

ORDINANCE NO.: 2007-5
SPONSOR: MAYOR CROGHAN
INTRODUCED: APRIL 10, 2007
ASSIGNED TO: FINANCE

AN ORDINANCE DECLARING A PORTION OF IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY OWNED BY WILCARE CORPORATION TO BE A PUBLIC PURPOSE, EXEMPTING A PERCENTAGE OF THE VALUE OF THE IMPROVEMENTS FROM REAL PROPERTY TAXATION FOR THIRTY YEARS, AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GREEN, COUNTY OF SUMMIT, AND STATE OF OHIO, THAT:

SECTION ONE:

City Council makes the following findings and determinations:

- (a) The City adopted Ordinance No. 2003-12 on September 10, 2003, (and amended that Ordinance through Ordinance 2004-03), establishing a tax increment financing program ("TIF Program"), authorizing the City to declare improvements to certain parcels of real property to be a public purpose, requiring the owner, and its successors and assigns, of any structure located on any parcel of real property declared to be a public purpose to make annual service payments in lieu of taxes ("Service Payments") to the Fiscal Officer of Summit County, and providing the City the option to enter into an agreement ("TIF Agreement") with the owner of any structure located on any parcel of real property declared to be a public purpose under the TIF Program.
- (b) Wilcare Corporation (the "Owner") is the owner of the property identified in the Property Records of Summit County, Ohio, as parcel(s) 28-15305, (legal description attached as Exhibit "B") (the "TIF Property"), located within the boundaries of the City. The Owner will make improvements on the TIF Property (the "Development Improvements").
- (c) The City will acquire, construct, install, and finance certain public infrastructure improvements (the "Public Improvements") in connection with the Development Improvements, which Public Improvements will directly benefit the TIF Property.
- (d) The City will acquire, construct, and install the Public Improvement described in the attached Exhibit "D". The Public Improvements will directly benefit the TIF Property. The City will provide funds for the Public Improvements.
- (e) City Council has, by notice delivered to the Board of Education of the Green Local School District on October 16, 2003, and to the Board of Education of the Portage Lakes Career Center on October 16, 2003, given notice of the City's intent to declare as a public purpose certain improvements to certain parcels of

real property and of the Mayor's authorization to negotiate TIF Agreements under the TIF Program. A copy of Ordinance No. 2003-12 accompanied the notices.

- (f) The Board of Education of the Green Local School District passed a resolution waiving the right to approve exemptions from taxation under Section 5709.43, Revised Code, for any improvements declared to be a public purpose and for any TIF Agreements entered into under the TIF Program on the condition that a compensation agreement be negotiated in accordance with Section 5709.40, Revised Code, and waiving any notice under Section 5709.83, Revised Code.
- (g) The Board of Education of the Green Local School District, on November 17, 2003, entered into a compensation agreement with the City. The City and the Board of Education amended the Compensation Agreement effective January 1, 2006.
- (h) The Board of Education of the Portage Lakes Career Center on October 16, 2003, passed a resolution waiving any notice under Section 5709.83, Revised Code.
- (i) In accordance with Ordinance No. 2003-18, adopted November 25, 2003, City Council established a Municipal Public Improvement Tax Increment Equivalent Fund (the "TIF Fund"), as a separate fund of the City into which service payments distributed to the city under the TIF program must be deposited.

SECTION TWO:

City Council declares the Development Improvements to the TIF Property to be a public purpose. City Council exempts 100% of the value of these improvements from real property taxation in accordance with the TIF Program and the authority in Section 5709.40, Revised Code, for a period of 30 years.

SECTION THREE:

In accordance with the TIF Program and the authority in R.C. 5709.40, the Owner, and its successors and assigns, will make Service Payments equal to the real property taxes exempted under Section Two. City Council establishes an account in the TIF Fund (A "TIF" Account) as a separate account in the City's Fund. The Service Payments distributed to the City must be deposited into the TIF account and used to finance the public infrastructure improvements described in section 1(d), other public infrastructure improvements benefiting the TIF Property, to distribute to the Green Local School District in an amount as provided in the Compensation Agreement, or, at City Council's discretion, to finance specific public improvements benefiting the Green Local School District.

SECTION FOUR:

The City finds and determines that all formal actions of this Council concerning and relating to the enactment of this Ordinance were taken in open meetings of this Council and all deliberations of this Council or any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with Section 121.22, Revised Code.

SECTION FIVE:

City Council declares this Ordinance to be an emergency immediately necessary for the preservation of the public peace, health, safety, and welfare of the citizens of Green and for the further reason that the Development Agreement must be immediately effective in order that the employment opportunities may be available to the residents of this City at the earliest possible time. Provided that this legislation receives the affirmative vote of three-fourths of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise, it shall take effect and be in force at the earliest time allowed by law.

ADOPTED: MAY 8, 2007

Molly Kapeluck
Molly Kapeluck, Clerk

Bruce Manwaring
Bruce Manwaring,
Council President

APPROVED: MAY 8, 2007

Daniel L. Croghan
Daniel L. Croghan, Mayor

COPIED _____
SVCE ZONE PARK ROAD ENG
LAW FIN MAY PLAN FIRE

ENACTED EFFECTIVE: MAY 8, 2007

ON ROLL CALL: Colopy -YEA Croce -YEA France -YEA Manwaring -YEA
Padrutt -YEA Ridgeway -YEA Smole -YEA Accepted 7-0

Suburbanite publication on MAY 14 and MAY 21, 2007

Molly Kapeluck
Molly Kapeluck, Clerk

DRAFT

2007-5
April 4, 2007
Cambria Suites

EXHIBIT B

LEGAL DESCRIPTION

For: Wilcare Corporation
Cambria Suites
Thorn Drive
Uniontown, Ohio 44685

Parcel Number 28-15305

The Development Property

PROVIDE/INSERT LEGAL DESCRIPTION OF PARCEL

Parcel # 28-15305



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04

Quit-Claim Deed

2007-5

JOB # 1145

KNOW ALL MEN BY THESE PRESENTS THAT WILCARE CORPORATION, an Ohio Corporation, the Grantor, for valuable consideration thereunto given, and for the sum of Ten Dollars (\$10.00) received to its full satisfaction of WILCARE CORPORATION, an Ohio Corporation, the Grantee, whose tax mailing address will be 300 Smokerise Drive, Wadsworth, Ohio 44281 does:

GIVE, GRANT, BARGAIN, REMISE, RELEASE AND FOREVER QUIT-CLAIM unto the said Grantee, its heirs and assigns, all right, title and interest as said Grantor has in and to the following described premises, situated in the Township of Green, County of Summit, and State of Ohio:

Situated in the City of Green (formerly Township of Green), County of Summit and State of Ohio, and known as being part of the Northeast Quarter of Section 15 of said township and consolidating those parcels conveyed to Wilcare Corporation by deed recorded on April 28, 2005 and recorded by Reception No. 655178983 of the Summit County Recorder's records and is further bounded and described as follows:

Commencing at a 5/8" iron pin in a monument box found at the intersection of S.R. 241, Massillon Road (width varies) and Corporate Woods Parkway (width varies),

Thence, North 00 degrees 13' 30" East, along the centerline of Massillon Road 8.62' to the centerline of Thorn Drive (40'), as recorded by Reception No. 51426364 and on file with the Summit County Recorder's records,

Thence South 89 degrees 28' 00" East, along the centerline of Thorn Drive, 322.30' to a P.K. Nail set a southeast corner of a parcel conveyed to Branney Investment Co. LTD., Parcel No. 2813619, and the "TRUE PLACE OF BEGINNING" of the parcel herein described,

Course 1:

Thence, North 00 degrees 12' 49" East, along an easterly line of said Branney parcel, 274.42' to a 1/2" iron pin found on the south line of a parcel conveyed to Edwin R. Vanaman by deed recorded on November 7, 2002 and recorded by Reception No. 54777376 of the Summit County Recorder's records, Parcel No. 2805841,

9882

TRANSFERRED IN COMPLIANCE WITH
SEC. 319.202 REV. CODE

EXEMPT \$ _____ FEE

Consideration By MG
JOHN A. DONOFRIO Deputy Fiscal Officer
Fiscal Officer

No. of pages 4

JOHN A. DONOFRIO
FISCAL OFFICER
COUNTY OF SUMMIT

2006 MAY 17 AM 11:47

TRANSFERRED

SPLIT/COMBINE/NEW
LEGAL DESCRIPTION
RT APPROVED BY
GIS

Miller Examining Service, Inc. ME

5-16-06
(COMBINE)

GR/IS

2007-5

Course 2:

Thence, South 89 degrees 28' 00" East, along the south line of said Vanaman parcel, 231.06' to the westerly line of Interstate Route 77, referenced by a 5/8" iron pin found South 43 degrees 58' 41" East, 1.33'.

Course 3:

Thence, South 43 degrees 58' 41" East, along the westerly line of Interstate Route 77, 543.89' to a 5/8" iron pin set with cap marked "Lewis Land Professionals",

Course 4:

Thence, South 00 degrees 48' 36" West, 26.44' to a 3/4" iron pipe on the north line of a parcel conveyed to Con-Way Central Express, Parcel No. 2811478,

Course 5:

Thence, North 89 degrees 28' 00" West, along the north line of said Con-Way Central Express, Parcel No. 2811478, 564.98' to the southeast corner of a parcel conveyed to Pearl Forest Corporation by deed recorded on December 18, 2000 and recorded by Reception No. 54494314 of the Summit County Recorder's records, Parcel No. 2813615, referenced by a 1/2" iron pin found South 44 degrees 25' 37" East, 0.43',

Course 6:

Thence, North 00 degrees 48' 36" East, along the east line of Pearl Forest Corporation parcel, Parcel No. 2813615, 139.88' to a 5/8" iron pin set with cap marked "Lewis Land Professionals" at the northeast corner thereof,

Course 7:

Thence, North 89 degrees 28' 00" West, along a north line of Pearl Forest Corporation parcel, Parcel No. 2813615, 46.39' to the "TRUE PLACE OF BEGINNING", and containing 3.9694 acres, as surveyed by Steven W. Clutter, S-7655, for and on behalf of Lewis Land Professionals, Inc., in January, 2006, subject to all easements and highways of record.

COMBINE - 28-15305

GR-00015-A6-002-000

Permanent Parcel No(s):

~~28-06685-~~
~~28-06684-~~
~~28-06639-~~
~~28-06648-~~

~~GR-00015-02-005-000~~

~~GR-00015-02-009-000~~

~~GR-00015-02-010-000~~

~~GR-00015-02-011-000~~

TO HAVE AND TO HOLD the above premises, with the appurtenances thereunto belonging, unto the said Grantee, and its separate heirs and assigns forever.



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2007-5

IN WITNESS WHEREOF, the Grantor has hereunto set its hand the
10th day of May, 2006.

SIGNED AND ACKNOWLEDGED
IN THE PRESENCE OF:

GRANTOR:
WILCARE CORPORATION, an
Ohio Corporation

Amy E. Stull
WITNESS Amy E. Stull

Robert Leatherman
By: Robert Leatherman
Its: President

Sharon M. Deem
WITNESS SHARON M DEEM

STATE OF OHIO)
) ss.
COUNTY Medina)

BEFORE ME, a Notary Public in and for said County and State, personally
appeared the above-named **Wilcare Corporation, an Ohio Corporation**, acknowledged
that it did sign this Quit-Claim Deed and the same is its free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at
Wadsworth, Ohio the 10th day of May, 2006.

Amy C. Stull
NOTARY PUBLIC
My commission expires: 3-7-10
Amy E Stull

This Instrument Prepared By:

David C. Jack
Attorney At Law
145 Akron Road
Wadsworth, Ohio 44281

Parcel # 28-15305

2007-5

Lewis Land Professionals, Inc.
Civil Engineers & Surveyors

8691 Wadsworth Road ♦ Suite 100 ♦ Wadsworth, OH 44281
Phone (330) 335-8232 ♦ Fax (330) 335-0242

Legal Description for
A 3.9694-Acre Parcel
Project No. 05-315
April 3, 2006

Situated in the City of Green (formerly Township of Green), County of Summit and State of Ohio, and known as being part the Northeast Quarter of Section 15 of said township and consolidating those parcels conveyed to Wilcare Corporation by deed recorded on April 28, 2005 and recorded by Reception No. 55178983 of the Summit County Recorder's records and is further bounded and described as follows:

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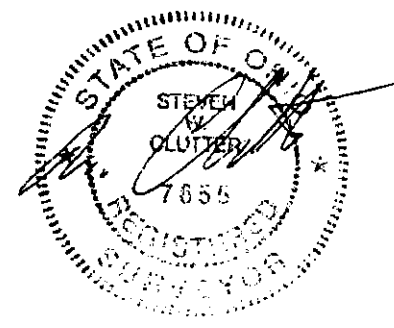
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- Course 2: Thence, South 89°28'00" East, along the south line of said Vanaman parcel, 231.06' to the westerly line of Interstate Route 77, referenced by a 5/8" iron pin found South 43°58'41" East, 1.33',
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John R. Deneff, Jr., Summit Fiscal Officer
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Basis of bearings for this survey is assumed and used herein to denote angles only.
Approved by the City of Green Planning and Zoning Commission
(No. [blank]) (Date: 4-11-06)

Wayne L. Wiethe
Wayne L. Wiethe
Planning Director



As provided for in Section 711.131 of the Revised Code, State of Ohio. Approval for transfer only, no building site approval granted. Valid for one hundred eighty (180) days from the above date

EXHIBIT D

PUBLIC IMPROVEMENTS

The Public Improvements consist of the following:

- (a) Reconstruction of Massillon Road south of Interstate-77 to Steese Road (inclusive of storm water collection system and sidewalks), estimated to cost approximately \$1,674,563. Estimated construction 2008.
- (b) Reconstruction of Massillon Road north of Interstate-77 to East Turkeyfoot Lake Road (inclusive of storm water collection system and sidewalks), estimated to cost approximately \$2,583,540. Estimated construction 2010.
- (c) Installation of a closed looped signalization system on Massillon Road, estimated to cost approximately \$800,000. Construction 2006.
- (d) Construction of the Town Crossing Blvd. extension, estimated to cost approximately \$600,000. Estimated construction 2007.
- (e) Reconstruction of Steese Road (inclusive of storm water collection system and sidewalks), estimated to cost approximately \$1,219,335. Estimated construction 2008.