

Exhibit A

Project Area

The TIF is to be used exclusively for the following:

1. Drive 1 (Ohio State Route 60) entrance point as shown on page C09.0 of the submitted shell plan approved by the City Engineer on September 15th, 2015 for the property located at 3780 Frazeyburg Road, Zanesville, OH 43701 (PPN 86-33-01-02-000).
2. Costs associated with the relocation of utilities as part of the construction of Drive 1.

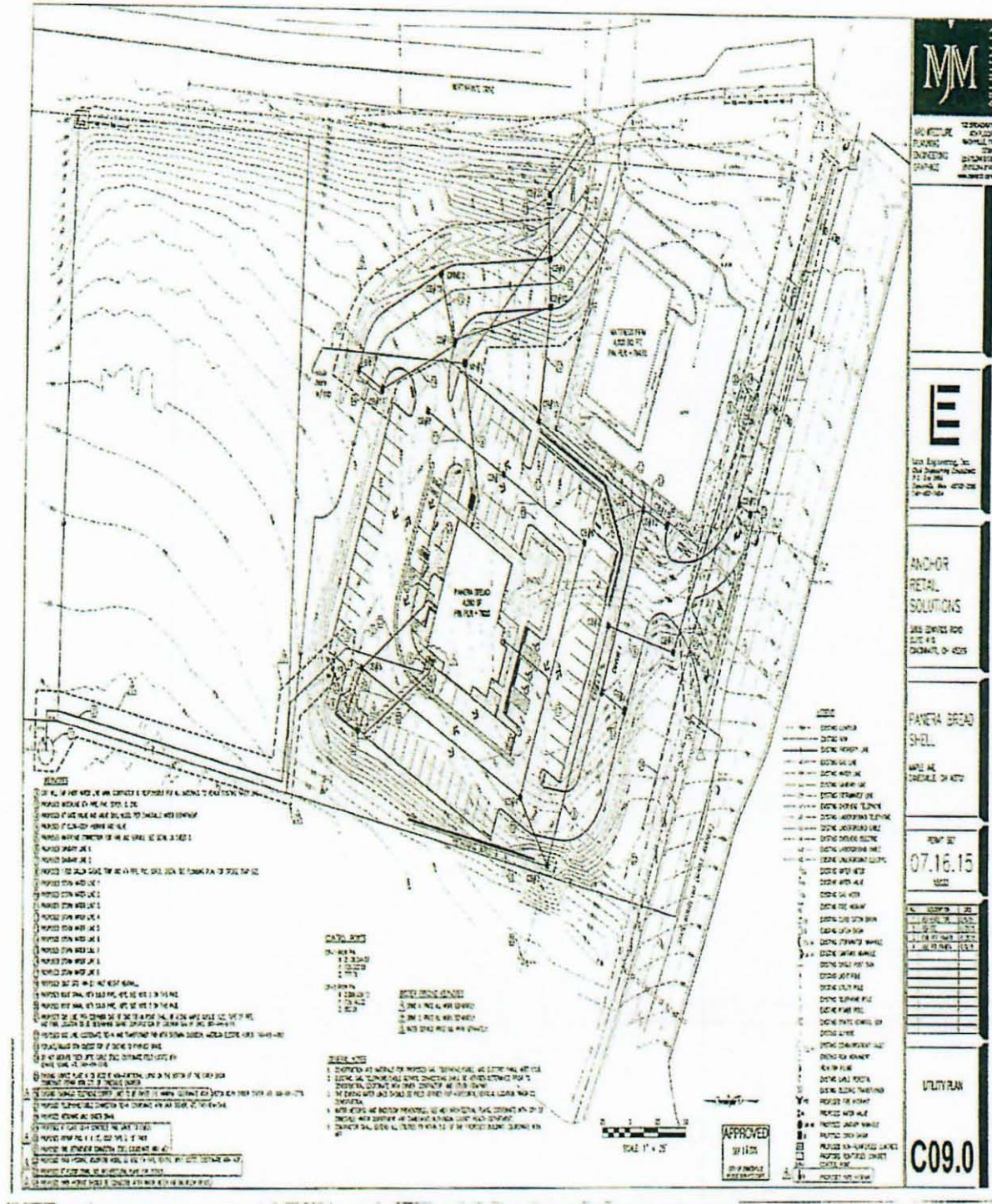
Exhibit B

Developer Improvements and Estimated Construction Costs

1. Drive 1 (Ohio State Route 60) entrance point as shown on page C09.0 of the submitted shell plan approved by the City Engineer on September 15th, 2015 for the property located at 3780 Frazeyburg Road, Zanesville, OH 43701 (PPN 86-33-01-02-000) including any costs associated with utility relocation as necessary for construction activities. The eligible public improvement costs are based on the estimated construction costs provided to the city and shall not exceed \$99,490.12. A map is attached as part of Exhibit C of this document showing Drive 1.

EXHIBIT C

MAP OF PUBLIC INFRASTRUCTURE IMPROVEMENTS





THE CITY OF

Zanesville

Community Development Department
 401 Market Street • Zanesville Ohio 43701
 (740) 455-0601 Ext. 124

JEFF L. TILTON
 Mayor

JAY D. BENNETT
 Director

1/25/16

Dear Members of Council:

The agenda for the January 25th, 2016 Meeting of Council may be amended to include Ordinances 16-16 and 16-17. These ordinances both concern the Tax Increment Finance (TIF) incentive being utilized by the Panera Bread developer. Ordinance 16-16 is a replacement for Ordinance 15-134 which was given two readings by City Council in the past and establishes the Tax Increment Service Payment Agreement. Ordinance 16-17 is a replacement for Ordinance 15-135 which was given two readings by City Council in the past and establishes the Developer's Agreement.

I respectfully request that City Council consider voting down Ordinances 15-134 and 15-135 and instead pass Ordinances 16-16 and 16-17 as an emergency measure. The replacement ordinances are necessary and come at the recommendation of the City Law Director. The new ordinances are in the same substantial form as Ordinances 15-134 and 15-135 previously considered by City Council. The following changes are reflected in Ordinance 16-16 and Ordinance 16-17:

1. The owner of record has changed from ARS Property Acquisitions to CMT Zanesville LLC. The new ordinances and agreements reflect this change.
2. The original ordinances only addressed the construction of the new ingress/egress point within the public right of way in the amount of \$81,800. The legal representative of CMT Zanesville has requested that the costs associated with relocating the utilities in order to undertake the building of in the ingress/egress point are included as eligible reimbursable costs. The developer submitted an estimate of cost in the amount of \$17,190.12. The Community Development Department is requesting that the total sum also reflect the \$500 deposit used by the developer for a total of \$17,690.12 for utility relocation. The grand total of the eligible reimbursable costs is \$99,490.12. The new ordinances and agreements reflect this change.
3. The Developer's Agreement modified in Ordinance 16-16 has changed the city signature line for the Fiscal Officer's Certificate from the City Treasurer to the City Auditor. This is a recommendation of Rhonda Heskett, the Director of Budget and Finance.



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Director

These ordinances are presented as an emergency. City Council and the general public have been aware of the city's intent to offer a TIF incentive since August 19th, 2015 when Ordinance 15-100 establishing the boundaries of the TIF was received by the Clerk of City Council. Ordinance 15-100 was passed on September 28th, 2015. Additionally, there has been at least one news article that informed the general public of the new Panera Bread development and the city's intention to use the TIF tool to facilitate its construction. Since that time there have been multiple conversations with the developer's legal counsel about this incentive and the State of Ohio has entered the TIF into its records at the Ohio Development Services Agency. The developer has acted in good faith that the Developer's and Tax Increment Service Payment Agreements would be implemented by the City of Zanesville. The construction work is in progress and nearly complete, necessitating these ordinances passage as an emergency measure.

For these reasons, I respectfully request that the members of City Council consider passing Ordinances 16-16 and 16-17 as an emergency and vote down Ordinances 15-134 and 15-135.

Sincerely,

Jay D. Bennett
Director of Community Development