

TEMPORARY ORDINANCE NO. 56-25

PERMANENT ORDINANCE NO. _____

AN EMERGENCY ORDINANCE DECLARING THE IMPROVEMENT TO CERTAIN PARCELS ASSOCIATED WITH THE SHERIDAN DRIVE PROJECT IN THE CITY TO BE A PUBLIC PURPOSE AND EXEMPT FROM TAXATION PURSUANT TO ORC 5709.40(B); REQUIRING THE OWNERS OF THOSE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; AUTHORIZING THE CITY TO REQUIRE MINIMUM SERVICE PAYMENTS IF SUCH PAYMENTS ARE AGREED UPON BY DEVELOPER; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THOSE SERVICE PAYMENTS AND, AS APPLICABLE, MINIMUM SERVICE PAYMENTS; AUTHORIZING PAYMENTS TO THE LANCASTER CITY SCHOOL DISTRICT; SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS THAT DIRECTLY BENEFIT THE PARCELS; AND APPROVING RELATED MATTERS

WHEREAS, Ohio Revised Code (“ORC”) 5709.40, 5709.42, and 5709.43 (collectively, the “TIF Act”) authorize this Council, by ordinance, to declare the improvement to parcels of real property located within the City to be a public purpose and exempt from real property taxation, require the owner of each parcel to make service payments in lieu of taxes and, if agreed upon by Ewing Woods, LLC (the “Developer”), minimum service payments by the owners of the real property, establish a municipal public improvement tax increment equivalent fund for the deposit of those service payments and, as applicable, minimum service payments, and specify the purposes for which money in that fund will be expended; and

WHEREAS, the City desires to implement a tax increment financing program for the Parcels (as defined in Section 1 herein) pursuant to the TIF Act to cause the construction and financing of certain Public Infrastructure Improvements (as defined in Section 2 herein) that will directly benefit the Parcels and enable the construction of a 258-unit multi-family townhome and flat development on the Parcels (the “Project”); and

WHEREAS, the Board of Education of the Lancaster City School District has received notice of this Ordinance for purposes of ORC 5709.40 and 5709.83; and

WHEREAS, the Parcels are currently located within the City’s “Community Reinvestment Area 3” a community reinvestment area (“CRA”) established pursuant to ORC 3735.65 through 3735.70, pursuant to Permanent Resolution 71-19, passed June 10, 2019, as amended by Permanent Resolution 59-23, passed June 12, 2023 (the “CRA Resolutions”); and

WHEREAS, pursuant to the CRA Resolutions and in connection with the development of the Project, the City may, upon receipt of an application for exemption from the Developer, grant exemptions from real property taxes for 100% of the assessed value of new structures constructed on the Parcels for a period of up to 15 years (the “CRA Exemption”); and

WHEREAS, it is the intention of this Council that the TIF Exemptions (as defined in Section 3 herein) shall be subordinate to the CRA Exemption; and

WHEREAS, this Council has determined to approve this Ordinance and dispense with the rule that this Ordinance shall be read on three (3) different days pursuant to ORC 705.15; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LANCASTER, STATE OF OHIO:

SECTION 1. Parcels. The real property subject to this Ordinance is identified and depicted on Exhibit A (as currently or subsequently configured, the "*Parcels*", with each individual parcel a "*Parcel*").

SECTION 2. Public Infrastructure Improvements. This Council designates the Public Infrastructure Improvements defined on Exhibit B attached hereto and incorporated herein, together with any public infrastructure improvements hereafter designated by ordinance, as public infrastructure improvements made, to be made or in the process of being made by the City that directly benefit or serve, or that once made will directly benefit or serve, the *Parcels* (the "*Public Infrastructure Improvements*").

SECTION 3. TIF Exemptions. This Council hereby finds and determines that one hundred percent (100%) of the increase in assessed value of each *Parcel* subsequent to the effective date of this Ordinance (which increase in assessed value is hereinafter referred to as the "*Improvement*" as defined in ORC 5709.40(A)(4)) is declared to be a public purpose and will be exempt from real property taxation for a period commencing, for each separate *Parcel* on a parcel-by-parcel basis, in the tax year for which an *Improvement* due to the construction of a new building on that *Parcel* first appears on the tax list and duplicate were it not for the exemption granted by this Ordinance and ending on the earlier of (a) thirty (30) years after such commencement or (b) the date on which the City can no longer require service payments in lieu of taxes and, as applicable, minimum service payments, all in accordance with the requirements of the TIF Act (the "*TIF Exemptions*"). It is the express intention of Council that each separate tax *Parcel* will have a separate thirty (30)-year exemption period.

SECTION 4. Service Payments. As provided in ORC 5709.42, the owner of each *Parcel* is hereby required to make service payments in lieu of taxes with respect to the *Improvement* allocable to each *Parcel* to the Fairfield County Treasurer on or before the final dates for semi-annual payment of real property taxes. The service payments in lieu of taxes will be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and collected against that *Improvement* if it were not exempt from real property taxation pursuant to Section 3, including any penalties and interest at the then current rate established for real property taxes under ORC 323.121 and 5703.47 (collectively, the "*Service Payments*"). The *Service Payments*, and any other payments with respect to the *Improvement* to each *Parcel* that are received in connection with the reduction required by ORC 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 (the "*Property Tax Rollback Payments*"), will be deposited and distributed in accordance with Section 7.

SECTION 5. Minimum Service Payments. Pursuant to ORC 5709.91 and a development and incentives agreement, or similar document, authorized by a separate resolution

or ordinance of this Board with respect to the Project and the Parcels (the "Development and Incentives Agreement"), the Developer may request that the City require the Owner or Owners of each Parcel be required to make minimum service payments with respect to the Improvements on each such Parcel to or as directed by the City on or before the dates for such payments as directed in the Development and Incentives Agreement. Insofar as Developer has made such request, the minimum service payments shall be in the amounts specified and memorialized in an instrument recorded against each Parcel. The City hereby agrees to comply with any such request from Developer, all in accordance with the Development and Incentives Agreement.

SECTION 6. TIF Fund. This Council establishes, pursuant to and in accordance with the provisions of ORC 5709.43, the Sheridan Road Commercial Municipal Public Improvement Tax Increment Equivalent Fund (the "*TIF Fund*"), into which the Service Payments, Property Tax Rollback Payments, and, as applicable, minimum service payments collected with respect to the Parcels will be deposited. The TIF Fund will be maintained in the custody of the City. The City may use amounts deposited into the TIF Fund only for the purposes authorized in the TIF Act and this Ordinance (as may be amended from time to time). The TIF Fund will remain in existence so long as the Service Payments, Property Tax Rollback Payments, and, as applicable, minimum service payments are collected and used for the aforesaid purposes, after which time the TIF Fund will be dissolved and any surplus funds remaining therein transferred to the City's General Fund, all in accordance with ORC 5709.43.

SECTION 7. Distributions; Payment of Costs. Pursuant to the TIF Act, the County Treasurer is requested to distribute the Service Payments, Property Tax Rollback Payments, and, as applicable, minimum service payments to the Lancaster City School District (the "*School District*") in the amount equal to the amount that the those School District would otherwise have received as real property tax payments (including applicable portion of any Property Tax Rollback Payments) derived from the Improvements from each Parcel if the Improvement had not been exempted from real property taxation by this Ordinance and all remaining Service Payments and, as applicable, minimum service payments, to the City for further deposit into the TIF Fund. The City shall use all such amounts deposited into the TIF Fund: (i) for the City to pay the costs of administration of the TIF Fund and the costs of administration required under the Development and Incentives Agreement, if applicable, (ii) for payment of costs of the Public Infrastructure Improvements, including, without limitation, amounts that may become due under the Development and Incentives Agreement and debt charges on any notes or bonds issued to pay or reimburse finance costs or costs of those Public Infrastructure Improvements and (iii) after the developer is fully reimbursed on terms provided in the Development and Incentives Agreement, if applicable, for payment of the costs of any other Public Infrastructure Improvements defined by ORC 5709.40(A)(8) and selected in the sole discretion of the City, made, to be made, in the process of being made, or that once made will directly benefit the Parcels, all as authorized under the TIF Act. Such distributions required under this Section 7 are requested to be made at the same time and in the same manner as real property tax distributions.

SECTION 8. Further Authorizations. This Council hereby authorizes and directs the Mayor, the Law Director, and the City Auditor, or their designees and other appropriate officers of the City to (i) deliver a copy of this Ordinance to the Ohio Department of Development within fifteen (15) days of its passage and to make such arrangements as are necessary and proper for the collection of the Service Payments, Property Tax Rollback Payments, and, as applicable, minimum service payments and (ii) on or before March 31st of

each year that TIF Exemptions authorized pursuant to this Ordinance remain in effect, prepare and submit the status report required under ORC 5709.40(I) to the Director of the Ohio Department of Development. This Council further authorizes the Mayor, the Law Director, and the City Auditor, or their designees and other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions as may be appropriate to implement this Ordinance or the Development and Incentives Agreement, including, without limitation, (i) preparing and signing any applications for real property tax exemption and remission (Form DTE-24) that may be required with respect to each of the Parcels pursuant to ORC 5709.911 or other generally applicable Ohio law, as may be amended from time to time, and (ii) entering into any agreement evidencing a "minimum service payment obligation" pursuant to ORC 5709.91 from time to time, in form and substance acceptable to the City and not materially adverse to the City or the terms of this Ordinance. For the avoidance of doubt, (i) ORC 5709.911 shall govern the priority status of the TIF Exemptions authorized pursuant to this Ordinance such that the TIF Exemptions shall be subject and subordinate to the priority of any real property tax exemption authorized pursuant to ORC Chapter 3735, including the CRA Exemption defined above; and (ii) pursuant to ORC 5709.40(C) and 5709.911, the City or one or more owners of the Parcels may apply for the TIF Exemptions authorized pursuant to this Ordinance, all as may be more specifically required pursuant to the Development and Incentives Agreement.

SECTION 9. No Discrimination. In accordance with ORC 5709.832, this Council hereby determines that no entity doing business upon any Parcel shall deny any individual employment based on considerations of race, religion, sex, disability, color, national origin, or ancestry.

SECTION 10. Tax Incentive Review Council. The City acknowledges that it has created, or has joined, an applicable Tax Incentive Review Council (the "TIRC") with the membership of the TIRC constituted in accordance with ORC 5709.85. The TIRC shall, in accordance with ORC 5709.85, annually review all TIF Exemptions 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 ORC 5709.85.

SECTION 11. Open Meetings. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or any of its committees, and that all deliberations of this 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 ORC 121.22.

SECTION 12. Effective Date. Pursuant to ORC 705.15, and provided this Ordinance receives the affirmative vote of at least three-fourths (3/4) of all the members elected to this Council, this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, property, health, and safety in the City, and specifically to allow for the timely development of that certain Sheridan Road Residential Project described in that certain development letter, dated March 6, 2025, provided by the Mayor of the City to Chris Tumblin of Casto Development. Accordingly, it shall be effective at the earliest date allowable by law upon its adoption and approval by the Mayor.

Passed: _____ after _____ reading. Vote: Yeas _____ Nays _____

Approved: _____

President of Council

Clerk: _____

Mayor

Offered by: _____

Second by: _____

Requested by Economic Development Committee

I, Anitra Scott, Clerk of Council do hereby certify that on _____, 2025
the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio
Revised Code 731.24.

Clerk of Council

EXHIBIT A

DESCRIPTION OF THE PARCELS

The Parcels consist of real property situated in the City of Lancaster, Ohio, County of Fairfield, and State of Ohio consisting of the real property identified in the legal description set forth below:

20.09+/- Acre Zoning Description
South of Rainbow Drive
East of Sheridan Drive
-1-

Situated in the State of Ohio, County of Fairfield, City of Lancaster, being part of Section 29, Township 15, Range 18, Congress Lands and being a 20.09± acre tract of land, more or less, said 20.09± acre tract of land being part of that 29.512 acre tract of land described as Tract 2, part of that 5.664 acre tract of land described as Tract 3 – Parcel One (1), part of that 16.269 acre tract of land described as Tract 3 – Parcel Two (2) all as conveyed to Ewing Woods, LLC of record in Instrument No. 202500004657 and all of those 0.486 acre and 0.120 acre tracts of land described as Tract 1 and Tract 2 as conveyed to Ewing Woods, LLC of record Instrument No. 202500006219, said 20.09± acres more particularly described as follows:

Beginning for reference at the southeasterly corner of said Tract 3 – Parcel Two (2), said corner also being a westerly corner of Lot 2 of Chartwell Section One of record in Plat Cabinet 1, Slide 152 and the northeasterly corner of that 0.90 acre tract of land as conveyed to Tiki Village of record in Deed Volume 395, Page 662;

Thence **N 87° 59' 17" W**, with the north line of said Tiki Village, the north line of a 0.734 acre tract of land conveyed to Cindy S. and Rodney Asbury in Instrument No. 202100022476, and the south line of said Tract 3 – Parcel Two (2), **369.6± feet** to a point on the north line of said 0.734 acre tract, an angle point of said Tract 3 – Parcel Two (2), and being the southeast corner of a 0.18 acre tract of land described as Tract #3 as conveyed to Mary Lou Fox in Deed Book 397, Page 574, Deed Book 552, Page 195 and Instrument No. 202500005425;

Thence **N 64° 25' 22" W**, with the south line of said Tract 3 – Parcel Two (2), the southerly line of said Tract 3 – Parcel One (1) and the northerly line of said 0.18 acre tract, **322.6± feet** to a common corner of said Tract 3 – Parcel One (1) and said 0.18 acre tract;

Thence **S 03° 37' 14" E**, with the easterly line of said Tract 3 – Parcel One (1), the westerly line of said Tract #3 and the westerly line of Tract #1 as conveyed to Mary Lou Fox in Deed Book 397, Page 574, Deed Book 552, Page 195 and Instrument No. 202500005425, **129.6± feet** to a common corner thereof, also being in the northerly line of said 0.734 acre tract;

Thence **N 87° 59' 17" W**, with a southerly line of said Tract 3 – Parcel One (1) and the northerly line of said 0.734 acre tract, **20.1± feet** to a common corner thereof, said corner also being in the easterly line of that 0.577 acre tract of land as conveyed to Ariana Hayes of record in Instrument No. 202100025179

Thence with common lines of said Tract 3 – Parcel One (1) and said 0.577 acre tract, the following three (3) courses and distances:

1. **N 01° 32' 21" W, 95.2± feet** to an angle point;
2. **N 03° 38' 07" W, 41.7± feet** to an angle point;
3. **S 85° 18' 23" W, 127.7± feet** to a point;

Thence across said Tract 3 – Parcel One (1), said Tract 3 – Parcel Two (2) and said 29.512 acre Tract 2, the following eight (8) courses and distances:

1. **N 13° 38' 58" W, 168.3± feet** to an angle point;
2. **S 76° 21' 02" W, 11.1± feet** to an angle point;
3. **N 13° 36' 02" W, 227.9± feet** to a point of curvature;
4. with a curve to the right, a central angle of **10°45'30"**, a radius of **1023.09± feet**, an arc length of **192.10± feet**, and a chord bearing and distance of **N 08°16'13" W, 191.82± feet** to a point of tangency;
5. **N 87° 24' 08" E, 28.1± feet** to an angle point;
6. **N 02° 35' 52" W, 70.0± feet** to an angle point;
7. **S 87° 24' 08" W, 25.9± feet** to a point of curvature;
8. with a curve to the right, a central angle of **10°00'11"**, a radius of **1691.87± feet**, an arc length of **295.38± feet**, and a chord bearing and distance of **N 07°04'58" E, 295.00± feet** to a point in the northerly line of said 29.512 acre Tract 2 and the southerly line of that 0.80 acre tract of land as conveyed to Richard J. and Amber M. Shugert of record in Instrument No. 202200020745;

20.09+/- Acre Zoning Description
South of Rainbow Drive
East of Sheridan Drive
-2-

Thence S 75° 38' 21" E, with a northerly line of said 29.512 acre Tract 2 and southerly line of said 0.80 acre tract, **235.6± feet** to a common corner thereof;

Thence across said Tract 3 – Parcel Two (2) and said 29.512 acre Tract 2, the following thirteen (13) courses and distances:

1. S 14° 24' 50" W, **80.7± feet** to a point of curvature;
2. with a curve to the left, a central angle of **2°08'42"**, a radius of **410.00± feet**, an arc length of **15.35± feet**, and a chord bearing and distance of S 13°20'29" W, **15.35± feet** to a point of tangency;
3. S 12° 16' 08" W, **60.9± feet** to a point;
4. S 77° 43' 52" E, **124.4± feet** to a point;
5. S 12° 22' 58" W, **39.0± feet** to a point;
6. S 77° 37' 02" E, **70.0± feet** to a point;
7. S 12° 22' 58" W, **15.0± feet** to a point;
8. S 77° 37' 02" E, **101.6± feet** to a point of curvature;
9. with a curve to the left, a central angle of **87°58'08"**, a radius of **150.00± feet**, an arc length of **230.30± feet**, and a chord bearing and distance of N 58°23'54" E, **208.34± feet** to a point of tangency;
10. N 14° 24' 50" E, **167.8± feet** to a point;
11. S 75° 35' 10" E, **70.0± feet** to a point;
12. N 14° 24' 50" E, **20.4± feet** to a point;
13. S 75° 35' 10" E, **421.8± feet** to a point in the easterly line of said Tract 3 – Parcel Two (2) and the westerly line of Reserve "A" of Brentwood Subdivision Section 1 of record in Plat Cabinet 2, Slide 111;

Thence S 21° 23' 23" W, with the easterly line of said Tract 3 – Parcel Two (2), the westerly line of said Reserve "A" and the westerly line of Tract "A" as dedicated for Habitat Valley in Plat Cabinet 2, Sl. 13, **440.5± feet** to an angle point;

Thence S 11° 48' 59" W, with the westerly line of said Tract "A", the westerly line of said Lot 2, and the easterly line of said Tract 3 – Parcel Two (2), **528.0± feet** the **True Point of Beginning**, containing **20.09+/- acres**, more or less.

Bearings are based on the Ohio State Plane Coordinate System, South Zone, NSRS2011. Said bearings were derived from a portion of Sheridan Drive holding a bearing of N 13°39'28" W between a point referencing a road monument and a PK nail set.

This description was completed on June 6, 2025, and is based on information obtained from the Fairfield County Auditor's and Recorder's Office and information obtained from an actual field survey conducted in March of 2023.

All references used in this description can be found at the Fairfield Recorder's Office, Fairfield County, Ohio.

This description was written for zoning purposes only and was not intended to be used in the transfer of land.

ADVANCED CIVIL DESIGN, INC.

EXHIBIT B

PUBLIC INFRASTRUCTURE IMPROVEMENTS

The Public Infrastructure Improvements consist generally of acquiring and constructing the Public Infrastructure Improvements described below, as selected in the sole discretion of the City in accordance with the Ordinance to which this **EXHIBIT B** is attached, the TIF Act, its related rules and laws, and other generally applicable Ohio law, including but not limited to, the following:

- Any costs of the Public Infrastructure Improvements identified in the Development and Incentives Agreement or in another agreement identifying such costs, each as may be authorized by City Council; and
- Construction, reconstruction, extension, opening, improving, widening, grading, draining, curbing, or changing of, as well as the continued maintenance of, the lines and traffic patterns of roads, highways, streets, bridges (both roadway and pedestrian), traffic calming devices, sidewalks, bikeways, medians, and viaducts accessible to and serving the public, and providing lighting systems, signalization, and traffic controls, and all other appurtenances thereto; and
- Construction, reconstruction, or installation of, as well as the continued maintenance of, public utility improvements (including any underground publicly owned utilities), storm and sanitary sewers (including necessary site grading therefore), water and fire protection systems, and all other appurtenances thereto; and
- Construction, reconstruction, or installation of publicly owned gas, electric, and communication service facilities, and all other appurtenances thereto; and
- Construction or reconstruction of one or more public parks, including grading, trees and other park plantings, park accessories and related improvements, and all other appurtenances thereto; and
- Construction or installation of streetscape and landscape improvements including trees and shrubs, landscaping mounds and fencing, tree grates, planting beds, signage, curbs, sidewalks, street and sidewalk lighting, trash receptacles, benches, newspaper racks, burial of overhead utility lines and related improvements, and all other appurtenances thereto; and
- Construction of one or more public parking facilities, including public surface parking and public parking structures and related improvements, and all other appurtenances thereto; and
- Demolition and excavation, including demolition and excavation on private property when determined to be necessary for economic development purposes; and

- Acquisition of real estate or interests in real estate (including easements) necessary to accomplish the foregoing improvements; and
- Any on-going administrative expenses relating to the Public Infrastructure Improvements as well as maintaining the Service Payments and Property Tax Rollback Payments in the TIF Accounts, including but not limited to, engineering, architectural, legal, and other consulting and professional services; and
- All inspection fees and other governmental fees related to the foregoing; and
- Any and all other costs of the Public Infrastructure Improvements, as determined by the City in its sole discretion and in accordance with the Ordinance to which this **EXHIBIT B** is attached, the TIF Act, its related rules and laws, and other generally applicable Ohio law.

The Public Infrastructure Improvements specifically include the costs of financing the Public Infrastructure Improvements, including 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. “Costs” specifically include any reimbursement payments for the reimbursement of the costs of the Public Infrastructure Improvements and the debt service on any bonds or other obligations issued to finance the Public Infrastructure Improvements (including fees and administrative expenses of, and fund reserve funds necessary to pay or service any bonds or other obligations) (the “*Debt Service*”), all as determined by the City in its sole discretion and in accordance with the Ordinance to which this **EXHIBIT B** is attached, the Development and Incentives Agreement, the TIF Act, its related rules and laws, and other generally applicable Ohio law.