

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.

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

Department of Community Development
Jay D. Bennett, Director

**ORDINANCE NO. 16-16
INTRODUCED BY COUNCIL**

**AN ORDINANCE AUTHORIZING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO ENTER INTO
A TAX INCREMENT SERVICE PAYMENT AGREEMENT WITH CMT ZANESVILLE LLC
THAT ESTABLISHES A PAYMENT SCHEDULE AND ALL ASSOCIATED SECURITIES, FEES, PENALTIES
AND OTHER COVENANTS FOR THE PAYMENT IN LIEU OF TAXES BENEFITING THE TAX
INCREMENT FINANCE EXEMPTION ESTABLISHED IN ORDINANCE 15-100 AND DECLARING AN
EMERGENCY.**

WHEREAS, the City of Zanesville passed Ordinance 15-100 which declared the improvement to certain real property (herein referred to as the "TIF") owned by CMT Zanesville LLC (hereinafter referred to as "CMT"), to be a public purpose; established that 100% of the increase in assessed value of the real property of the "TIF" to be exempt from real property taxation for a period of 30 years; provided for service payments in lieu of taxes as obligations tied to the "TIF" for the duration of the 30 year period and authorized the payment of certain public infrastructure improvements that will benefit the "TIF" from the payment in lieu of taxes; and

WHEREAS, the Zanesville Department of Community Development has retained the professional services of Bricker and Eckler LLP to draft a Tax Increment Service Payment Agreement (herein referred to as "The Agreement") that specifies the terms and conditions of the legally binding agreement between "CMT" and the City in respect to the "TIF"; and

WHEREAS, "The Agreement" specifies that "CMT" shall make payments in lieu of taxes as long as the property is exempt from real property taxation; that "CMT" grants the City a first lien on each of the parcels in the "TIF" as security of payment and are tied to the parcels for the duration of the "TIF"; that the payments in lieu of taxes shall be done continuously until the expiration of the "TIF"; that all late payments in lieu of taxes shall include interest in the same fashion as delinquent real property taxes and that the School District shall receive an amount equal to 100% of the real property taxes it would have received but for the "TIF"; and

WHEREAS, this ordinance is substantially in the same form as Ordinance 15-134 which has already been given two readings; that the changes to "The Agreement" included the addition of eligible reimbursement costs for utilities relocation; that the official owner of record has changed from ARC Property Acquisitions to "CMT"; that the official address of the property has changed from 3825 Maple Avenue, Zanesville to 3780 Frazeyburg Road, Zanesville; and that the signature on the Fiscal Officer's Certificate has been changed from Treasurer to Auditor; and

WHEREAS, the construction of public improvements is nearing completion; that the developer has been in negotiation with the City for several months and acted in good faith that "The Agreement" would be established to complete the project and public improvements necessitating its passage as an emergency ordinance.

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

SECTION ONE: The Director of Community Development is hereby authorized to execute the Tax Increment Service Payment Agreement in substantially the same form as the one attached hereto as Exhibit A, with changes not inconsistent with this Ordinance or adverse to the City, and to execute all legal documents necessary to carry out the purpose of this Ordinance, which shall be approved by the Law Director.

SECTION TWO: For the reasons stated in the preamble hereto, this Ordinance is declared to be an emergency measure. Provided it receives the affirmative vote of six (6) or more members of City Council, this Ordinance shall take effect and be in force immediately upon its passage and approval of the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: January 25, 2016

ATTEST: Susan Culbertson
SUSAN CULBERTSON,
Clerk of Council

Daniel M. Vincent
DANIEL M. VINCENT,
President of Council

APPROVED: JANUARY 26, 2016

[Signature]
JEFF MILTON, Mayor

THIS LEGISLATION APPROVED AS TO FORM

[Signature]
LAW DIRECTOR'S OFFICE