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3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. 11 - 2022

6  
7 DECLARING THE IMPROVEMENT TO CERTAIN PARCELS ON AN  
8 APPROXIMATE 37.9 ACRE SITE WEST OF WYOGA LAKE ROAD AND  
9 APPROXIMATELY 2,000 FEET NORTH OF STEELS CORNERS IN  
10 THE CITY TO BE A PUBLIC PURPOSE AND EXEMPT FROM  
11 TAXATION PURSUANT TO ORC 5709.40(B); PROVIDING FOR THE  
12 COLLECTION AND DEPOSIT OF SERVICE PAYMENTS AND  
13 SPECIFYING THE PURPOSES FOR WHICH THOSE SERVICE  
14 PAYMENTS MAY BE EXPENDED; AUTHORIZING SCHOOL  
15 COMPENSATION PAYMENTS; AND DECLARING AN EMERGENCY.

16  
17 WHEREAS, this Council, by its Ordinance No. 12-22 passed on February 17, 2022,  
18 authorized the Mayor to enter into a Tax Increment Financing and Infrastructure Agreement (the  
19 "TIF Agreement") with the developer of the Project pursuant to which the City agreed to reimburse  
20 the developer for the costs to design and construct certain public improvements; and

21  
22 WHEREAS, Ohio Revised Code ("ORC") 5709.40, 5709.42, and 5709.43 (collectively, the  
23 "TIF Act") authorize this Council, by ordinance, to declare the improvement to parcels of real  
24 property located within the City to be a public purpose and exempt from taxation, require the  
25 owner of each parcel to make service payments in lieu of taxes, establish a municipal public  
26 improvement tax increment equivalent fund for the deposit of those service payments, and  
27 specify the purposes for which money in that fund will be expended; and

28  
29 WHEREAS, the City desires to implement a tax increment financing program on the  
30 Parcels (as defined in Section 1 pursuant to the TIF Act to enable the City to make public  
31 infrastructure improvements that will directly benefit the Parcels; and

32  
33 WHEREAS, notice of this proposed ordinance has been delivered to the Boards of  
34 Education of the Woodridge Local School District and the Six District Educational Compact (each  
35 a "School District") in accordance with and within the time periods prescribed in ORC 5709.40  
36 and 5709.83; and

37  
38 WHEREAS, this Council desires to provide for make-whole compensation payments to  
39 each School District;

40  
41 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls,  
42 Summit County, Ohio, that:

43  
44 Section 1. Parcels. The real property subject to this ordinance is identified and depicted on  
45 Exhibit A (as currently or subsequently configured, the "Parcels", with each individual parcel a  
46 "Parcel").

47  
48 Section 2. Public Infrastructure Improvements. This Council hereby designates the public  
49 infrastructure improvements described in Exhibit B (the "Public Infrastructure Improvements")  
50 and any other public infrastructure improvements hereafter designated by ordinance as public  
51 infrastructure improvements made, to be made or in the process of being made by the City that  
52 benefit or serve, or that once made will benefit or serve, the Parcels.

53  
54 Section 3. Exemption. This Council hereby finds and determines that 100% of the increase in  
55 assessed value of each Parcel subsequent to the effective date of this ordinance (which increase in

56 assessed value is hereinafter referred to as the "Improvement" as defined in ORC 5709.40(A)) is  
57 hereby declared to be a public purpose and will be exempt from taxation for a period commencing  
58 on the date an Improvement to that Parcel first appears on the tax list and duplicate were it not  
59 for the exemption granted by this ordinance and ending on the earlier of (a) 30 years after such  
60 commencement or (b) the date on which the City can no longer require service payments in lieu of  
61 taxes, all in accordance with the requirements of the TIF Act.  
62

63 Section 4. Service Payments. As provided in ORC 5709.42, the owner of each Parcel is hereby  
64 required to make service payments in lieu of taxes with respect to the Improvement allocable to  
65 each Parcel to the Summit County Fiscal Officer on or before the final dates for payment of real  
66 property taxes. The service payments in lieu of taxes will be charged and collected in the same  
67 manner and in the same amount as the real property taxes that would have been charged and  
68 collected against that Improvement if it were not exempt from taxation pursuant to Section 3,  
69 including any penalties and interest (collectively, the "Service Payments"). The Service Payments,  
70 and any other payments with respect to each Improvement that are received in connection with  
71 the reduction required by ORC 319.302, 321.24, 323.152 and 323.156, as the same may be  
72 amended from time to time, or any successor provisions thereto as the same may be amended from  
73 time to time (the "Property Tax Rollback Payments"), will be deposited and distributed in  
74 accordance with Section 6.  
75

76 Section 5. TIF Fund. This Council establishes, pursuant to and in accordance with the  
77 provisions of ORC 5709.43, the Princeton Crossroads TIF Municipal Public Improvement Tax  
78 Increment Equivalent Fund (the "TIF Fund"), into which the Service Payments and Property Tax  
79 Rollback Payments collected with respect to the Parcels will be deposited. The TIF Fund will be  
80 maintained in the custody of the City. The City may use amounts deposited into the TIF Fund  
81 only for the purposes authorized in the TIF Act and this ordinance (as it may be amended). The  
82 TIF Fund will remain in existence so long as the Service Payments and Property Tax Rollback  
83 Payments are collected and used for the aforesaid purposes, after which time the TIF Fund will be  
84 dissolved and any surplus funds remaining therein transferred to the City's General Fund, all in  
85 accordance with ORC 5709.43.  
86

87 Section 6. Distributions; Payment of Costs. Pursuant to the TIF Act, the Summit County Fiscal  
88 Officer is requested to distribute the Service Payments and Property Tax Rollback Payments as  
89 follows:  
90

- 91 (a) To each School District, an amount equal to the amount the School District would  
92 otherwise receive as real property tax payments (including the applicable portion  
93 of any Property Tax Rollback Payments) derived from the Improvement to each  
94 Parcel if the Improvement had not been exempt from taxation pursuant to this  
95 ordinance.  
96  
97 (b) To the City, all remaining amounts for further deposit into the TIF Fund for  
98 payment of costs of the Public Infrastructure Improvements, including, without  
99 limitation, debt charges on any notes or bonds issued to pay or reimburse finance  
100 costs or costs of those Public Infrastructure Improvements.  
101

- 102 b. All distributions required under this Section are requested to be made at the same  
103 time and in the same manner as real property tax distributions. The City shall  
104 make any distributions to the extent not made by the Summit County Fiscal  
105 Officer.  
106

107 Section 7. Further Authorizations. This Council hereby authorizes and directs the Mayor, the  
108 Director of Law, the Director of Finance, and the Community Development Director, or other  
109 appropriate officers of the City to deliver a copy of this ordinance to the Ohio Department of  
110 Development and to make such arrangements as are necessary and proper for collection of the

111 Service Payments. This Council further authorizes the Mayor, the Director of Law, the Director of  
112 Finance and the Community Development Director, or other appropriate officers of the City to  
113 prepare and sign all agreements and instruments and to take any other actions as may be  
114 appropriate to implement this ordinance.  
115

116 Section 8. Open Meetings. This Council finds and determines that all formal actions of this  
117 Council and any of its committees concerning and relating to the passage of this ordinance were  
118 taken in an open meeting of this Council or any of its committees, and that all deliberations of this  
119 Council and any of its committees that resulted in those formal actions were in meetings open to  
120 the public, all in compliance with the law including ORC 121.22.  
121

122 Section 9. Effective Date. This ordinance is declared to be an emergency measure necessary  
123 for the immediate preservation of the public peace, health and safety, and for the further reason  
124 that this ordinance is required to be immediately effective in order to enable the City to timely  
125 enter into contracts related to the timely development of the Parcels and related public  
126 infrastructure improvements; wherefore, this ordinance shall be in full force and effect  
127 immediately upon its passage.  
128

129  
130 Passed: 2-14-2022

  
\_\_\_\_\_  
President of Council

131  
132  
133  
134 Clerk of Council

  
\_\_\_\_\_  
Clerk of Council

135  
136 Approved: 2-15-2022

  
\_\_\_\_\_  
Mayor

137 1/24/22

EXHIBIT A  
IDENTIFICATION AND MAP OF THE PARCELS

The following parcels of real estate situated in the City of Cuyahoga Falls are identified and depicted on the following map and constitutes part of this Exhibit A. The Parcel numbers are as of December 1, 2021, and are included for ease of reference only.

35-07109  
35-07110

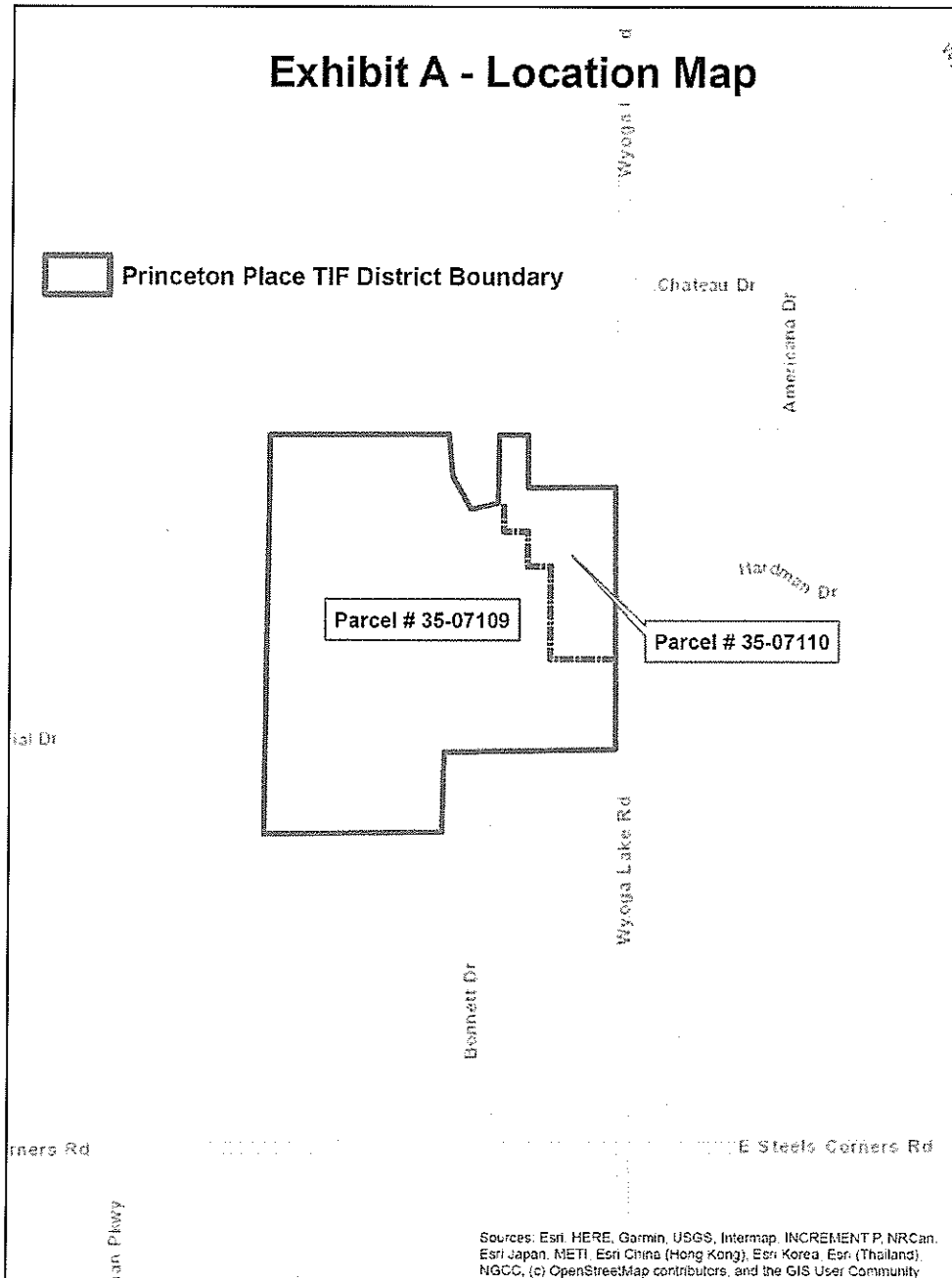


EXHIBIT B  
PUBLIC INFRASTRUCTURE IMPROVEMENTS

The Public Infrastructure Improvements consist of any “public infrastructure improvement” defined under Section 5709.40(A)(7) of the Ohio Revised Code and that directly benefits or serves the Parcels and specifically include, but are not limited to, any of the following improvements that will benefit or serve the Parcels and all related costs of those permanent improvements (including, but not limited to, those costs listed in Section 133.15(B) of the Ohio Revised Code):

- **Stormwater.** Construction, reconstruction and installation of stormwater and flood remediation projects and facilities, including such projects and facilities on private property when determined to be necessary for public health, safety and welfare, including but not limited to the construction and installation of storm water sewers throughout the proposed development;
- **Roadways.** Construction, reconstruction, extension, opening, improving, widening, grading, draining, curbing or changing of the lines and traffic patterns of roads, highways, streets, intersections, bridges (both roadway and pedestrian), sidewalks, bikeways, medians and viaducts accessible to and serving the public, and providing signage (including traffic signage and informational/promotional signage), lighting systems, signalization, and traffic controls, and all other appurtenances thereto, including but not limited to the construction, reconstruction, widening, improving, grading, draining and resurfacing of, and installation of traffic controls along, State Road, Seasons Road and Wyoga Lake Road and a traffic study of State Road, Seasons Road and Wyoga Lake Road and related areas;
- **Water/Sewer.** Construction, reconstruction or installation of public utility improvements (including any underground municipally owned utilities), storm and sanitary sewers (including necessary site grading therefore), water and fire protection systems, and all appurtenances thereto, including but not limited to construction and installation of water and sanitary sewers within the proposed development;
- **Environmental/Health.** Implementation of environmental remediation measures necessary to enable the Project and the construction of public health, including but not limited to preservation of wetlands and flood plain management in the areas around the proposed development, dam modifications and improvements, any dredging of waterways on the Parcels, streambank erosion protection and renovation and related environmental studies and remediation;
- **Utilities.** Construction, reconstruction or installation of gas, electric and communication service facilities and all appurtenances thereto;
- **Demolition.** Demolition, including demolition on private property when determined to be necessary for public health, safety and welfare;
- **Streetscape/Landscape.** Construction or installation of streetscape and landscape improvements including trees, tree grates, signage, curbs, sidewalks, scenic fencing, street and sidewalk lighting, trash receptacles, benches, newspaper racks, burial of overhead utility lines and related improvements, together with all appurtenances thereto, including, but not limited to streetscape improvements in conjunction with and along the roadway improvements throughout the development and described in “Roadways” above;

- **Real Estate.** Acquisition of real estate or interests in real estate (including easements) (a) necessary to accomplish any of the foregoing improvements, or (b) in aid of industry, commerce, distribution or research; including, but not limited to, the purchase of parkland; and
- **Professional Services.** Engineering, consulting, legal, administrative, and other professional services associated with the planning, design, acquisition, construction and installation of the foregoing improvements and real estate.