

Department of Public Service
Jay D. Bennett, Community Development Director



**ORDINANCE NO. 15-108
INTRODUCED BY COUNCIL**

AN ORDINANCE DECLARING THE IMPROVEMENT TO CERTAIN REAL PROPERTY TO BE A PUBLIC PURPOSE; DECLARING SUCH IMPROVEMENT TO BE EXEMPT FROM REAL PROPERTY TAXATION; REQUIRING THE OWNERS THEREOF TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; DESIGNATING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE THAT WILL DIRECTLY BENEFIT THE REAL PROPERTY; AND ESTABLISHING A PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SERVICE PAYMENTS.

WHEREAS, Sections 5709.40 through 5709.43 of the Ohio Revised Code authorize municipalities to identify parcels to be improved and to declare to be a public purpose any infrastructure improvements made that are necessary for the development of such parcels, exempting any improvements to such parcels from real property taxation for established time periods and percentages, with such mechanism commonly referred to as tax increment financing ("TIF") and;

WHEREAS, the City of Zanesville, Ohio (the "City") desires to use the authority granted pursuant to such sections of the Ohio Revised Code to establish a TIF program in an area located within the territorial boundaries of the City and consisting of several separate parcels of real property (as depicted and described in Exhibit A attached hereto and incorporated herein by this reference, the "TIF Site"); and

WHEREAS, the development of commercial properties in the City will benefit the City and its residents by creating economic opportunities, enlarging the property tax base, stimulating collateral development in the City, and providing revenue for the City to undertake public infrastructure improvements; and

WHEREAS, by providing public infrastructure improvements, as that term is defined in Ohio Revised Code Sections 5709.40(A)(7) (as more fully described on Exhibit B attached hereto and incorporated herein by this reference, the "Public Infrastructure Improvements"), the City may facilitate the development of commercial properties for the benefit of the TIF Site, including, without limitation, by facilitating the financing, acquisition, and construction of the Public Infrastructure Improvements; and

WHEREAS, the aforementioned sections of the Ohio Revised Code provide for the use of municipal tax increment financing to pay the costs of Public Infrastructure Improvements, which costs may include, without limitation: (i) the payment for or reimbursement of costs of the Public Infrastructure Improvements incurred by the City, or any other public or private party in cooperation with the City, and (ii) payment of debt service on, and administrative and any other expenses relating to the issuance of, any bonds, notes, or other obligations issued to finance the Public Infrastructure Improvements (the "Debt Service"); and

Ordinance 15-108

WHEREAS, the aforementioned Ohio Revised Code sections provide that this City Council (“City Council”) may, among other things, (a) declare the improvement to real property located in the City to be a public purpose, thereby exempting such improvement from real property taxation for a period of time, (b) specify public infrastructure improvements to be made to benefit those parcels, (c) require the owner or owners of those parcels to make service payments in lieu of taxes, and (d) establish a public improvement tax increment equivalent fund into which such service payments shall be deposited; and

WHEREAS, the City desires to grant a one hundred percent (100%) exemption from real property taxation for a period of thirty (30) years (the “TIF Exemption”) for each improvement to the TIF Site (as defined herein, the “Improvement”); and

WHEREAS, the City has determined that it is necessary and appropriate and in the best interests of the City to require the owners of the parcels included in the TIF Site and their successors and assigns (collectively, with their successors and assigns, as owners of the TIF Site, the “Owners”) to make service payments in lieu of taxes (the “Service Payments”) with respect to the Improvement pursuant to Ohio Revised Code Section 5709.42; and

WHEREAS, the City has delivered notice of the proposed TIF Exemption to the Zanesville City School District and the Mid-East Career and Technology Centers, in accordance with Ohio Revised Code Section 5709.83.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Zanesville, State of Ohio:

SECTION 1. Authorization of TIF Exemption. Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.40 through 5709.43, the City hereby finds and determines that one hundred percent (100%) of the increase in assessed value of each parcel comprising the TIF Site (the “Exempted Property”) subsequent to the effective date of this Ordinance (which increase in assessed value is hereinafter referred to as the “Improvement,” as defined in Ohio Revised Code Section 5709.73(A)(2)) is declared to be a public purpose, and shall be exempt from real property taxation (the “TIF Exemption”) for a period commencing with the tax year in which the Exempted Property first appears on the tax list and duplicate of real and public utility property and that begins after the effective date of this Ordinance (the “Commencement Date”) and ending on the thirtieth (30th) anniversary of such Commencement Date or the date the Public Infrastructure Improvements are paid in full, whichever occurs first (the “Exemption Period”). After the TIF Exemption becomes effective, such TIF Exemption shall apply with respect to any parcel when the Improvement to such parcel is made and an exemption therefor is claimed in the manner provided for hereinabove.

SECTION 2. Payment of Service Payments. As provided in Ohio Revised Code Section 5709.42, but only after the TIF Exemption is effective, the Owner of a parcel comprising Exempted Property shall be required to, and shall make, service payments in lieu of taxes with respect to the Improvement allocable thereto to the County Treasurer on or before the final due dates for payment of real property taxes. Each service payment in lieu of taxes shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and

Ordinance 15-108

payable against such parcel as if it were not exempt from taxation pursuant to Section 1 hereof. If any reduction in the levies otherwise applicable to such parcel is made by the County budget commission under Ohio Revised Code Section 5705.31, the amount of the service payment in lieu of taxes shall be calculated as if the reduction in levies had not been made. Any late payments of service payments in lieu of taxes shall be subject to penalty and bear interest at the then current rate established under Ohio Revised Code Sections 323.121(B)(1) and 5703.47, as the same may be amended from time to time, or any successor provisions thereto (the "Penalties and Interest"). Each Owner shall make any other payments in respect of such parcel which are received by the County Treasurer in connection with any reduction required by Ohio Revised Code Section 319.302, as the same may be amended from time to time, or any successor provisions thereto (the "Property Tax Rollback Payments," together with the service payments in lieu of taxes and the "Penalties and Interest," are collectively referred to herein as the "Service Payments"). The Service Payments shall be allocated and distributed in accordance with Section 3 hereof.

If determined to be necessary and appropriate, the Mayor and City Auditor, or either of them individually, may execute on behalf of the City one or more Service Payment Agreements between the City and Owners providing for the payment and collection of the Service Payments, which agreement shall be in such form as is acceptable to such officials, approved by the Director of Law, and not substantially inconsistent with the terms of this Ordinance.

SECTION 3. Creation of TIF Fund; Application of Service Payments. The City hereby establishes, pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.43, within the City Treasury a municipal public improvement tax increment equivalent fund (the "Tax Increment Fund"), which may, at the option of the City Auditor, be established as an account within an existing tax increment equivalent fund of the City, into which shall be deposited the Service Payments distributed to the City by the County Treasurer. Such Fund may be combined with other funds created by ordinances of this Council authorizing other such projects. Money in the Tax Increment Fund shall be used to finance the Public Infrastructure Improvements, and shall, to the extent provided in further ordinances of this Council, be pledged to the payment of debt service on any bonds, notes or other obligations issued to finance such Public Infrastructure Improvements as well as any reimbursement payments for reimbursement of any costs of the Public Infrastructure Improvements. The Tax Increment Fund shall be maintained in the custody of the City and shall receive all distributions of Service Payments required to be made to the City. Those Service Payments received by the City with respect to the Exempted Property, shall be used solely for the purposes authorized in Ohio Revised Code Sections 5709.40 through 5709.43, including, but not limited to, paying any costs of the Public Infrastructure Improvements, in a manner that is consistent with this Ordinance. For purposes of this Ordinance, "costs" of the Public Infrastructure Improvements payable from the Tax Increment Fund shall also include the items of "costs of permanent improvements" set forth in Ohio Revised Code Section 133.15(B), and incurred with respect to the Public Infrastructure Improvements, which "costs" specifically include any reimbursement payments for the reimbursement of the costs of the Public Infrastructure Improvements, and Debt Service on, and any Administrative or other expenses relating to the issuance of, any bonds, notes, or other obligations issued to finance the Public Infrastructure Improvements. The Tax Increment 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 Fund shall

Ordinance 15-108

be dissolved and any surplus funds remaining therein shall be transferred to the City's General Fund, all in accordance with Ohio Revised Code Section 5709.43.

SECTION 4. Public Infrastructure Improvements. The City hereby designates the Public Infrastructure Improvements described in Exhibit B attached hereto as "public infrastructure improvements" (as such term is defined in Ohio Revised Code Sections 5709.40(A)(7)) made, to be made, or in the process of being made, and that, once made, will directly benefit the TIF Site.

SECTION 5. Compensation to School Districts. Pursuant to Ohio Revised Code Sections 5709.40, 5709.42, 5709.43 and 5709.82, the City shall cause the County Treasurer to distribute a portion of the Service Payments to the Zanesville City School District and the Mid-East Career and Technology Centers in an amount equal to 100% of the real property taxes that each district would have received, but for the TIF Exemption.

SECTION 6. Application for Real Property Tax Exemption and Remission. The City further hereby authorizes and directs the President of the City Council, the Mayor, the City Auditor, or other appropriate officers of the City, to sign and execute all documents and make such arrangements as are necessary and proper for collection of said Service Payments from the Owners of real property located in the TIF Site, which are to be deposited into the Tax Increment Fund.

SECTION 7. Further Authorizations. The City further hereby authorizes and directs the President of the City Council, the Mayor, the City Auditor, or other appropriate officers of the City, to prepare and sign all agreements, and any amendments thereto such that the character of those changes is not substantially adverse to the City, which shall be established conclusively by their signatures thereon, and to prepare and sign all instruments and to take all other actions as may be necessary and appropriate to implement this Ordinance.

SECTION 8. Non-Discriminatory Hiring Policy. In accordance with Ohio Revised Code Section 5709.832, the City hereby determines that no employer located in the TIF Site shall deny any individual employment based on considerations of race, religion, sex, disability, color, national origin or ancestry.

SECTION 9. Notices. The City hereby finds and determines that notice of this proposed Ordinance has been delivered to all affected school districts, including the Zanesville City School District and the Mid-East Career and Technology Centers, in accordance with Ohio Revised Code Sections 5709.40, 5709.83 and 5715.27, and hereby ratifies the giving of that notice.

Pursuant to Ohio Revised Code Section 5709.40(I), the City Auditor is hereby directed to deliver a copy of this Ordinance to the Director of the Development Services Agency of the State of Ohio within fifteen (15) days after its adoption. On or before March 31 of each year that the exemption set forth in Section 1 hereof remains in effect, the City Auditor or other authorized officer of this City shall prepare and submit to the Director of the Development Services Agency of the State of Ohio the status report required under Ohio Revised Code Section 5709.40(I).

SECTION 10. Tax Incentive Review Council. The City acknowledges that it has created the City Tax Incentive Review Council (the "TIRC") with the membership of the TIRC constituted in

Ordinance 15-108

accordance with Ohio Revised Code Section 5709.85. The TIRC shall, in accordance with Ohio Revised Code Section 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 TIRC, all in accordance with Ohio Revised Code Section 5709.85.

SECTION 11. Open Meetings. The City finds and determines that all formal actions of this City Council and any of its committees concerning and relating to the adoption of this Ordinance were taken in an open meeting of this City Council, and that all deliberations of this City Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Ohio Revised Code Section 121.22.

SECTION 12. Effective Date. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____, 2015

ATTEST: _____
SUSAN CULBERTSON,
Clerk of Council

DANIEL M. VINCENT,
President of Council

APPROVED: _____, 2015

THIS LEGISLATION APPROVED AS TO FORM

JEFF TILTON,
Mayor



LAW DIRECTOR'S OFFICE

Ordinance 15-108
DUTRO DOWNTOWN PROPERTY OWNERSHIP

EXHIBIT A

Parcel	Owner	PropertyAddress	
81-62-03-04-000	Dutro Real Estate LLC	120 6TH ST	Secoy
81-66-01-01-000	Dutro Real Estate LLC	105 S 6TH ST	First Baptist
81-66-01-02-000	Dutro Real Estate LLC	105 S 6TH ST	First Baptist
81-66-01-03-000	Dutro Real Estate LLC	S 6TH ST	First Baptist
81-66-01-04-000	Dutro Real Estate LLC	S 6TH ST	Goss
81-66-01-04-001	Dutro Real Estate LLC	119 S 6TH ST	Goss
81-66-01-05-000	Dutro Real Estate LLC	119 S 6TH ST	Goss
81-66-01-06-000	Dutro Real Estate LLC	135 S 6TH ST	Cole
81-66-01-07-000	Dutro Real Estate LLC	139 S 6TH ST	Imlay
81-66-01-08-000	Dutro Real Estate LLC	143 S 6TH ST	Fletcher
81-66-01-09-000	Dutro Real Estate LLC	151 S 6TH ST	MCLRC/Tracey
81-66-01-10-000	Dutro Real Estate LLC	153 S 6TH ST	Tilley
81-66-01-13-000	Dutro Real Estate LLC	163 S 6TH ST	Goss
81-66-01-14-000	Dutro Real Estate LLC	423 CANAL ST	GM Used Corner
81-66-01-15-000	Dutro Real Estate LLC	CANAL ST	GM Used Corner
81-66-01-16-000	Dutro Real Estate LLC	132 S 5TH ST	Service lot
81-66-01-17-000	Dutro Real Estate LLC	S 5TH ST	Lane
81-66-01-18-000	Dutro Real Estate LLC	105 S 6TH ST	First Baptist
81-66-01-19-000	Dutro Real Estate LLC	516 S 4TH ST	Dennis/Swingle
81-66-01-20-000	Dutro Real Estate LLC	514 SOUTH ST	Dennis/Swingle
81-66-01-21-000	Dutro Real Estate LLC	510 SOUTH ST	Dennis/Swingle
81-66-01-22-000	Dutro Real Estate LLC	502 SOUTH ST	Dennis & Nelson/More
81-66-02-01-000	Dutro Real Estate LLC	SOUTH ST	JFG
81-66-02-02-000	Dutro Real Estate LLC	SOUTH ST	JFG
81-66-02-03-000	Dutro Real Estate LLC	SOUTH ST	JFG
81-66-02-04-000	Dutro Real Estate LLC	SOUTH ST	JFG
81-66-02-05-000	Dutro Real Estate LLC	SOUTH ST	JFG
81-66-02-06-000	Dutro Real Estate LLC	410 SOUTH ST	JFG
81-66-02-10-000	Dutro Real Estate LLC	4TH ST	JFG
81-66-02-11-000	Dutro Real Estate LLC	S 4TH ST	Quadran
81-66-02-13-000	Dutro Real Estate LLC	533 CANAL ST	JFG
81-66-02-15-000	Dutro Real Estate LLC	S 5TH ST	JFG
81-66-02-16-000	Dutro Real Estate LLC	S 5TH ST	JFG
81-66-02-17-000	Dutro Real Estate LLC	S 5TH ST	JFG
81-66-02-18-000	Dutro Real Estate LLC	131 S 5TH ST	JFG
81-66-02-19-000	Dutro Real Estate LLC	131 S 5TH ST	JFG
81-66-02-21-000	Dutro Real Estate LLC	S 5TH ST	JFG
81-66-02-21-001	Dutro Real Estate LLC	5TH ST	JFG
81-66-02-22-000	Dutro Real Estate LLC	5TH ST	JFG

EXHIBIT B

Public Infrastructure Improvements

The Public Infrastructure Improvements may include, but are not limited to the following:

1. Constructing, reconstructing, extending, opening, improving, widening, grading, draining, curbing and changing of the lines and traffic patterns of roads, highways, streets, railways, bridges (including roadway, railway, and pedestrian), existing roadways adjacent to and providing ingress and egress to the Project Site, sidewalks, bikeways, medians and viaducts, constructing and improving surface parking lots or parking structures and related improvements, providing lighting systems, together with all appurtenances therefore;
2. Constructing and reconstructing public parks or public greenspaces, including grading, trees, park plantings, park accessories and related improvements, together with all appurtenances thereto;
3. Constructing, reconstructing and installing of public utility improvements, water distribution lines (including necessary site grading therefore), storm and sanitary sewers (including necessary site grading therefore), water and fire protection systems, and all appurtenances thereto;
4. Constructing and installing streetscape improvements including trees, tree grates, curbs, sidewalks, street and sidewalk lighting, trash receptacles, benches, newspaper racks, burial of overhead utility lines and related improvements, together with all appurtenances thereto; design and traffic studies preliminary to the foregoing;
5. Designing, engineering, constructing, and improving the new infrastructure for electric, gas, telephone, and cable service, including aid to construction fees for gas, aid to construction fees for electric, with related site improvements and appurtenances thereto;
6. Acquiring real estate or interests in real estate, including related right-of ways, necessary to accomplish the improvements enumerated in clauses 1 through 5;
7. Professional fees, including architectural, engineering, contract administration, and legal costs;
8. All inspection fees and other governmental fees related to the foregoing; and
9. Any other costs for the aforesaid Public Infrastructure Improvements as permitted by law.

Ordinance 15-108

RECEIPT OF DIRECTOR OF THE OHIO DEVELOPMENT SERVICES AGENCY
FOR LEGISLATION DECLARING CERTAIN IMPROVEMENTS TO REAL
PROPERTY TO BE EXEMPT FROM REAL PROPERTY TAXATION PURSUANT
TO SECTION 5709.40 OF THE OHIO REVISED CODE

I, David Goodman, the Director of the Ohio Development Services Agency hereby certify that a certified copy of an ordinance duly adopted by the City Council of the City of Zanesville, Ohio on _____, 2015, declaring the improvement of certain real property located in the City of Zanesville to be a public purpose and declaring a portion of such property to be exempt from real property taxation pursuant to Section 5709.40 of the Ohio Revised Code was filed in this office on _____.

WITNESS my hand and official seal at Columbus, Ohio this ____ day of _____.

Director, Ohio Development Services Agency

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Muskingum County GIS



Notes

Department of Public Service
Jay D. Bennett, Director



ORDINANCE NO. 15- 109
INTRODUCED BY COUNCIL

**AN ORDINANCE AUTHORIZING THE PROPER CITY OFFICIAL TO
ADVERTISE FOR BIDS AND ENTER INTO A PROFESSIONAL CONTRACT
FOR PROVIDING PORTABLE TOILETS IN VARIOUS CITY PARKS.**

WHEREAS, it is necessary for the City of Zanesville to provide portable toilets for numerous park activities; and

WHEREAS, an interest in providing portable toilets has been expressed by several vendors and the City desires to enter into a 3-year contract, therefore requiring the formal bidding process.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Zanesville, State of Ohio, that:

SECTION ONE: The proper City official is hereby authorized to advertise for bids and enter into a professional contract for providing portable toilets in various City parks for a 3-year period.

SECTION TWO: The cost for providing portable toilets and disposal is estimated to be \$20,000.00 per year and shall be taken from the following line items: 301.3272.53299 and 101.3281.53299.

SECTION THREE: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____, 2015

ATTEST: _____
SUSAN CULBERTSON,
Clerk of Council

DANIEL M. VINCENT
President of Council

APPROVED: _____, 2015

JEFF TILTON,
Mayor

THIS LEGISLATION APPROVED AS TO FORM



LAW DIRECTOR'S OFFICE

Department of Public Service
Jay D. Bennett, Director



ORDINANCE NO. 15- 110
INTRODUCED BY COUNCIL

AN ORDINANCE AUTHORIZING THE PROPER CITY OFFICIAL
TO ALLOW THE PRIVATE USE OF A PORTION OF CITY PROPERTY.

WHEREAS, Joshua E. Guy and Mackenzie E. Guy, residing at 1302 Keen Street (parcels 83-40-01-08-000 & 83-40-01-09-000 & 83-40-01-10-000), desire to conclude erecting a wooden fence that would need to encroach on unimproved City property; and

WHEREAS, Attachment A to this Ordinance indicates the area of encroachment; and

WHEREAS, the City property contains a sanitary sewer line, therefore Mr. and Mrs. Guy will construct a gate to allow city employees egress and ingress for repairs to said sewer line; and

WHEREAS, if approved, Mr. & Mrs. Guy understand that the City retains easement rights for utility purposes, and they agree to maintain the enclosed portion as necessary.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Zanesville, State of Ohio, that:

SECTION ONE: The proper City official is hereby authorized to permit Joshua E. and Mackenzie E. Guy to utilize a portion of City property as depicted in Attachment A at the 1302 Keen Street residence and further acknowledge that this encroachment cannot and will not be transferrable to any future property owners.

SECTION TWO: Joshua and Mackenzie Guy agree to sign and execute a hold harmless agreement.

SECTION THREE: The future maintenance of the City property, fence, and gate will be the responsibility of the resident of said address as per agreement with the City of Zanesville.

SECTION FOUR: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____, 2015

ATTEST: _____
SUSAN CULBERTSON,
Clerk of Council

DANIEL M. VINCENT,
President of Council

APPROVED: _____, 2015

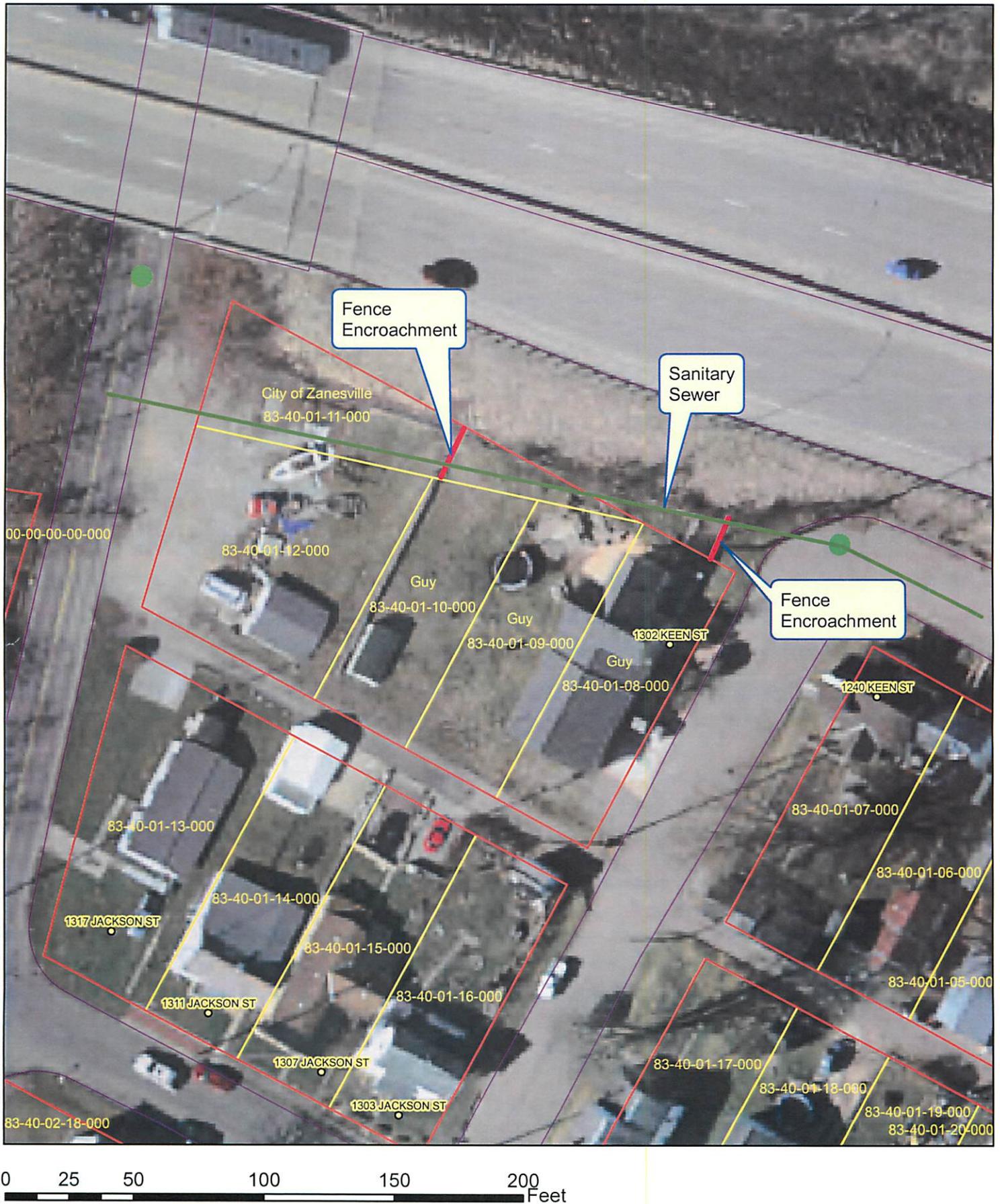
JEFF TILTON,
Mayor

THIS LEGISLATION APPROVED AS TO FORM



LAW DIRECTOR'S OFFICE

Fence at 1302 Keen Street



Department of Public Service
Jay D. Bennett, Community Development Director



**ORDINANCE NO. 100
INTRODUCED BY COUNCIL**

AN ORDINANCE DECLARING THE IMPROVEMENT TO CERTAIN REAL PROPERTY TO BE A PUBLIC PURPOSE; DECLARING SUCH IMPROVEMENT TO BE EXEMPT FROM REAL PROPERTY TAXATION; REQUIRING THE OWNERS THEREOF TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; DESIGNATING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE THAT WILL DIRECTLY BENEFIT THE REAL PROPERTY; AND ESTABLISHING A PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SERVICE PAYMENTS.

WHEREAS, Sections 5709.40 through 5709.43 of the Ohio Revised Code authorize municipalities to identify parcels to be improved and to declare to be a public purpose any infrastructure improvements made that are necessary for the development of such parcels, exempting any improvements to such parcels from real property taxation for established time periods and percentages, with such mechanism commonly referred to as tax increment financing ("TIF") and;

WHEREAS, the City of Zanesville, Ohio (the "City") desires to use the authority granted pursuant to such sections of the Ohio Revised Code to establish a TIF program in an area located within the territorial boundaries of the City and consisting of several separate parcels of real property (as depicted and described in Exhibit A attached hereto and incorporated herein by this reference, the "TIF Site"); and

WHEREAS, the development of commercial properties in the City will benefit the City and its residents by creating economic opportunities, enlarging the property tax base, stimulating collateral development in the City, and providing revenue for the City to undertake public infrastructure improvements; and

WHEREAS, by providing public infrastructure improvements, as that term is defined in Ohio Revised Code Sections 5709.40(A)(7) (as more fully described on Exhibit B attached hereto and incorporated herein by this reference, the "Public Infrastructure Improvements"), the City may facilitate the development of commercial properties for the benefit of the TIF Site, including, without limitation, by facilitating the financing, acquisition, and construction of the Public Infrastructure Improvements; and

WHEREAS, the aforementioned sections of the Ohio Revised Code provide for the use of municipal tax increment financing to pay the costs of Public Infrastructure Improvements, which costs may include, without limitation: (i) the payment for or reimbursement of costs of the Public Infrastructure Improvements incurred by the City, or any other public or private party in cooperation with the City, and (ii) payment of debt service on, and administrative and any other expenses relating to the issuance of, any bonds, notes, or other obligations issued to finance the Public Infrastructure Improvements (the "Debt Service"); and

WHEREAS, the aforementioned Ohio Revised Code sections provide that this City Council (“City Council”) may, among other things, (a) declare the improvement to real property located in the City to be a public purpose, thereby exempting such improvement from real property taxation for a period of time, (b) specify public infrastructure improvements to be made to benefit those parcels, (c) require the owner or owners of those parcels to make service payments in lieu of taxes, and (d) establish a public improvement tax increment equivalent fund into which such service payments shall be deposited; and

WHEREAS, the City desires to grant a one hundred percent (100%) exemption from real property taxation for a period of thirty (30) years (the “TIF Exemption”) for each improvement to the TIF Site (as defined herein, the “Improvement”); and

WHEREAS, the City has determined that it is necessary and appropriate and in the best interests of the City to require the owners of the parcels included in the TIF Site and their successors and assigns (collectively, with their successors and assigns, as owners of the TIF Site, the “Owners”) to make service payments in lieu of taxes (the “Service Payments”) with respect to the Improvement pursuant to Ohio Revised Code Section 5709.42; and

WHEREAS, the City has delivered notice of the proposed TIF Exemption to the Zanesville City School District and the Mid-East Career and Technology Centers, in accordance with Ohio Revised Code Section 5709.83.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Zanesville, State of Ohio:

SECTION 1. Authorization of TIF Exemption. Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.40 through 5709.43, the City hereby finds and determines that one hundred percent (100%) of the increase in assessed value of each parcel comprising the TIF Site (the “Exempted Property”) subsequent to the effective date of this Ordinance (which increase in assessed value is hereinafter referred to as the “Improvement,” as defined in Ohio Revised Code Section 5709.73(A)(2)) is declared to be a public purpose, and shall be exempt from real property taxation (the “TIF Exemption”) for a period commencing with the tax year in which the Exempted Property first appears on the tax list and duplicate of real and public utility property and that begins after the effective date of this Ordinance (the “Commencement Date”) and ending on the thirtieth (30th) anniversary of such Commencement Date or the date the Public Infrastructure Improvements are paid in full, whichever occurs first (the “Exemption Period”). After the TIF Exemption becomes effective, such TIF Exemption shall apply with respect to any parcel when the Improvement to such parcel is made and an exemption therefor is claimed in the manner provided for hereinabove.

SECTION 2. Payment of Service Payments. As provided in Ohio Revised Code Section 5709.42, but only after the TIF Exemption is effective, the Owner of a parcel comprising Exempted Property shall be required to, and shall make, service payments in lieu of taxes with respect to the Improvement allocable thereto to the County Treasurer on or before the final due dates for payment of real property taxes. Each service payment in lieu of taxes shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and

payable against such parcel as if it were not exempt from taxation pursuant to Section 1 hereof. If any reduction in the levies otherwise applicable to such parcel is made by the County budget commission under Ohio Revised Code Section 5705.31, the amount of the service payment in lieu of taxes shall be calculated as if the reduction in levies had not been made. Any late payments of service payments in lieu of taxes shall be subject to penalty and bear interest at the then current rate established under Ohio Revised Code Sections 323.121(B)(1) and 5703.47, as the same may be amended from time to time, or any successor provisions thereto (the "Penalties and Interest"). Each Owner shall make any other payments in respect of such parcel which are received by the County Treasurer in connection with any reduction required by Ohio Revised Code Section 319.302, as the same may be amended from time to time, or any successor provisions thereto (the "Property Tax Rollback Payments," together with the service payments in lieu of taxes and the "Penalties and Interest," are collectively referred to herein as the "Service Payments"). The Service Payments shall be allocated and distributed in accordance with Section 3 hereof.

If determined to be necessary and appropriate, the Mayor and City Auditor, or either of them individually, may execute on behalf of the City one or more Service Payment Agreements between the City and Owners providing for the payment and collection of the Service Payments, which agreement shall be in such form as is acceptable to such officials, approved by the Director of Law, and not substantially inconsistent with the terms of this Ordinance.

SECTION 3. Creation of TIF Fund; Application of Service Payments. The City hereby establishes, pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.43, within the City Treasury a municipal public improvement tax increment equivalent fund (the "Tax Increment Fund"), which may, at the option of the City Auditor, be established as an account within an existing tax increment equivalent fund of the City, into which shall be deposited the Service Payments distributed to the City by the County Treasurer. Such Fund may be combined with other funds created by ordinances of this Council authorizing other such projects. Money in the Tax Increment Fund shall be used to finance the Public Infrastructure Improvements, and shall, to the extent provided in further ordinances of this Council, be pledged to the payment of debt service on any bonds, notes or other obligations issued to finance such Public Infrastructure Improvements as well as any reimbursement payments for reimbursement of any costs of the Public Infrastructure Improvements. The Tax Increment Fund shall be maintained in the custody of the City and shall receive all distributions of Service Payments required to be made to the City. Those Service Payments received by the City with respect to the Exempted Property, shall be used solely for the purposes authorized in Ohio Revised Code Sections 5709.40 through 5709.43, including, but not limited to, paying any costs of the Public Infrastructure Improvements, in a manner that is consistent with this Ordinance. For purposes of this Ordinance, "costs" of the Public Infrastructure Improvements payable from the Tax Increment Fund shall also include the items of "costs of permanent improvements" set forth in Ohio Revised Code Section 133.15(B), and incurred with respect to the Public Infrastructure Improvements, which "costs" specifically include any reimbursement payments for the reimbursement of the costs of the Public Infrastructure Improvements, and Debt Service on, and any Administrative or other expenses relating to the issuance of, any bonds, notes, or other obligations issued to finance the Public Infrastructure Improvements. The Tax Increment 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 Fund shall

be dissolved and any surplus funds remaining therein shall be transferred to the City's General Fund, all in accordance with Ohio Revised Code Section 5709.43.

SECTION 4. Public Infrastructure Improvements. The City hereby designates the Public Infrastructure Improvements described in Exhibit B attached hereto as "public infrastructure improvements" (as such term is defined in Ohio Revised Code Sections 5709.40(A)(7)) made, to be made, or in the process of being made, and that, once made, will directly benefit the TIF Site.

SECTION 5. Compensation to School Districts. Pursuant to Ohio Revised Code Sections 5709.40, 5709.42, 5709.43 and 5709.82, the City shall cause the County Treasurer to distribute a portion of the Service Payments to the Zanesville City School District and the Mid-East Career and Technology Centers in an amount equal to 100% of the real property taxes that each district would have received, but for the TIF Exemption.

SECTION 6. Application for Real Property Tax Exemption and Remission. The City further hereby authorizes and directs the President of the City Council, the Mayor, the City Auditor, or other appropriate officers of the City, to sign and execute all documents and make such arrangements as are necessary and proper for collection of said Service Payments from the Owners of real property located in the TIF Site, which are to be deposited into the Tax Increment Fund.

SECTION 7. Further Authorizations. The City further hereby authorizes and directs the President of the City Council, the Mayor, the City Auditor, or other appropriate officers of the City, to prepare and sign all agreements, and any amendments thereto such that the character of those changes is not substantially adverse to the City, which shall be established conclusively by their signatures thereon, and to prepare and sign all instruments and to take all other actions as may be necessary and appropriate to implement this Ordinance.

SECTION 8. Non-Discriminatory Hiring Policy. In accordance with Ohio Revised Code Section 5709.832, the City hereby determines that no employer located in the TIF Site shall deny any individual employment based on considerations of race, religion, sex, disability, color, national origin or ancestry.

SECTION 9. Notices. The City hereby finds and determines that notice of this proposed Ordinance has been delivered to all affected school districts, including the Zanesville City School District and the Mid-East Career and Technology Centers, in accordance with Ohio Revised Code Sections 5709.40, 5709.83 and 5715.27, and hereby ratifies the giving of that notice.

Pursuant to Ohio Revised Code Section 5709.40(I), the City Auditor is hereby directed to deliver a copy of this Ordinance to the Director of the Development Services Agency of the State of Ohio within fifteen (15) days after its adoption. On or before March 31 of each year that the exemption set forth in Section 1 hereof remains in effect, the City Auditor or other authorized officer of this City shall prepare and submit to the Director of the Development Services Agency of the State of Ohio the status report required under Ohio Revised Code Section 5709.40(I).

SECTION 10. Tax Incentive Review Council. The City acknowledges that it has created the City Tax Incentive Review Council (the "TIRC") with the membership of the TIRC constituted in

accordance with Ohio Revised Code Section 5709.85. The TIRC shall, in accordance with Ohio Revised Code Section 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 TIRC, all in accordance with Ohio Revised Code Section 5709.85.

SECTION 11. Open Meetings. The City finds and determines that all formal actions of this City Council and any of its committees concerning and relating to the adoption of this Ordinance were taken in an open meeting of this City Council, and that all deliberations of this City Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Ohio Revised Code Section 121.22.

SECTION 12. Effective Date. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____, 2015

ATTEST:

SUSAN CULBERTSON,
Clerk of Council

DANIEL M. VINCENT,
President of Council

APPROVED: _____, 2015 **THIS LEGISLATION APPROVED AS TO FORM**

JEFF TILTON,
Mayor



LAW DIRECTOR'S OFFICE

Ordinance 15-100

EXHIBIT A

Description of TIF Site

<u>Address</u>	<u>Parcel I.D.</u>	<u>Owner</u>
Unavailable at this time	86-33-01-02-003	310 Charter LLC

EXHIBIT B

Public Infrastructure Improvements

The Public Infrastructure Improvements may include, but are not limited to the following:

1. Constructing, reconstructing, extending, opening, improving, widening, grading, draining, curbing and changing of the lines and traffic patterns of roads, highways, streets, railways, bridges (including roadway, railway, and pedestrian), existing roadways adjacent to and providing ingress and egress to the Project Site, sidewalks, bikeways, medians and viaducts, constructing and improving surface parking lots or parking structures and related improvements, providing lighting systems, together with all appurtenances therefore;
2. Constructing and reconstructing public parks or public greenspaces, including grading, trees, park plantings, park accessories and related improvements, together with all appurtenances thereto;
3. Constructing, reconstructing and installing of public utility improvements, water distribution lines (including necessary site grading therefore), storm and sanitary sewers (including necessary site grading therefore), water and fire protection systems, and all appurtenances thereto;
4. Constructing and installing streetscape improvements including trees, tree grates, curbs, sidewalks, street and sidewalk lighting, trash receptacles, benches, newspaper racks, burial of overhead utility lines and related improvements, together with all appurtenances thereto; design and traffic studies preliminary to the foregoing;
5. Designing, engineering, constructing, and improving the new infrastructure for electric, gas, telephone, and cable service, including aid to construction fees for gas, aid to construction fees for electric, with related site improvements and appurtenances thereto;
6. Acquiring real estate or interests in real estate, including related right-of ways, necessary to accomplish the improvements enumerated in clauses 1 through 5;
7. Professional fees, including architectural, engineering, contract administration, and legal costs;
8. All inspection fees and other governmental fees related to the foregoing; and
9. Any other costs for the aforesaid Public Infrastructure Improvements as permitted by law.

Ordinance 15-100

RECEIPT OF DIRECTOR OF THE OHIO DEVELOPMENT SERVICES AGENCY
FOR LEGISLATION DECLARING CERTAIN IMPROVEMENTS TO REAL
PROPERTY TO BE EXEMPT FROM REAL PROPERTY TAXATION PURSUANT
TO SECTION 5709.40 OF THE OHIO REVISED CODE

I, David Goodman, the Director of the Ohio Development Services Agency hereby certify that a certified copy of an ordinance duly adopted by the City Council of the City of Zanesville, Ohio on _____, 2015, declaring the improvement of certain real property located in the City of Zanesville to be a public purpose and declaring a portion of such property to be exempt from real property taxation pursuant to Section 5709.40 of the Ohio Revised Code was filed in this office on _____.

WITNESS my hand and official seal at Columbus, Ohio this ____ day of _____.

Director, Ohio Development Services Agency

**AN ORDINANCE ENACTED BY THE CITY OF ZANESVILLE
OF MUSKINGUM COUNTY, OHIO FOR RESURFACING
AND RELATED WORK ON US 40 AND STATE ROUTES
60/60D/60G/146.**

PRELIMINARY LEGISLATION

Ordinance/Resolution #	<u>15- 91 A</u>
PID No.	<u>92974</u>
County/Route/Section	<u>Mus-US 40 & SR 60/60D/60G/146</u>

The following is Ordinance 15- 91 A enacted by the City of Zanesville of
(an Ordinance/Resolution) (Local Public Agency)
Muskingum County, Ohio, hereinafter referred to as the Local Public Agency (LPA), in the
matter of the stated described project.

SECTION I – Project Description

WHEREAS, the LPA/STATE has identified the need for the described project:

*Resurfacing and related work on US 40 and State Routes 60/60D/60G/146 within the
City of Zanesville.*

NOW THEREFORE, be it ordained by the City of Zanesville of Muskingum County, Ohio.
(LPA)

SECTION II – Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the
above-described project.

SECTION III – Cooperation Statement

The LPA agrees to pay One Hundred Percent (100%) of the cost of those features requested by the LPA
which are determined by the State and Federal Highway Administration to be unnecessary for the project.

SECTION IV – Utilities and Right-of-Way Statement

The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION V – Maintenance

Upon completion of the project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the project in accordance with all applicable state and federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION VI – Authority to Sign

The, Mayor Jeff Tilton of said City of Zanesville is hereby empowered on behalf of the City of Zanesville to enter into contracts with the Director of Transportation necessary to complete the above-described project.

Passed: _____, 2015.
(Date)

Attested: _____ (Clerk) _____ (Officer of LPA - title)

Attested: _____ (Title) _____ (President of Council)

Approved: _____ This legislation approved as to form:

Jeff Tilton
Mayor



Law Director's Office

CERTIFICATE OF COPY
STATE OF OHIO

City of Zanesville of Muskingum County, Ohio
(LPA)

I, Susan Culbertson, as Clerk of the Zanesville City Council of
(LPA)
Zanesville, Ohio, do hereby certify that the foregoing is a true and correct copy of

Ordinance No. 15- 91 A adopted by the legislative Authority of the said
(Ordinance/Resolution)

City of Zanesville on the _____ day of _____, 2015, that the
(LPA)

publication of such Ordinance 15- 91 A has been made and certified of record according
(Ordinance/Resolution)

to law; that no proceedings looking to a referendum upon such Ordinance 15- 91A have been taken;
(Ordinance/Resolution)

and that such Ordinance 15- 91 A and certificate of publication thereof are of record in
(Ordinance/Resolution)

Volume 22, Page _____ .
(Ordinance/Resolution Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this _____ day of _____, 2015.

Clerk

(CITY SEAL) City of Zanesville of Muskingum County, Ohio.
(LPA)

The foregoing is accepted as a basis for proceeding with the project herein described.
For the City of Zanesville of Muskingum County, Ohio.
(LPA)

Attested: _____ Date _____
(Contractual Officer)

For the State of Ohio

Attested: _____ Date _____
(Director, Ohio Department of Transportation)

Mayor

ORDINANCE NO. 15- 95

AN ORDINANCE AUTHORIZING THE APPROPRIATE CITY OFFICIAL TO WAIVE THE ORDINARY RENTAL FEES CHARGED FOR SECREST AUDITORIUM FOR THE NOVEMBER 6, 2015 PROGRAM HONORING VETERANS

WHEREAS, the City of Zanesville owns and operates Secrest Auditorium and rents the facility to other entities for productions and/or programs; and

WHEREAS, the City has been approached by a group of local businesses who are sponsoring a program honoring Veterans that will be presented to and attended by local school children on November 6, 2015; and

WHEREAS, as part of its support for the program the City desires to waive the rental fees for Secrest Auditorium for the aforesaid program as the City believes that said program will benefit the school children in attendance which will in turn improve the quality of life for the residents of this City.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ZANESVILLE, OHIO THAT:

Section 1. The Appropriate City Official is hereby authorized to waive the rental fees for Secrest Auditorium for the program honoring veterans on November 6, 2015.

Section 2. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____, 2015

ATTEST: _____
SUSAN CULBERTSON
CLERK OF COUNCIL

DANIEL M. VINCENT
PRESIDENT OF COUNCIL

APPROVED: _____, 2015

This legislation approved as to form:

JEFF TILTON
MAYOR



Law Director's Office

Prepared by
Fred Buck
Director of Public Safety

OFFICE OF PUBLIC SAFETY
CITY OF ZANESVILLE, OHIO
DIVISION OF TRAFFIC ENGINEERING

Traffic Order 15-10

August 25, 2015

SECTION ONE: Traffic Order 15-10 is hereby rescinded TO 87-29 which established No Parking Zone on the south side of Forest Avenue from the intersection of Forest and Ashland Avenues west 100 feet and rescind TO 90-23 which established a No Parking Zone on the south side of Forest immediately north of the helicopter pad.

SECTION TWO: The appropriate signs shall be removed in accordance with O.R.C. 4511.09.



FRED BUCK,
Director of Public Safety

Date Filed With Clerk:
August 18, 2015

Date Council Approved:

SUE CULBERTSON,
Clerk of Council

Date Work Completed

(signed)

TO: Traffic File
Service Department/Street Division
Municipal Court
Police Department