

2008 SEP 10 PM 2:42

60
MARY L. MORRIS
GREENE CO. RECORDER
XENIA, OHIO**ORDINANCE NO. 11-08**

AMENDING ORDINANCE NO. 57-07 ADOPTED JANUARY 8, 2008, AS AMENDED BY ORDINANCE NO. 37-98 ADOPTED SEPTEMBER 21, 1998, AS AMENDED BY ORDINANCE NO. 20-05 ADOPTED JUNE 6, 2005, TO DECLARE IMPROVEMENTS TO CERTAIN ADDITIONAL PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, AND TO REQUIRE THE OWNERS THEREOF TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES TO BE USED TO PAY FOR THE COSTS OF CERTAIN PUBLIC INFRASTRUCTURE IMPROVEMENTS

WHEREAS, pursuant to Section 5709.40, Ohio Revised Code, the City Council (the "Council") of the City of Fairborn, Ohio (the "City") adopted Ordinance No. 37-98 on September 21, 1998 (the "1998 TIF Ordinance"), as amended by Ordinance No. 20-05 adopted on June 6, 2005 (the "2005 TIF Ordinance" and, together with the 1998 TIF Ordinance, the "Original TIF Ordinance"), determining that 100% of the increase in true value of certain parcels of real property (as described in the Original TIF Ordinance and henceforth referred to as the "Initial Property") to be a public purpose; and

WHEREAS, the Original TIF Ordinance provides that with respect to each separate parcel of the Initial Property, 100% of the increase in true value of the Initial Property (which increase in true value is referred to in the Original TIF Ordinance as the "Improvement" as defined in that Section 5709.40) shall be exempt from taxation, as and when the Improvement is made and an exemption therefor is claimed and allowed in the manner provided by law provided, however, that the Fairborn City School District and the Greene County Joint Vocational School District shall receive, at the same time and in the same manner as real property tax payments all amounts each would otherwise receive as real property tax payments from the Improvement, absent the passage of the Original TIF Ordinance; and

WHEREAS, the Original TIF Ordinance requires the owners from time to time of the Improvements to make annual service payments in lieu of taxes (the "TIF Payments"), which payments, less any amounts necessary to make the payments to the school districts referred to above, are to be deposited in the Dayton-Yellow Springs Road Project Municipal Public Improvement Tax Increment Equivalent Fund established in the Original TIF Ordinance (the "Fund") to be used to pay costs of certain public infrastructure improvements that, once made, directly benefit the Initial Property; and

WHEREAS, the City desires to amend the Original TIF Ordinance for the purpose of subjecting additional parcels of real property to the Original TIF Ordinance (the "Additional Property" and, together with the Initial Property, the "Property"); and

WHEREAS, this Council finds and determines that notice of this proposed ordinance has been delivered to all school districts entitled to such notice pursuant to Section 5709.83, Ohio Revised Code; and

WHEREAS, upon the submission of the adopted Ordinance No. 57-07 to the Greene County Auditor's Office, it was determined that the attached Exhibit A omitted 5 parcels; and

MICHAEL A. MAYER
CITY SOLICITOR
CITY OF FAIRBORN
510 W. MAIN STREET
FAIRBORN, OHIO 45324

VOL 2842 PG 875

PAGE

WHEREAS, it is necessary to amend Ordinance No. 57-07 to correct the omissions and include the additional 5 parcels as part of the TIF District.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FAIRBORN HEREBY ORDAINS, THAT:

SECTION 1. The Original TIF Ordinance is hereby amended by replacing the existing Exhibit A to the 1998 TIF Ordinance and the existing Exhibit A-1 to the 2005 TIF Ordinance, with Exhibit A attached to this ordinance. The Original TIF Ordinance is further amended by expanding the definition of "Improvement" to include the increase in value of any parcel of the Additional Property identified in Exhibit A that would first appear on the tax list and duplicate of real and public utility property after the effective date of this ordinance were it not for an exemption granted under the authority of this ordinance.

SECTION 2. The Financial Director, the City Manager, and the Community Development Director, or any of them acting individually, are hereby authorized and directed to execute on behalf of the City, one or more Tax Increment Financing Agreements between the City and any owners of parcels comprising the Property, as necessary, providing for the payment and collection of the TIF Payments, which agreement shall be in such form as is acceptable to such officials, approved by the City Solicitor, and not substantially inconsistent with the terms of this ordinance.

SECTION 3. The Original TIF Ordinance shall remain in force and effect as originally passed and amended hereby. This ordinance on its passage shall become a part of the Original TIF Ordinance, and all references to the TIF Ordinance shall include reference to this ordinance as well as the Original TIF Ordinance. Any references to the term "Property" shall include the Initial Property as well as the Additional Property.

SECTION 4. This Council hereby determines that it is in the best interests of the City, in lieu of passing a separate ordinance applicable to each parcel of Additional Property under Section 5709.40 of the Ohio Revised Code, to combine all of those separate ordinances into this ordinance. Consistent with this determination, this ordinance should be applied and interpreted to apply to the Improvement of each parcel of Additional Property as if applicable only to that parcel.

SECTION 5. The Clerk of this Council is hereby directed to deliver, not later than fifteen (15) days after the effective date of this Ordinance, a copy thereof to the Director of Development of the State of Ohio and to further deliver to such Director, not later than March 31 of each year during which the tax exemption remains in effect, a status report outlining the progress of the project herein described.

SECTION 6. This Council further hereby authorizes and directs the City Manager, the Clerk of Council, the City Solicitor, the Finance Director, or other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions as maybe appropriate to implement this ordinance.

MICHAEL A. MAYER
CITY SOLICITOR
CITY OF FAIRBORN
510 W. MAIN STREET
FAIRBORN, OHIO 45324

VOL 2842 PG 876

IMAGE

SECTION 7. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 8. This ordinance shall take effect and be in force at the earliest date permitted by law.



MAYOR

PASSED: APR 21 2008

EFFECTIVE: MAY 22 2008

ATTEST:



CLERK, CITY OF FAIRBORN, OHIO

FEE EXEMPT
LAWANNA A. DELANEY
GREENE COUNTY AUDITOR

TRANSFERRED
FER 319.20 O.R.C.
08 SEP 10 PM 2:41

MICHAEL A. MAYER
CITY SOLICITOR
CITY OF FAIRBORN
510 W. MAIN STREET
FAIRBORN, OHIO 45324

VOL 2842 PG 877
PAGE

EXHIBIT A

TAX INCREMENT FINANCING DISTRICT PARCEL IDENTIFICATION

<u>PARCEL ID</u>	<u>OWNER</u>	<u>ACREAGE</u>
A02000200250000700	State of Ohio	0.207
	Oberer Development Co. aka	
A02000200260000200	Oberer Development	2.832
A02000200260000300	State of Ohio	1.463
A02000200260000800	State of Ohio	7.886
A02000200260000900	State of Ohio	23.846
A02000200260001000	State of Ohio	0.100
A02000200260001200	State of Ohio	26.283
A02000200260001500	State of Ohio	3.244
A02000200260001600	State of Ohio	1.840
A02000200260001700	State of Ohio	0.388
A02000200260002000	Oberer Development Co.	5.669
A02000200320000200	* State of Ohio	0.765
A02000200320000900	* State of Ohio	3.601
A02000200390000100	State of Ohio	2.478
A02000200390000200	Oberer Development Co.	29.137
A02000200390000500	Shoppes at V.G., Ltd.	3.134
A02000200390000600	Shoppes at V.G., Ltd.	11.244
A02000200390000700	Julie B. Baker, Trustee	1.0284
A02000200390000800	Valle Greene Self Storage, LLC	3.333
A02000200390000900	Anita Joye Realty Co., Ltd.	0.954
A02000200390001000	W.H. Capital, LLC.	0.746
A02000200390001100	Oberer Development Co.	0.567
A02000200390001200	Oberer Development Co.	2.967
A02000200390001300	Fifth Third Bank	1.437
A02000200400000100	Oberer Development Co.	9.309
A02000200400000900	Tim Donut U.S. Ltd., Inc.	1.115
A02000200400001000	Shoppes at V.G., Ltd.	1.1209
A02000200400001100	Shoppes at V.G., Ltd.	17.263
	GE Capital Franchise Finance	
A02000200400001200	Corporation	1.2393
A02000200400001300	Insite Fairborn, LLC.	0.8093
A02000200400001400	Liberty Savings Bank FSB	1.2955
A02000200400001500	Shoppes at V.G., Ltd.	1.0041
	William R. Spence Jr. & Donald A.	
A02000200400001600	Spence Trustees	1.1011
A02000200400001900	M&M Real Estate Holdings, LLC	1.2051
A02000200470000100	Oberer Development Co.	24.952
A02000200470000200	Oberer Development Co.	0.4678
A02000200470000300	CRV XV Dayton Limited	2.500
A02000200470000400	CRV XV Dayton Limited	1.639
A02000200470000500	Oberer Development Co.	5.910

VOL 2842 PG 878

MAGLE

A02000200470000600	Oberer Development Co.	5.914
A02000200470000700	T. Scott McMillin, Trustee	Condo Unit 1754A
A02000200470000800	Commerce Park, LLC.	4.028
A02000200470000900	Michael J. Maistros	Condo Unit 1758B
A02000200470001000	Dennis G. Petit	Condo Unit 1762C
A02000200470001100	Neely & Shroder Partnership	1.499
A02000200470001200	Logtec Investment Partners LLC.	9.328
A02000200470001400	RDRS, LLC.	1.496
A02000200470001500	Porter Property Development, LLC	1.491
A02000200470001600	F&J Bechtle Enterprise, Inc.	1.550
A02000200470001700	Hondros Dayton, LLC.	2.000
A02000200470001800	* Caligrey LTD.	2.059
A02000200470001900	* Mills Oberer Development LLC	12.991
A02000200470002000	Abelsam LLC	1.545
A02000200480000100	Oberer Development Co.	29.315
A02000200480000300	Oberer Development Co.	52.657
A02000200490000100	Oberer Development Co.	46.382





* New Parcel Added to Exhibit A with Ord. 57-07

Description Check
Greene County Engineer's Tax Map Dept.
 Legally Sufficient As Described
 Legally Sufficient With Corrections Noted
 Legally Insufficient, New Survey Required
 By: MM Date: 9/10/08
 Par ID. Dist. BK PG PAR

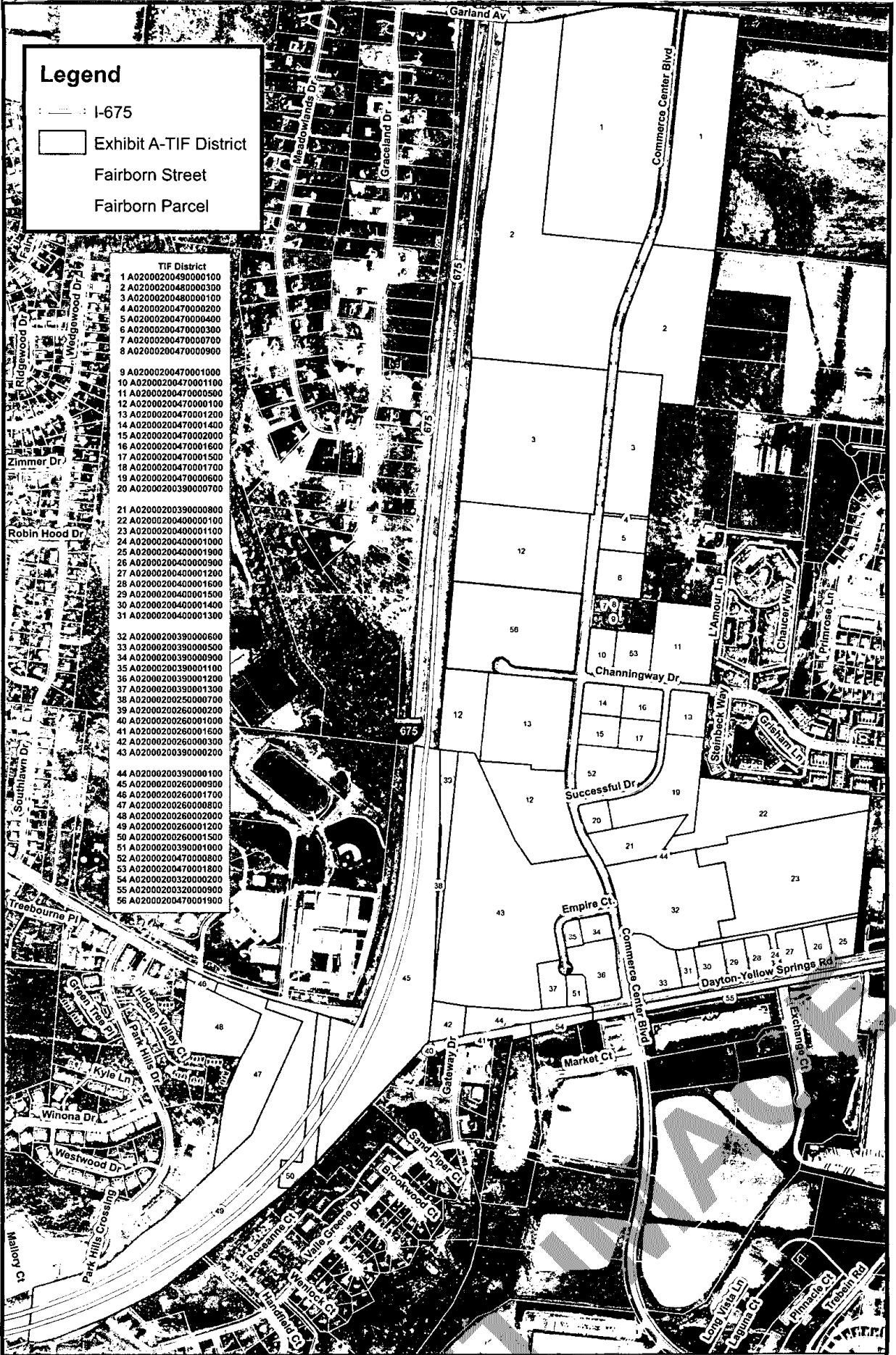
SEE parcel #'s ABOVE

VOL 2842 PG 879
 PAGE

Legend

-  I-675
-  Exhibit A-TIF District
-  Fairborn Street
-  Fairborn Parcel

TIF District	
1	A02000200490000100
2	A02000200480000300
3	A02000200480000100
4	A02000200470000200
5	A02000200470000400
6	A02000200470000300
7	A02000200470000700
8	A02000200470000900
9	A02000200470001000
10	A02000200470001100
11	A02000200470000500
12	A02000200470001000
13	A02000200470001200
14	A02000200470001400
15	A02000200470002000
16	A02000200470001600
17	A02000200470001500
18	A02000200470001700
19	A02000200470000600
20	A02000200390000700
21	A02000200390000800
22	A02000200400000100
23	A02000200400001000
24	A02000200400001000
25	A02000200400001900
26	A02000200400000900
27	A02000200400001200
28	A02000200400001600
29	A02000200400001500
30	A02000200400001400
31	A02000200400001300
32	A02000200390000600
33	A02000200390000500
34	A02000200390000900
35	A02000200390001100
36	A02000200390001200
37	A02000200390001300
38	A02000200250000700
39	A02000200260000200
40	A02000200260001000
41	A02000200260001600
42	A02000200260000300
43	A02000200390000200
44	A02000200390000100
45	A02000200260000900
46	A02000200260001700
47	A02000200260000800
48	A02000200260002000
49	A02000200260001200
50	A02000200260001500
51	A02000200390001000
52	A02000200470000800
53	A02000200470001800
54	A02000200320000200
55	A02000200320000000
56	A02000200470001900



Existing and Proposed TIF District Parcels

