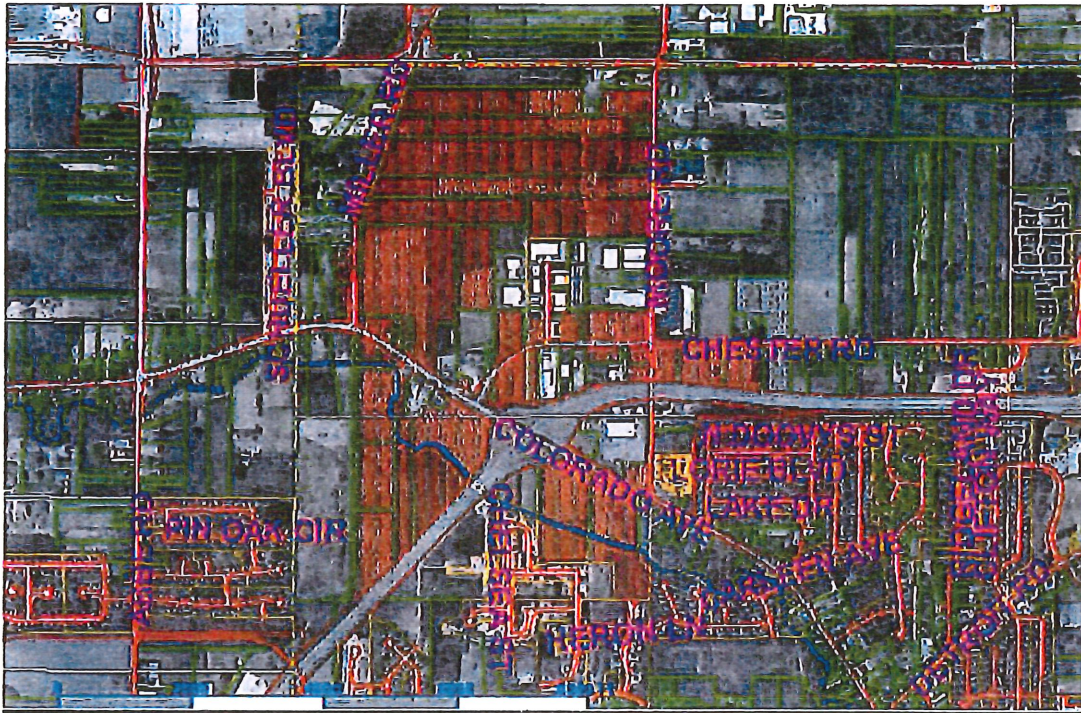


EXHIBIT B

DESCRIPTION OF INFRASTRUCTURE IMPROVEMENTS

Construction of the extension of Chester Road at Moore Road and State route 611, including extension, installation and/or acquisition, relocation of utilities, sidewalks, bike paths, landscaping and other public infrastructure improvements which may serve the proposed development, and including engineering costs related thereto.

Construction of the widening of Chester and Moore Roads, including extension, installation and/or acquisition, relocation of utilities, sidewalks, bike paths, landscaping and other public infrastructure improvements which may serve the proposed development, and including engineering costs related thereto.

Construction and/or acquisition of a recreational facility, including a swimming facility, baseball diamonds, soccer fields and appurtenances and land acquisition in connection thereto and the Miller/Chester/611 area to serve the Commercial Properties and other parcels within the City, including installation and/or acquisition, relocation of utilities, sidewalks, bike paths, landscaping and other public infrastructure improvements which may serve the proposed development, and including engineering costs related thereto.

The provision of water and sewer lines, stormwater and flood remediation, and the provision of gas, electric and communications service facilities for the property, together with engineering costs related thereto.

All of the Public Improvements described above are hereby determined to be Public Infrastructure Improvements (as defined in the Act) and will benefit the real property described in Exhibit A. All of the Public Infrastructure Improvements are anticipated to be made, subject to further approval by Council.