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3 CITY OF CUYAHOGA FALLS

4  
5 ORDINANCE NO. 115 -2021

6  
7 CREATING THE PINE RIDGE TAX INCREMENT FINANCING  
8 INCENTIVE DISTRICT; DECLARING IMPROVEMENTS TO  
9 THE PARCELS WITHIN THE INCENTIVE DISTRICT TO BE A  
10 PUBLIC PURPOSE AND EXEMPT FROM REAL PROPERTY  
11 TAXATION; REQUIRING THE OWNERS OF THOSE PARCELS  
12 TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES;  
13 ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX  
14 INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF  
15 THOSE SERVICE PAYMENTS; SPECIFYING THE PUBLIC  
16 INFRASTRUCTURE IMPROVEMENTS THAT BENEFIT OR  
17 SERVE PARCELS IN THE INCENTIVE DISTRICT; AND  
18 DECLARING AN EMERGENCY.

19  
20 WHEREAS, this Council desires to facilitate the development of a residential  
21 subdivision with approximately 49 single-family homes within the City in order to  
22 increase available housing options within the City (the "Project"); and

23  
24 WHEREAS, in order to develop the Project, it is necessary to construct certain  
25 public infrastructure improvements; and

26  
27 WHEREAS, this Council, pursuant to Ohio Revised Code ("ORC") Sections  
28 5709.40, 5709.42 and 5709.43 (collectively, the "TIF Act"), is authorized to declare  
29 improvements to real property to be a public purpose, exempt those improvements from  
30 real property taxation, and require owners of the real property to make service payments  
31 in lieu of taxes in an amount equal to such exempted taxes; and

32  
33 WHEREAS, to facilitate the development of the Project and pay the associated  
34 costs of the necessary public infrastructure improvements from service payments in lieu  
35 of taxes, this Council has determined to create the Pine Ridge Incentive District (the  
36 "Incentive District") pursuant to the TIF Act, the boundaries of which shall be  
37 coextensive with the boundaries of, and will include, the parcels of real property within  
38 the Incentive District specifically identified and depicted in Exhibit A attached hereto  
39 (as currently or subsequently configured, the "Parcels", with each of those parcels  
40 referred to herein individually as a "Parcel"); and

41  
42 WHEREAS, notice of this proposed ordinance has been delivered to the Boards  
43 of Education of the Hudson City School District and the Six District Educational  
44 Compact (each a "School District") in accordance with and within the time periods  
45 prescribed in ORC Sections 5709.40 and 5709.83.

46  
47 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls,  
48 Summit County, Ohio, that:

50        Section 1. Incentive District Findings and Determinations; Creation of Incentive  
51 District. This Council hereby: (i) adopts the Economic Development Plan for the  
52 Incentive District now on file with the Clerk of the City Council, (ii) accepts and adopts  
53 the City Engineer's certification to this Council and the City Engineer's findings set forth  
54 therein (a) that the public infrastructure serving the Incentive District is inadequate to  
55 meet the development needs of the Incentive District as evidenced by the Economic  
56 Development Plan and (b) that the Incentive District is less than 300 acres in size and  
57 enclosed by a contiguous boundary, (iii) finds and determines that the Project will place  
58 additional demand on the Public Infrastructure Improvements, including, without  
59 limitation, State Road, Seasons Road and Wyoga Lake Road, (iv) finds and determines  
60 that the City sent written notice of the public hearing regarding this ordinance by first  
61 class mail to each owner of real property within each proposed Incentive District at least  
62 30 days prior to such hearing, which notice included a map of the proposed Incentive  
63 District as well as the overlay area required by Ohio Revised Code ("ORC") Section  
64 5709.40(C)(2), (v) finds and determines that this Council has not received a request from  
65 the owner of any real property within any proposed Incentive District to exclude that  
66 owner's property from the Incentive District and (vi) finds and determines that notice of  
67 this ordinance has been delivered to the Boards of Education of Hudson City School  
68 District and the Six District Educational Compact in accordance with and within the  
69 time periods prescribed in ORC Sections 5709.40 and 5709.83. This Council further  
70 finds that the sum of the taxable value of real property in the Incentive District for tax  
71 year 2020 and the taxable value of all real property in the City that would have been  
72 taxable in tax year 2020, were it not for the fact that the property was in an existing  
73 incentive district and therefore exempt from taxation, does not exceed twenty-five  
74 percent of the taxable value of real property within the City for tax year 2020. Pursuant  
75 to the TIF Act, this Council creates the Incentive District, the boundaries of which are  
76 coextensive with the boundaries of, and include, the Parcels specifically identified and  
77 depicted in Exhibit A attached hereto.

78  
79        Section 2. Public Infrastructure Improvements. This Council hereby designates the  
80 public infrastructure improvements described in Exhibit B (the "Public Infrastructure  
81 Improvements") and any other public infrastructure improvements hereafter designated  
82 by ordinance as public infrastructure improvements made, to be made or in the process  
83 of being made by the City that benefit or serve, or that once made will benefit or serve,  
84 the Parcels.

85  
86        Section 3. Life of Incentive District; Authorization of Tax Exemption. The life of the  
87 Incentive District commences with the first tax year in which Improvements would first  
88 appear on the tax list and duplicate of real and public utility property for Parcels within  
89 the Incentive District were it not for the exemption granted in this ordinance but shall  
90 commence no earlier than tax year 2023 and ends on the earlier of (a) 10 years after  
91 such commencement or (b) the date on which the City can no longer require service  
92 payments in lieu of taxes, all in accordance with the requirements of the TIF Act (the  
93 "Incentive District Life").

94  
95        Pursuant to and in accordance with the provisions of ORC Section 5709.40(C), this  
96 Council hereby declares that the increase in assessed value of each Parcel subsequent  
97 to the effective date of this ordinance (which increase in assessed value is hereinafter  
98 referred to as the "Improvement," as defined in ORC Section 5709.40(A)) is a public

99 purpose, with 75% of such Improvement to each Parcel exempt from taxation for the  
100 Incentive District Life for the Incentive District.  
101

102 Section 4. Service Payments and Property Tax Rollback Payments. Pursuant to ORC  
103 Section 5709.42, the owner of each Parcel is hereby required to make annual service  
104 payments in lieu of taxes with respect to the Improvement to that Parcel to the Summit  
105 County Fiscal Officer (the "County Fiscal Officer") on or before the final dates for  
106 payment of real property taxes. Each service payment in lieu of taxes, including any  
107 penalties and interest at the then current rate established for real property taxes  
108 (collectively, the "Service Payments"), will be charged and collected in the same manner  
109 and in the same amount as the real property taxes that would have been charged and  
110 payable against the Improvement if it were not exempt from taxation pursuant to Section  
111 3 of this ordinance. The Service Payments, and any other payments with respect to  
112 each Improvement that are received by the County Fiscal Officer in connection with the  
113 reduction required by ORC Sections 319.302, 321.24, 323.152 and 323.156, as the  
114 same may be amended from time to time, or any successor provisions thereto as the  
115 same may be amended from time to time (the "Property Tax Rollback Payments"), will  
116 be deposited and distributed in accordance with Section 6 of this ordinance.  
117

118 Section 5. TIF Fund. This Council hereby establishes the Pine Ridge Incentive  
119 District Municipal Public Improvement Tax Increment Equivalent Fund (the "TIF Fund").  
120 The TIF Fund shall be maintained in the custody of the City and shall receive all  
121 distributions to be made to the City pursuant to Section 6 of this ordinance. Those  
122 Service Payments and Property Tax Rollback Payments received by the City with respect  
123 to the Improvement of each Parcel and so deposited pursuant to the TIF Act shall be  
124 used solely for the purposes authorized in the TIF Act and this ordinance (as it may be  
125 amended or supplemented). The TIF Fund shall remain in existence so long as such  
126 Service Payments and Property Tax Rollback Payments are collected and used for the  
127 aforesaid purposes, after which time the TIF Fund shall be dissolved and any incidental  
128 surplus funds remaining therein transferred to the City's General Fund, all in  
129 accordance with the TIF Act.  
130

131 Section 6. Distribution of Funds. Pursuant to the TIF Act, during the Incentive  
132 District Life for the Incentive District, the County Fiscal Officer is requested to distribute  
133 all Service Payments and Property Tax Rollback Payments to the City for further deposit  
134 into the TIF Fund for payment of costs of the Public Infrastructure Improvements,  
135 including, without limitation, debt charges on any notes or bonds issued to pay or  
136 reimburse finance costs or costs of those Public Infrastructure Improvements. Such  
137 distributions required under this Section are requested to be made at the same time  
138 and in the same manner as real property tax distributions.  
139

140 Section 7. Further Authorizations. This Council hereby authorizes and directs the  
141 Mayor, the Director of Law, the Director of Finance, and the Community Development  
142 Director, or other appropriate officers of the City to deliver a copy of this ordinance to  
143 the Ohio Department of Development and to make such arrangements as are necessary  
144 and proper for collection of the Service Payments. This Council further authorizes the  
145 Mayor, the Director of Law, the Director of Finance and the Community Development  
146 Director, or other appropriate officers of the City to prepare and sign all agreements and

147 instruments and to take any other actions as may be appropriate to implement this  
148 ordinance.


149  
150 Section 8. Open Meetings. This Council finds and determines that all formal actions  
151 of this Council and any of its committees concerning and relating to the passage of this  
152 ordinance were taken in an open meeting of this Council or any of its committees, and  
153 that all deliberations of this Council and any of its committees that resulted in those  
154 formal actions were in meetings open to the public, all in compliance with the law  
155 including ORC Section 121.22.

156  
157 Section 9. Effective Date. This ordinance is declared to be an emergency measure  
158 necessary for the immediate preservation of the public peace, health and safety, and for  
159 the further reason that this ordinance is required to be immediately effective in order to  
160 enable the City to timely enter into contracts related to the timely development of the  
161 Incentive District and related public infrastructure improvements; wherefore, this  
162 ordinance shall be in full force and effect immediately upon its passage.

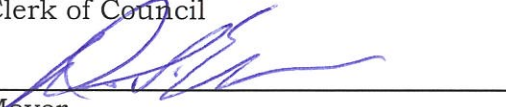
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167 Passed: 12-13-2021, 2021

  
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President of Council

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171 Clerk of Council

  
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Clerk of Council

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173 Approved: 12-13-2021, 2021

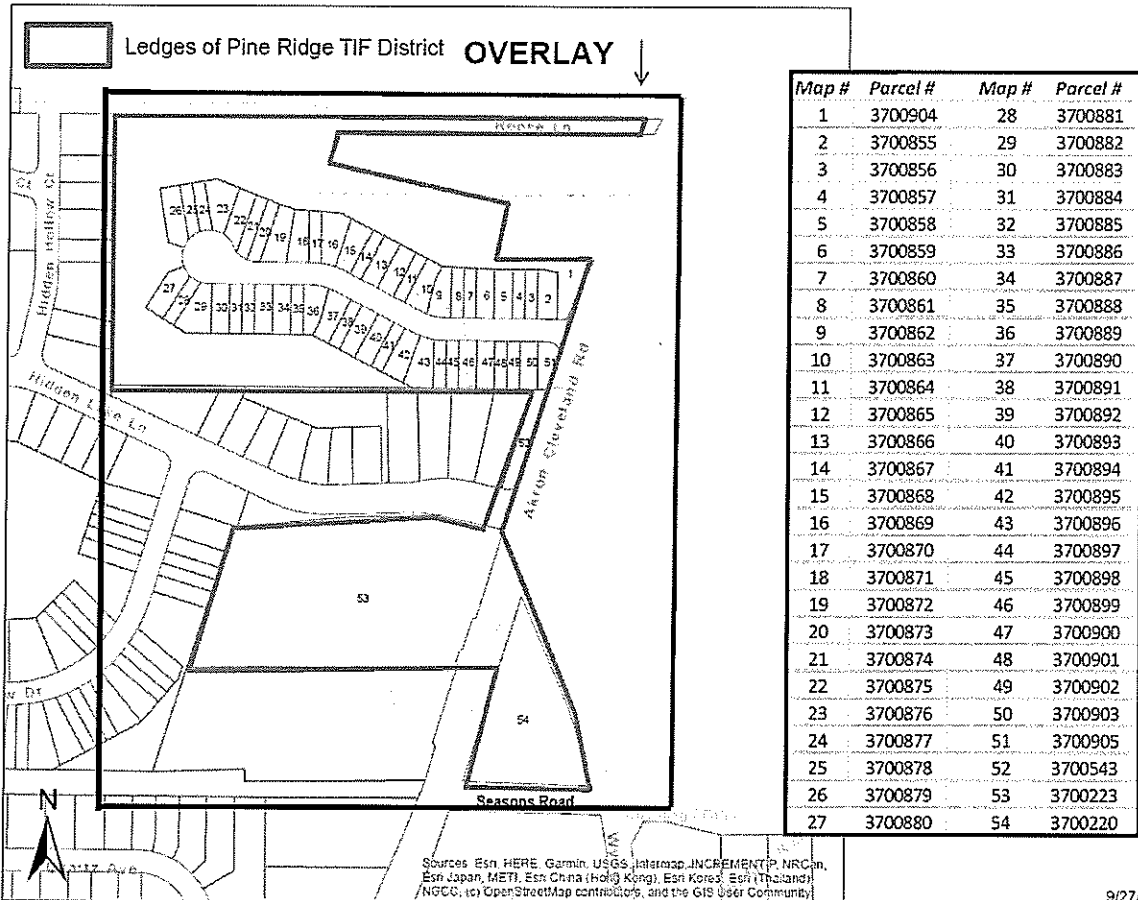
  
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Mayor

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175 10/25/21  
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177 TIF.DOCX

## EXHIBIT A

### MAP OF THE INCENTIVE DISTRICT

The following parcels of real estate situated in the City of Cuyahoga Falls are included in the Incentive District shown on the following map. The Parcel numbers included on the map are as of September 1, 2021, and are included for ease of reference only:



9/27/21

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 parcels in the Incentive Districts and specifically include, but are not limited to, any of the following improvements that will benefit or serve parcels in the Incentive Districts 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;
- **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 in the Incentive District, 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 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; 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.