



Introduced: 10/16/2023  
Revised:  
Adopted: 11/20/2023  
Effective: 12/20/2023

## CITY OF PATASKALA

### ORDINANCE 2023-4459

**AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN REAL PROPERTY WITHIN THE CITY OF PATASKALA, OHIO, TO BE A PUBLIC PURPOSE; DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE TO BENEFIT OR SERVE SUCH PROPERTY; REQUIRING ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES; CREATING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS; AND AUTHORIZING THE EXECUTION OF A TAX INCREMENT FINANCING AGREEMENT WITH THE OWNERS OF SUCH PROPERTY**

***WHEREAS***, R.C. 5709.40, 5709.42 and 5709.43 (collectively, the “TIF Statutes”) provide that a municipality may declare an “improvement,” which is defined in the TIF Statutes as the increase in the assessed value of any real property that would first appear on the tax list and duplicate of real and public utility property after the effective date of an ordinance adopted pursuant to the TIF Statutes were it not for the exemption granted by that ordinance, to such parcels of real property to be a public purpose; and

***WHEREAS***, in connection therewith, a municipality may grant a real property tax exemption to the Improvement (as defined herein) to parcels of real property contained in the incentive district, as permitted under the TIF Statutes, and require that the owners of such parcels, including any future owners of such parcels, make service payments in lieu of taxes to be used for the construction of public infrastructure improvements; and

***WHEREAS***, Crown East Properties, Inc. and Coughlin Properties of Pataskala, LLC (together, the “Developers”) propose to develop several parcels of real property (with each parcel referred to herein individually as a “Parcel” and collectively, as the “Parcels”) within the corporate boundaries of the City of Pataskala, Ohio (the “City”) by constructing retail and office buildings (the “Development”); and

**WHEREAS**, pursuant to R.C. 5709.40(B), Council for the City of Pataskala wants to declare the service payments made in lieu of taxes be used for construction of the Public Infrastructure Improvements, as defined below; and

**WHEREAS**, Council for the City of Pataskala has determined it is necessary and appropriate and in the best interest of the City to exempt from taxation the Improvement located within the area described in Exhibit A hereto (the "Project Area") as permitted and provided for in R.C. 5709.40(B), and to simultaneously direct and require the owners of real property within the Project Area to make service payments in lieu of taxes as provided by this Ordinance; and

**WHEREAS**, in connection with the construction of the Development, the City and the Developers desire to execute a tax increment financing agreement substantially in the form attached hereto as Exhibit C (the "TIF Agreement"), which TIF Agreement would provide for the construction of the Development and for the financing of certain Public Infrastructure Improvements, as defined below and in the TIF Agreement; and

**WHEREAS**, pursuant to and in the manner prescribed by R.C. 5709.83, the City of Pataskala delivered notice to the Boards of Education (the "Boards") of both the Licking Heights Local School District and the and the C-TEC Career And Technology Education Centers of Licking County (together, the "School Districts"), stating the City's intent to adopt this Ordinance, which notice was delivered not less than fourteen (14) days prior to the adoption of this Ordinance;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PATASKALA, COUNTY OF LICKING, STATE OF OHIO, A MAJORITY OF ALL MEMBERS ELECTED OR APPOINTED THERETO CONCURRING, THAT:**

**Section 1:** Pursuant to and in accordance with the provisions of R.C. 5709.40(B), Council for the City of Pataskala hereby declares that one hundred percent (100%) of the increase in assessed value of each Parcel (the "TIF Exemption"), subsequent to the effective date of this Ordinance (which increase in assessed value is hereinafter referred to as the "Improvement" as defined in R.C. 5709.40(A)), is a public purpose and exempt from taxation for a period which as to each Parcel, commences with the first tax year that begins after the effective date of this Ordinance and in which an Improvement attributable to a new structure would first appear on the tax list and duplicate of real and public utility property for such Parcel within the Project Area (in each case, the "Commencement Date") were it not for the exemption granted in this Ordinance (even if the result is that the exemptions will commence in different tax years on a Parcel-by-Parcel basis), and ends as to such Parcel on the earlier of (a) thirty (30) years after such Parcel's Commencement Date or (b) the date on which the City can no longer require service payments in lieu of taxes, either by law, or because the costs of all Public Infrastructure Improvements are paid for, all in accordance with the requirements of the TIF Statutes.

**Section 2:** The owners of the real property within the Project Area (the "Owners") shall make service payments in lieu of taxes (the "Service Payments"), which Service Payments shall be paid to the Licking County Treasurer (the "County Treasurer") and collected as set forth in R.C. 5709.42. The Service Payments shall include any other payments with respect to the Improvement that are received by the County Treasurer in connection with the reduction required by R.C. 319.302, 321.24, 323.152 and 323.156, as the same may be amended from time to time, or any

successor provisions thereto as the same may be amended from time to time. Service Payments due with respect to partial calendar years shall be apportioned on a pro rata basis.

Section 3: In accordance with R.C. 5709.40 and R.C. 5709.42 and this Ordinance, the County Treasurer shall make payments in lieu of real property taxes to the School Districts, in an amount equal to the amount of real property taxes foregone by the School Districts because of the exemptions provided in this Ordinance. In accordance with R.C. 5709.42 and this Ordinance, after making each payment in lieu of real property taxes to the School Districts, the County Treasurer shall distribute the remainder of the service payments in lieu of these taxes to the City for deposit in the hereinafter-defined TIF Fund.

Section 4: Council for the City of Pataskala hereby authorizes and directs the Director of Finance to establish, pursuant to R.C. 5709.43 a municipal public improvement tax increment equivalent fund, to be known as the "Broad and Summit Tax Increment Fund" (the "TIF Fund"). The City of Pataskala shall deposit the Service Payments collected and distributed to the City by the County Treasurer into the TIF Fund and allocate the money in such fund as specified in the TIF Agreement (as defined herein). Money in the TIF Fund shall be used to finance the Public Infrastructure Improvements and is hereby pledged to the repayment of the Developers' costs of the Public Infrastructure Improvements as provided in the TIF Agreement. The TIF Fund will exist so long as such Service Payments are collected and used for the aforesaid purposes, after which time the TIF Fund will be dissolved and any surplus funds remaining will be transferred to the City of Pataskala's general fund and applied as then provided by law.

Section 5: The City Administrator is hereby authorized to execute the TIF Agreement on behalf of the City of Pataskala in the form attached hereto as Exhibit C with such changes thereto as may be approved by the City Administrator (the City Administrator's signature on the TIF Agreement to be conclusive proof of the approval of any such changes), which TIF Agreement includes provisions regarding the construction of the Development and the Public Infrastructure Improvements providing for, among other things, the payment of Service Payments and the use of the TIF Funds, together with such revisions or additions thereto as approved by the City Administrator as are consistent with the objectives and requirements of this Ordinance and not otherwise materially adverse to the City, which approval and determinations shall be conclusively evidenced by the signing of said TIF Agreement. The City Administrator and other appropriate City officials are further authorized to provide such information and to execute, certify or furnish such other documents, and to do all other things as are necessary for and incidental to carrying out the provisions of the TIF Agreement.

Section 6: The public infrastructure improvements, as more particularly described on Exhibit B attached hereto (the "Public Infrastructure Improvements"), shall be acquired, constructed and improved in accordance with the TIF Agreement. The cost of such Public Infrastructure Improvements will be paid from the Service Payments made by the Owners, including any future owners of all or a portion of the Project Area, as set forth herein and in the TIF Agreement. The City of Pataskala hereby determines that the Public Infrastructure Improvements will benefit or serve the Project Area.

Section 7: The City of Pataskala shall, in accordance with R.C. 5709.85, review annually all exemptions from taxation resulting from the declarations set forth in this Ordinance and any other

such matters as may properly come before the Tax Incentive Review Council formed to review incentive compliance, all in accordance with R.C. 5709.85.

Section 8: The Interim Clerk of Council is hereby directed to deliver, not later than fifteen (15) days after the effective date of this Ordinance, a copy hereof to the Ohio Director of Development (together with any successor, the "ODOD").

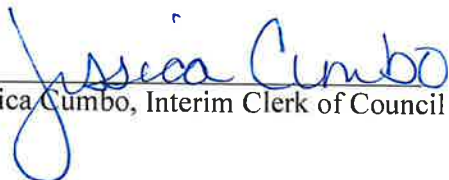
Section 9: The City Administrator is hereby directed to deliver to the Director of ODOD, not later than March 31 of each year during which the TIF Exemption remains in effect, a status report outlining the progress of the Development herein described.

Section 10: The City Administrator is hereby authorized to take all actions, including but not limited to the execution of all documents, certificates, agreements and amendments thereto, necessary to establish the TIF Exemption and implement and administer the TIF Fund, which are not substantially inconsistent with this Ordinance.

Section 11: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of Council and that all deliberations of the Council and any of the decision-making bodies of the City of Pataskala which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the State of Ohio.

Section 12: This Ordinance shall become effective from and after the earliest period allowed by the Charter of the City of Pataskala.

ATTEST:

  
\_\_\_\_\_  
Jessica Cumbo, Interim Clerk of Council

  
\_\_\_\_\_  
Michael W. Compton, Mayor

APPROVED AS TO FORM:

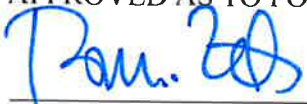
  
\_\_\_\_\_  
Brian M. Zets, Law Director

EXHIBIT A

DESCRIPTION OF THE PROJECT AREA



**Map Number**

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10

**Parcel Numbers**

- 063-141048-01.000
- 063-141048-00.000
- 063-141960-00.000
- 063-146958-00.000
- 063-146964-00.000
- 063-146976-00.000
- 063-142038-00.000
- 063-142038-01.000
- 063-149280-00.000
- 063-149286-00.000

Note: One or more of the above parcels may be combined with another such parcel.

EXHIBIT B  
DESCRIPTION OF PUBLIC INFRASTRUCTURE IMPROVEMENTS

All of the Public Infrastructure Improvements described below and all related costs are “public infrastructure improvements” (as defined in Ohio Revised Code Section 5709.40(A)(8)) and are intended to benefit or serve the parcels in the Project Area:

- A. Construction of all improvements associated with the extension of Bristol Drive from its existing terminus to Broad Street as shown in the map below, including pavement, sidewalks, lighting, storm sewer, curbs and gutters;
- B. The widening and construction of left and right-turn lanes on Summit Road at both the northern and southern approaches to Broad Street, including pavement, striping, and tying into pedestrian facilities, including an extension of such widening on the southern approach to Broad Street to include a left-turn lane into the proposed entrance to Pataskala Storage on Summit Road;
- C. Construction of any additional pavement widening required on Broad Street that is not part of the widening required for access management that is needed to maintain a consistent pavement section width from the Broad Street - Summit Road intersection through the Broad Street - Bristol Drive intersection, and including the cost of engineering design and construction administration and inspection for any of the access management improvements, all as shown on the map below.

Without limiting the foregoing, the cost of (a) engineering design and construction administration and inspection for the above, (b) street lighting and street trees, and (c) installing public utilities which include water mains, sanitary sewer, and storm sewer, storm water improvements, burial of utility lines, gas, electric and communications service facilities (including fiber optics), public signs, traffic signals, and other work including surveys, soil engineering, inspection fees, construction staking, and all other costs and improvement necessary for the construction of the public improvements, shall being included in such “related costs”.



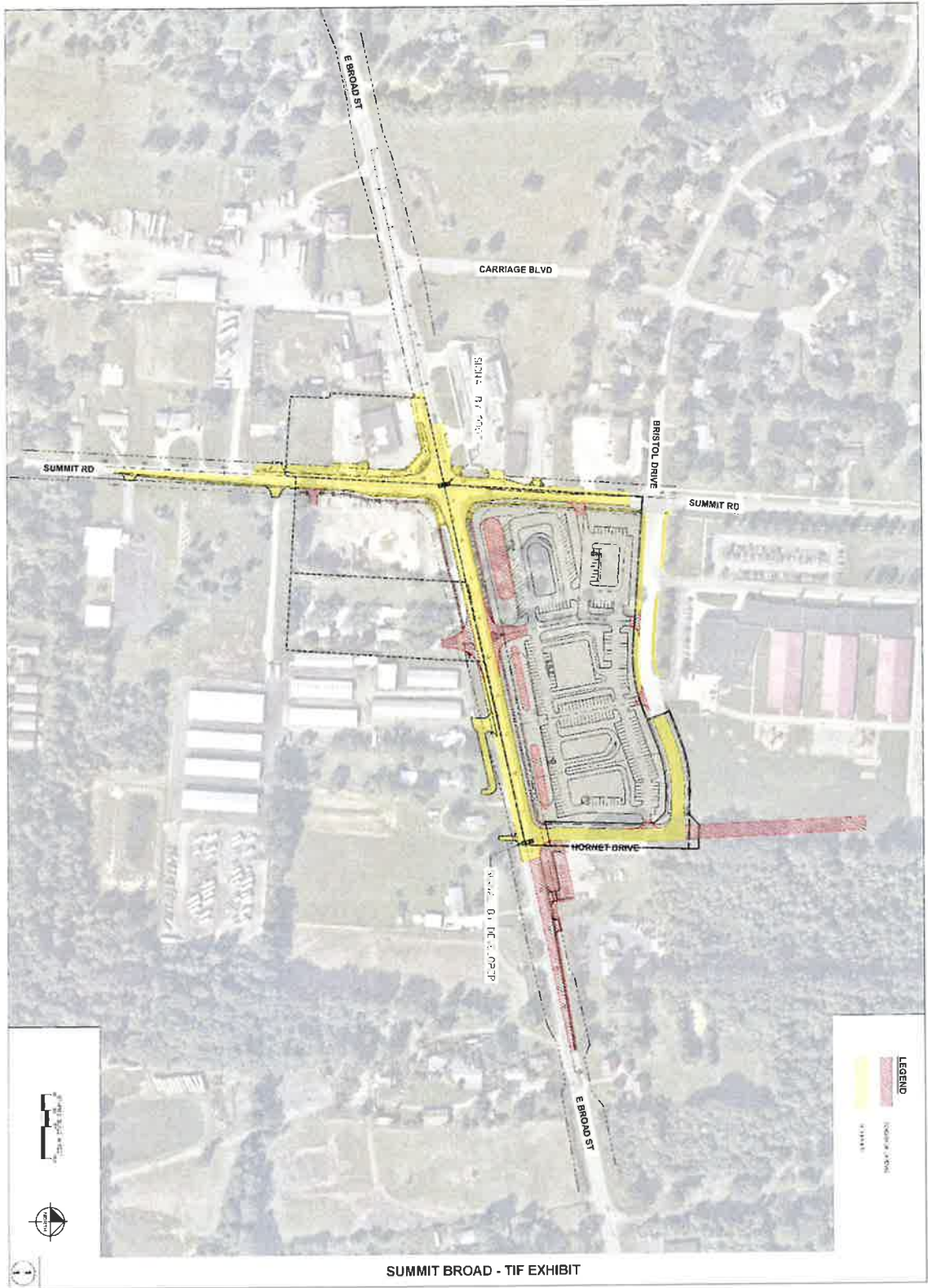


EXHIBIT C  
FORM OF TIF AGREEMENT

[TO BE ATTACHED]