

ORDINANCE NO. 2022-64

Introduced by Sam Artino

AN ORDINANCE AMENDING SECTION 4 AND SECTION 5 OF ORDINANCE NO. 2022-26 TO AUTHORIZE AND SPECIFY ADDITIONAL PURPOSES FOR WHICH SERVICE PAYMENTS DEPOSITED INTO THE SAWMILL CREEK IMPROVEMENT TAX INCREMENT EQUIVALENT FUND AND THE SAWMILL CREEK PUBLIC INFRASTRUCTURE TAX INCREMENT EQUIVALENT FUND MAY BE EXPENDED; AND DECLARING AN EMERGENCY.

WHEREAS, this Council, by Ordinance No. 2022-26 adopted on August 30, 2022, created two new tax increment financing districts (the “Sawmill Creek TIF”), and established an urban renewal tax increment equivalent fund (the “Sawmill Creek Improvement Fund”) and a public improvement tax increment equivalent fund (the “Sawmill Creek Public Infrastructure Fund”); and

WHEREAS, the City has implemented several planning initiatives to further its economic development efforts, including, but not limited to, the Vision 2020 Plan (the “Development Plan”) and, as evidenced by the Development Plan, the City is “engaged in urban redevelopment” as provided in Ohio Revised Code Section 5709.41; and

WHEREAS, to create and preserve jobs and employment opportunities through urban redevelopment, the City has determined, in accordance with Ohio Revised Code Sections 5709.41, 5709.42, and 5709.43 and the Development Plan, to amend Ordinance No. 2022-26 and expand the authorized uses of the moneys deposited in the Sawmill Creek Improvement Fund to include construction and street improvements of the Western Gateway (Roundabout) and the acquisition of real property (collectively, the “Project”);

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Huron, Erie County, Ohio, that:

Section 1. Section 4 of Ordinance No. 2022-26 passed on August 30, 2022, be and is hereby amended to read as follows:

“Section 4. This City Council hereby establishes pursuant to and in accordance with the provisions of Section 5709.43 of the Ohio Revised Code, the Sawmill Creek Improvement Tax Increment Equivalent Fund (the “.41 TIF Fund”), into which shall be deposited all of the Service Payments and any associated rollback payments and related interest and penalty payments distributed to the City with respect to the .41 Improvements on the .41 TIF Parcels by or on behalf of the County Treasurer as provided in Ohio Revised Code Section 5709.42, and this City Council hereby provides that all of the moneys deposited in the Fund shall be used for any or all of the following purposes:

(i) to pay any and all planning, engineering, legal, acquisition, construction, installation, and financing costs, and any and all other direct and indirect costs of the public or private improvements,

including those costs set forth in Ohio Revised Code Section 133.15(B) as costs of permanent improvements;

(ii) to pay the interest and premium on and principal of bonds or notes, including refunding or additional bonds or notes or other obligations issued or loans entered into by the City or other governmental entity to finance costs of the .41 Improvements and the Project until such notes or bonds or other obligations or loans are paid in full, and to pay trustee and other costs related to servicing the obligations and providing and replenishing a reserve fund and to pay any costs charged by the issuer of the obligations;

(iii) to reimburse the City or other governmental entity or a private entity under contract with the City for any funds used to pay costs of the .41 Improvements and the Project, or to pay interest, principal, or premium, and related costs on any of the aforesaid notes, bonds, loans or other obligations, prior to receipt of Service Payments; and

(iv) to pay the School District any amount owed under the School Compensation Agreement and the JVSD any amount owed under the JVSD Compensation Agreement.

The Fund shall remain in existence so long as the Service Payments are collected and used for the aforesaid purposes, after which said .41 TIF Fund shall be dissolved in accordance with said Section 5709.43.”

Section 2. Section 5 of Ordinance No. 2022-26 passed on August 30, 2022, be and is hereby amended to read as follows:

“Section 5. This City Council hereby establishes pursuant to and in accordance with the provisions of Section 5709.43 of the Ohio Revised Code, the Sawmill Creek Public Infrastructure Tax Increment Equivalent Fund (the “.40 TIF Fund”), into which shall be deposited all of the Service Payments and any associated rollback payments and related interest and penalty payments distributed to the City with respect to the .40 Improvements on the Parcels by or on behalf of the County Treasurer as provided in Ohio Revised Code Section 5709.42, and this City Council hereby provides that all of the moneys deposited in the Fund shall be used for any or all of the following purposes:

(i) to pay any and all planning, engineering, legal, acquisition, construction, installation, and financing costs, and any and all other direct and indirect costs of the public or private improvements, including those costs set forth in Ohio Revised Code Section 133.15(B) as costs of permanent improvements;

(ii) to pay the interest and premium on and principal of bonds or notes, including refunding or additional bonds or notes or other obligations issued or loans entered into by the City or other governmental entity to finance costs of the Public Infrastructure

Improvements until such notes or bonds or other obligations or loans are paid in full, and to pay trustee and other costs related to servicing the obligations and providing and replenishing a reserve fund and to pay any costs charged by the issuer of the obligations;

(iii) to reimburse the City or other governmental entity or a private entity under contract with the City for any funds used to pay costs of the Public Infrastructure Improvements, or to pay interest, principal, or premium, and related costs on any of the aforesaid notes, bonds, loans or other obligations, prior to receipt of Service Payments; and

(iv) to pay the School District any amount owed under the School Compensation Agreement and the JVSD any amount owed under the JVSD Compensation Agreement.

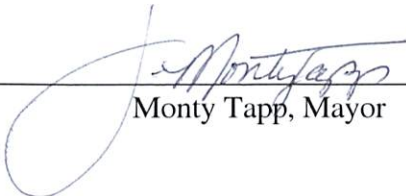
The Fund shall remain in existence so long as the Service Payments are collected and used for the aforesaid purposes, after which said .40 TIF Fund shall be dissolved in accordance with said Section 5709.43.”

Section 3. Section 4 and Section 5 of Ordinance No. 2022-26, as passed on August 30, 2022, are hereby repealed.

Section 4. This City Council finds and determines that all formal actions of this City Council concerning and relating to the passage of this ordinance were taken in an open meeting of this City Council and that all deliberations of this City Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 5. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective so that the City may proceed with the Project, which is necessary so that the City may provide for additional jobs and employment opportunities and improve the economic welfare of the City and its residents; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

Passed: 22 NOV 2022


Monty Tapp, Mayor

Attest: 
Clerk of Council