

Special Beaver Creek Trustee's Meeting

Friday, February 26,

2016

Mrs. Graff called the Special Trustee Meeting to order at 7:31 A.M. Those present were: Trustees Carol Graff, Tom Kretz and Jeff Roberts; and Fiscal Officer, Christy Ahrens. Legal Advisor Dawn Frick was also present. Staff present: Township Administrator/Public Safety Director Alex Zaharieff, Zoning Administrator/Inspector Ed Amhrein, and Zoning Clerk III Laurie Brown.

The Purpose of this Special Meeting is to meet in Open Session to consider the adoption of resolutions establishing Tax Increment Financing Exemptions ("TIF") pursuant to O.R.C. 5709.73.

Township Administrator/Public Safety Director Alex Zaharieff presented two Resolutions for TIF's and recommended moving forward with public comments.

Mr. McGinnis spoke to the Trustees on behalf of himself and his brother and Valley Springs Farm in support of this TIF and stated that he looked forward to working with the Trustees in the future.

There were no other comments.

Ms. Graff closed the public comment portion of the meeting.

Township Administrator/Public Safety Director Alex Zaharieff stated that he had presented the TIF to both of the school districts involved with the Valley Springs TIF. Legal Advisor Dawn Frick stated that she had a conversation with the attorney for the Beaver Creek City School District and stated that they do not have any questions or concerns.

2016-110 Mr. Roberts made a motion to approve **Resolution 2016-110**,
DECLARING IMPROVEMENTS TO PARCELS OF REAL
PROPERTY LOCATED IN BEAVERCREEK TOWNSHIP,
OHIO TO BE A PUBLIC PURPOSE UNDER SECTION
5709.73(B) OF THE OHIO REVISED CODE, EXEMPTING
SUCH IMPROVEMENTS FROM REAL PROPERTY
TAXATION, DECLARING CERTAIN PUBLIC
IMPROVEMENTS TO BE NECESSARY FOR THE FURTHER
DEVELOPMENT OF THOSE PARCELS AND
ESTABLISHING A TAX INCREMENT EQUIVALENT FUND.

WHEREAS, Sections 5709.73, 5709.74 and 5709.75 of the Ohio Revised Code (collectively, the "TIF Statutes") authorize townships to participate in a financing technique commonly known as tax increment financing ("TIF"); and

WHEREAS, this Board wished to use the authority granted pursuant to such TIF Statutes in connection with certain improvements in the Township in order to meet the public health, safety, welfare and convenience needs of the area, including new development and traffic capacity; and

WHEREAS, the Board caused notice to be given to the Beaver Creek City School District, and the Greene County Career Center on February 11, 2016 of the consideration of this resolution providing for tax increment property tax exemption, as required by Section 5709.73 and 5709.83 of the Ohio Revised Code; and

WHEREAS this Board has determined to grant a property tax exemption for the parcels comprising the Beaver Creek Township Valley Springs Farm TIF (the "VSF TIF") as is generally identified in the Beaver Creek Township Economic

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Development Plan; and

WHEREAS, the boundary of the VSF TIF shall be coextensive with the boundary of and shall include, the parcels of real property specifically identified and depicted in Exhibit A attached hereto (each, individually, a "Parcel" and collectively, the "Parcels");

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Beaver Creek Township, Greene County, State of Ohio, all members elected thereto concurring:

SECTION 1. Pursuant to Section 5709 (B) of the Ohio Revised Code, this Board hereby creates the "VSF TIF", the boundaries of which shall be coextensive with the boundaries of the Parcels and shall include the Parcels as specifically identified and depicted in Exhibit A attached hereto (each, individually, a "Parcel" and collectively, the "Parcels"), but excluding any and all residential property located within Exhibit A, which Parcels are located in the unincorporated area of the Township.

SECTION 2. That this Board hereby finds and declares that certain public improvements in the Township, to wit: the planning, design and construction of public street improvements including, but not limited to, pavements, walkways, bike paths, traffic control devices, constructing and installing curbs and gutters, and alterations to existing streets, including, but not limited to, improvements within the District to roadways and intersections; the planning design and construction of utilities, including, but not limited to, water, sanitary sewers, storm water sewers and detention facilities; erosion and sediment control measures, grading, drainage and other related work; the preparation of plans for land uses in the area; landscaping of the public right of way; the creation or enhancement of buffer areas, recreation facilities and open areas necessary for ensuring the compatibility of adjacent land uses; the creation and/or enhancement of public service facilities and operations; and real estate acquisition including, but not limited to, property rights of way and easements or other rights in property necessary for the completion of the public improvements listed above (the "Public Improvements"), are necessary for the further development of the parcels of land described in Exhibit A attached to this Resolution for the creation of jobs, increasing property values, and the provision of adequate public services in Beaver Creek Township. The further development of the Parcels in the VSF TIF will place direct additional demand on the Public Improvements.

SECTION 3. That, pursuant to Section 5709.73 of the Ohio Revised Code, further improvements to the Parcels in the VSF TIF occurring after the date of this Resolution are hereby declared to be a public purpose and are exempt from the real property taxation commencing, for each parcel, with the first tax year that begins after the effective date of this Resolution and in which an improvement resulting from the construction of a structure on that parcel first appears on the tax duplicate of real and public utility property and ends on the earlier of (i) ten (10) years after such date; or (ii) the date on which the Township can no longer require service payments to be paid on the improvements, all in accordance with the requirement of the TIF Statutes; or (iii) the date on which the specific improvements are paid in full from the Tax Equivalent Fund, as defined in Section 5 hereof, but in no case shall the improvements be exempted from taxation for more than ten (10) years maximum. It is hereby determined that (i) a portion of the improvements shall be exempt from real property taxation, (ii) such portion shall be seventy five percent (75%) of the assessed value of the improvements, and (iii) the Public Improvements directly benefit, or once made will directly benefit, the VSF TIF.

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SECTION 4. That pursuant to Section 5709.74 of the Ohio Revised Code, the owner or the owners of each Parcel shall be required to make semi-annual service payments in lieu of taxes (the "Service Payments") to the Greene County Treasurer on or before the final dates for payment of real property taxes. This Board hereby expresses its intention and authorizes the Fiscal Officer or his/her agent, the Township Administrator, or any member of this Board to sign such documents as may be necessary and appropriate to assure the payment of such Service Payments.

SECTION 5. That pursuant to Section 5709.75 of the Ohio Revised Code, there is hereby established the Beaver Creek Township Public Improvement Tax Increment Equivalent Fund II (the "Tax Increment Equivalent Fund") into which the Service Payments shall be deposited. Money in the Tax Increment Equivalent Fund shall be used to finance the Public Improvement and may be used to make payments to the Beaver Creek City School District and the Greene County Career Center at the discretion of the Board of Township Trustees, however, any such discretionary payments made to a school district shall not exceed 100% of the amount of real property taxes that such school district would have received from the improvement if it were not exempt from taxation. The Tax Increment Equivalent Fund shall remain in existence so long as such Service Payments are collected and used for the aforesaid purposes, after which time the Tax Increment Equivalent Fund shall be dissolved and any surplus funds remaining therein transferred to the Township's General Fund, all in accordance with Ohio Revised Code Section 5709.75.

SECTION 6. That the proper township officials, including the Township Administrator, Fiscal Officer or member of this Board, are hereby authorized to do all things necessary and proper to carry out Sections 1 through 5 above, including but not limited to filing any required applications for tax exemption with the Greene County Auditor and/or State Tax Commissioner.

SECTION 7. That the Fiscal Officer is hereby directed to forward a copy of this Resolution to the County Auditor of Greene County.

SECTION 8. Pursuant to Section 5709.73 of the Ohio Revised Code, the Fiscal Officer is hereby directed to deliver a copy of this Resolution to the Director of Development of the State of Ohio within fifteen (15) days after its passage. On or before March 31 of each year that the exemption set forth herein remains in effect, the Fiscal Officer, his/her agent, or other authorized officer of this Township shall prepare and submit to the Director of the Department of Development of the State of Ohio the status report required under Section 5709.73 of the Ohio Revised Code.

SECTION 9. That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberation of this Board and of any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

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SECTION 10. That this Resolution shall be effective at the earliest date allowed by law.

Mr. Kretz seconded. Roll Call: Mr. Roberts, yes; Mr. Kretz, yes; and Ms. Graff, yes.

2016-108 Mr. Roberts made a motion to authorize the Township Administrator and the Township Legal Advisor to negotiate a TIF Service Agreement with Valley Springs Farm Company. Mr. Kretz seconded. Roll Call: Mr. Roberts, yes; Mr. Kretz, yes; and Ms. Graff, yes.

All three school districts, including Xenia City School District, were notified for the next proposed TIF. General discussion occurred regarding other parties ability to join these TIF's in the future.

2016-111 Mr. Kretz made a motion to approve **Resolution 2016-111**,
DECLARING IMPROVEMENTS TO PARCELS OF REAL
PROPERTY LOCATED IN BEAVERCREEK TOWNSHIP,
OHIO TO BE A PUBLIC PURPOSE UNDER SECTION
5709.73(B) OF THE OHIO REVISED CODE, EXEMPTING
SUCH IMPROVEMENTS FROM REAL PROPERTY
TAXATION, DECLARING CERTAIN PUBLIC
IMPROVEMENTS TO BE NECESSARY FOR THE FURTHER
DEVELOPMENT OF THOSE PARCELS AND
ESTABLISHING A TAX INCREMENT EQUIVALENT FUND.

WHEREAS, Sections 5709.73, 5709.74 and 5709.75 of the Ohio Revised Code (collectively, the "TIF Statutes") authorize townships to participate in a financing technique commonly known as tax increment financing ("TIF"); and

WHEREAS, this Board wished to use the authority granted pursuant to such TIF Statutes in connection with certain improvements in the Township in order to meet the public health, safety, welfare and convenience needs of the area, including new development and traffic capacity; and

WHEREAS, the Board caused notice to be given to the Beaver Creek City School District, the Xenia City School District and the Greene County Career Center on February 11, 2016 of the consideration of this resolution providing for tax increment property tax exemption, as required by Section 5709.73 and 5709.83 of the Ohio Revised Code; and

WHEREAS this Board has determined to grant a property tax exemption for the parcels comprising the Beaver Creek Township Southeast Planning District (the "Southeast Planning District TIF"); and

WHEREAS, the boundary of the Southeast Planning District TIF shall be coextensive with the boundary of and shall include, the parcels of real property specifically identified and depicted in Exhibit A attached hereto (each, individually, a "Parcel" and collectively, the "Parcels");

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NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Beaver Creek Township, Greene County, State of Ohio, all members elected thereto concurring:

SECTION 1. Pursuant to Section 5709 (B) of the Ohio Revised Code, this Board hereby creates the "Southeast Planning District TIF", the boundaries of which shall be coextensive with the boundaries of the Parcels and shall include the Parcels as specifically identified and depicted in Exhibit A attached hereto (each, individually, a "Parcel" and collectively, the "Parcels"), but excluding any and all residential property located within Exhibit A, which Parcels are located in the unincorporated area of the Township.

SECTION 2. That this Board hereby finds and declares that certain public improvements in the Township, to wit: the planning, design and construction of public street improvements including, but not limited to, pavements, walkways, bike paths, traffic control devices, constructing and installing curbs and gutters, and alterations to existing streets, including, but not limited to, improvements within the District to roadways and intersections; the planning design and construction of utilities, including, but not limited to, water, sanitary sewers, storm water sewers and detention facilities; erosion and sediment control measures, grading, drainage and other related work; the preparation of plans for land uses in the area; landscaping of the public right of way; the creation or enhancement of buffer areas, recreation facilities and open areas necessary for ensuring the compatibility of adjacent land uses; the creation and/or enhancement of public service facilities and operations; and real estate acquisition including, but not limited to, property rights of way and easements or other rights in property necessary for the completion of the public improvements listed above (the "Public Improvements"), are necessary for the further development of the parcels of land described in Exhibit A attached to this Resolution for the creation of jobs, increasing property values, and the provision of adequate public services in Beaver Creek Township. The further development of the Parcels in the Southeast Planning District TIF will place direct additional demand on the Public Improvements.

SECTION 3. That, pursuant to Section 5709.73 of the Ohio Revised Code, further improvements to the Parcels in the Southeast Planning District TIF occurring after the date of this Resolution are hereby declared to be a public purpose and are exempt from the real property taxation commencing, for each parcel, with the first tax year that begins after the effective date of this Resolution and in which an improvement resulting from the construction of a structure on that parcel first appears on the tax duplicate of real and public utility property and ends on the earlier of (i) ten (10) years after such date; or (ii) the date on which the Township can no longer require service payments to be paid on the improvements, all in accordance with the requirement of the TIF Statutes; or (iii) the date on which the specific improvements are paid in full from the Tax Equivalent Fund, as defined in Section 5 hereof, but in no case shall the improvements be exempted from taxation for more than ten (10) years maximum. It is hereby determined that (i) a portion of the improvements shall be exempt from real property taxation, (ii) such portion shall be seventy five percent (75%) of the assessed value of the improvements, and (iii) the Public Improvements directly benefit, or once made will directly benefit, the Southeast Planning District TIF.

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SECTION 4. That pursuant to Section 5709.74 of the Ohio Revised Code, the owner or the owners of each Parcel shall be required to make semi-annual service payments in lieu of taxes (the "Service Payments") to the Greene County Treasurer on or before the final dates for payment of real property taxes. This Board hereby expresses its intention and authorizes the Fiscal Officer or his/her agent, the Township Administrator, or any member of this Board to sign such documents as may be necessary and appropriate to assure the payment of such Service Payments.

SECTION 5. That pursuant to Section 5709.75 of the Ohio Revised Code, there is hereby established the Beaver Creek Township Public Improvement Tax Increment Equivalent Fund IV (the "Tax Increment Equivalent Fund") into which the Service Payments shall be deposited. Money in the Tax Increment Equivalent Fund shall be used to finance the Public Improvement and may be used to make payments to the Beaver Creek City School District, the Xenia City School District and the Greene County Career Center at the discretion of the Board of Township Trustees, however, any such discretionary payments made to a school district shall not exceed 100% of the amount of real property taxes that such school district would have received from the improvement if it were not exempt from taxation. The Tax Increment Equivalent Fund shall remain in existence so long as such Service Payments are collected and used for the aforesaid purposes, after which time the Tax Increment Equivalent Fund shall be dissolved and any surplus funds remaining therein transferred to the Township's General Fund, all in accordance with Ohio Revised Code Section 5709.75.

SECTION 6. That the proper township officials, including the Township Administrator, Fiscal Officer or member of this Board, are hereby authorized to do all things necessary and proper to carry out Sections 1 through 5 above, including but not limited to filing any required applications for tax exemption with the Greene County Auditor and/or State Tax Commissioner.

SECTION 7. That the Fiscal Officer is hereby directed to forward a copy of this Resolution to the County Auditor of Greene County.

SECTION 8. Pursuant to Section 5709.73 of the Ohio Revised Code, the Fiscal Officer is hereby directed to deliver a copy of this Resolution to the Director of Development of the State of Ohio within fifteen (15) days after its passage. On or before March 31 of each year that the exemption set forth herein remains in effect, the Fiscal Officer, his/her agent, or other authorized officer of this Township shall prepare and submit to the Director of the Department of Development of the State of Ohio the status report required under Section 5709.73 of the Ohio Revised Code.

SECTION 9. That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberation of this Board and of any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

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SECTION 10. That this Resolution shall be effective at the earliest date allowed by law.

Mr. Roberts seconded. Roll Call: Mr. Kretz, yes; Mr. Roberts, yes; and Ms. Graff, yes.

2016-112 Mr. Roberts made a motion to Adjourn at 7:42 A.M. Mr. Kretz seconded. Roll Call: Mr. Roberts, yes; Mr. Kretz, yes; and Ms. Graff, yes.

Trustee: _____

Fiscal Officer: _____