

ORDINANCE NO. 29-22

AN ORDINANCE TO AMEND ORDINANCE NO. 38-10 TO EXTEND THE EXEMPTION FROM TAXATION OF IMPROVEMENTS PROVIDED FOR BY OHIO REVISED CODE SECTION 5709.40 FOR CERTAIN PARCELS COMPRISING THE CITY'S TAX INCREMENT FINANCING AGREEMENT NO. 6/7, PURSUANT TO OHIO REVISED CODE SECTION 5709.51 AND DECLARING AN EMERGENCY

WHEREAS, Ordinance 38-10 passed by Avon City Council on May 10, 2010 pursuant to Ohio Revised Code ("ORC") Section 5709.40 declared improvements to certain parcels of real property that are part of the commercial development (as identified on Exhibit A to Ordinance No. 38-10 and shown on Exhibit A attached hereto, the "Parcels") to be a public purpose, required the owners of such parcels to make service payments in lieu of taxes and otherwise established a tax increment financing program for those parcels; and

WHEREAS, pursuant to ORC Section 5709.51, Avon City Council may amend TIF Ordinance No. 38-10 to extend, for up to thirty (30) additional years, the exemption from taxation of improvements to the Parcels granted pursuant to the TIF Ordinance if certain conditions are met; and

WHEREAS, the City desires to extend the tax increment financing agreement for the Parcels pursuant to ORC Section 5709.51 to enable the City to make public infrastructure improvements that will directly benefit the Parcels and continue the job creation and retention activities within the City, and

WHEREAS, notice has been provided to the Avon Local School District and the Lorain County Joint Vocational School of the City Council's intent to pass this Ordinance; and

WHEREAS, the Avon Local School District will continue to receive service payments in the amount of the real property taxes that it would have received but for the extension of the TIF exemption; and

WHEREAS, Council, upon the recommendation of the Administration deems it to be in the best interests of the health, safety and welfare of the citizens of Avon to extend TIF No. 6/7 an additional thirty (30) years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, COUNTY OF LORAIN AND STATE OF OHIO:

Section 1 - That as required by ORC Section 5709.51, this Council finds and determines that service payments made by owners of the Parcels set forth in Exhibit A pursuant to TIF Ordinance No. 38-10 exceeded one million five hundred thousand dollars in calendar year 2021 and did not exceed one million five hundred thousand dollars in any calendar year prior to calendar year 2021.

Section 2 - That TIF Ordinance No. 38-10 is hereby amended to extend the exemption from taxation of improvements to the Parcels for a period of thirty (30) years from the end of the exemption as determined by Section 2 of Ordinance No. 38-10 (the "Extension Period"), such that the final tax year of the exemption for all Parcels is tax year 2070.

Section 3 - That pursuant to ORC 5709.51(A)(3), the Avon Local School District shall continue to receive compensation equal in value to the amount of taxes that would have been received if the improvements to the Parcels had not been exempted from taxation for the Extension Period.

Section 4 - That except as provided herein, all other provisions of TIF Ordinance No. 38-10 shall remain in full force and effect. City officials are further authorized to provide such information and to execute, certify or furnish such other documents, and to do all of the things as are necessary for and incidental to carrying out the provisions of this ordinance.

Section 5 - That the Clerk of this Council is hereby directed to deliver, not later than fifteen (15) days after the effective date of this Ordinance, a copy thereof to the Director of Development of the State of Ohio, and to further deliver to such Director, not later than March 31 of each year during which the tax exemption remains in effect, a status report outlining the progress of the project herein described as required by Section 5709.40 of the Ohio Revised Code.

Section 6 - That it is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 7 - That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to extend TIF No. 6/7 an additional 30 years in compliance with ORC §5709.51(A)(3) and seek to recover a portion of the costs incurred by the City for infrastructure improvements; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____

DATE SIGNED: _____

By: _____
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara Brooks, Clerk of Council

Posted: _____
In Five Places as
Provided by Council

Prepared By:

John A. Gasior, Esq.
Law Director