

First Reading: July 19, 2012  
Second Reading: Dispensed

RESOLUTION NO. 2012 - 76

**A RESOLUTION PURSUANT TO REVISED CODE SECTION 5709.73(B)  
DECLARING TO BE A PUBLIC PURPOSE CERTAIN PUBLIC INFRASTRUCTURE  
IMPROVEMENTS THAT ARE NECESSARY FOR THE DEVELOPMENT OF THE  
GREENS OF KENWOOD REAL ESTATE DEVELOPMENT ON A PARCEL OF REAL  
PROPERTY LOCATED IN THE UNINCORPORATED AREA OF THE TOWNSHIP  
AND EXEMPTING IMPROVEMENTS TO THAT PARCEL FROM REAL PROPERTY  
TAXATION, REQUIRING THE PAYMENT OF SERVICE PAYMENTS IN LIEU OF  
THE EXEMPTED PROPERTY TAXES AS A COVENANT RUNNING WITH THE  
LAND AND AUTHORIZING THE USE OF THE SERVICE PAYMENTS FOR THOSE  
PUBLIC INFRASTRUCTURE IMPROVEMENTS, AUTHORIZING EXECUTION OF A  
RELATED SERVICE AGREEMENT AND SUCH OTHER DOCUMENTS AS MAY BE  
NECESSARY OR APPROPRIATE TO SUCH PURPOSES, ESTABLISHING A TAX  
INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THE SERVICE  
PAYMENTS, DISPENSING WITH THE SECOND READING, AND DECLARING AN  
EMERGENCY**

**WHEREAS**, Section 5709.73 et seq. of the Ohio Revised Code, together with related or incorporated sections ("TIF Act"), authorizes townships to participate in a financing technique commonly known as tax increment financing in order to finance costs of public infrastructure improvements (as that term is defined in Revised Code Section 5709.40(A)(7), incorporated in the TIF Act by reference) that are necessary for the further development of parcels of land located in the unincorporated area of the township; and

**WHEREAS**, pursuant to Revised Code Chapter 504 ("Home Rule Act") and an election held pursuant to the Home Rule Act, this Township may exercise all powers of local self-government within the unincorporated area of the Township; and

**WHEREAS**, this Board has reviewed the proposed plans for the Greens of Kenwood Real Estate Development and has determined that the Development is in furtherance of the Township's desire to encourage commercial development in appropriate areas of the Township and that the development is expected to result in the creation and preservation of jobs and employment opportunities and to improve the economic welfare of the residents of the Township; and

**WHEREAS**, this Board has previously expressed its intention to use its statutory authority granted pursuant to the TIF Act, the Home Rule Act and other applicable Ohio statutory authority to declare the Public Improvements to be a public purpose necessary for the development of the Property and thereupon exempt up to 100% of the "further improvements" (as that term is used in the TIF Act) to the Property from real property taxation for a period of up to 30 years, to require the owner or owners of the Property (collectively "Owners") to pay service payments in lieu of the exempted property taxes ("Service Payments") as a covenant running

with the land and to enter into a related Service Agreement with the current Owner, all in order to provide for the Public Improvements, and, as required by Section 5709.73(D) of the Ohio Revised Code, has given notice of that intention to the Board of Education of the Indian Hill Exempted Village School District (“School District”), and the Board of Education of the Great Oaks Joint Vocational School District (“Vocational School District”) which adopted resolutions approving the tax increment financing and property tax exemptions contemplated hereby and authorizing the related Tax Incentive Agreement between the Township and the School District and the Township and the Vocational School District (“Tax Incentive Agreements”);

**NOW THEREFORE, BE IT RESOLVED**, by the Board of Township Trustees of Sycamore Township, State of Ohio:

**SECTION 1.**

Pursuant to Ohio Revised Code Section 5709.73(B), this Board hereby finds, determines and declares that the Public Improvements are public infrastructure improvements within the meaning of the TIF Act, in the unincorporated area of the Township, and that such public infrastructure improvements, to wit: the planning, design, approval, and construction of parking facilities and means of ingress and egress to such facilities along with real property interests in order to construct and maintain such facilities; the planning, design and construction of public street improvements and access roads including pavements, walkways, traffic control devices, retaining walls, and alterations to existing streets and roadways; the planning, design and construction of utilities including but not limited to water, sanitary sewers, gas mains, electric facilities, communication facilities, storm water sewers and detention facilities, and any replacement of overhead utilities with underground utilities; the planning, design, approval and construction related to any relocation of streams, creeks and waterways; the preparation of plans for land use in the area; the creation, purchase and/or enhancement of public service facilities, equipment and vehicles, the creation, purchase and/or enhancement of emergency services facilities, vehicles and equipment, the creation or enhancement of any parks, buffer areas, landscaping and open areas necessary for ensuring the compatibility of land uses; environmental remediation; land acquisition, including acquisition in aid of industry, commerce, distribution, or research; demolition, including demolition on private property when determined to be necessary for economic development purposes and the purchase of property, rights of way and easements or other rights in property necessary for the completion of the Public Improvements, are a public purpose of the Township and are necessary for the further development of the Property, which is comprised of the parcels of land described in Exhibit “A” attached to and incorporated in this Resolution; and that this Board hereby makes the further findings and determinations set forth in the Recitals to this Resolution, all of which are incorporated herein by this reference, and finds, determines and declares that the further development of the parcels included in the Property by the development of the proposed Greens of Kenwood Real Estate Development will place direct additional demand on the Public Improvements.

**SECTION 2.**

That this Board therefore declares the Public Improvements to be a public purpose; finds and declares that the Public Improvements are necessary for

the development on the Property of the proposed Greens of Kenwood Real Estate Development and that the parcel or parcels included in the Property will directly benefit from the Public Improvements; and hereby exempts from real property taxation 100% of the further improvements (as that term is used in the TIF Act and herein, "Further Improvements") to such parcel or parcels for a period of thirty (30) years, commencing on the first day of the tax year in which an improvement first appears on the tax duplicate of real and public utility property and ending on the earlier of (1) thirty years from the date the exemption commences; or (2) the date on which the Public Improvements are paid in full from the Tax Increment Equivalent Fund established in Section 5 hereof, but in no case shall the Further Improvements be exempted from taxation for more than thirty (30) years.

**SECTION 3.**

That this Board hereby expresses its intention to enter into a Service Agreement with the current and prospective Owners, including covenants running with the land included in the Property, and such other instruments and agreements as may be necessary and appropriate to permit the financing and construction of the Public Improvements from Service Payments to be made by the Owners of the parcels of land included in the Property (net of any such Service Payments to be paid by the Township to the School District and the Vocational School District pursuant to the Tax Incentive Agreements). This Board hereby authorizes the Township Administrator, the Law Director and the Fiscal Officer to negotiate an appropriate Service Agreement with the current Owner to provide for the terms upon which the Development and the Public Improvements will be undertaken and the Service Payments will be made.

**SECTION 4.**

That the Owners of the parcels of land exempted from real property taxation under this Resolution shall make Service Payments in lieu of such taxes in the manner as set forth in Revised Code Section 5709.74, which Service Payments shall be a covenant running with the land, which would be subject to the statutory lien referred to in Revised Code Section 5709.91.

**SECTION 5.**

That, pursuant to Section 5709.75 of the Ohio Revised Code, there is hereby established the Sycamore Township Greens Of Kenwood Public Improvement Tax Increment Equivalent Fund (the "Tax Increment Equivalent Fund"), into which the Service Payments shall be deposited. Money in the Tax Increment Equivalent Fund shall be used (i) to make the payments to be made to the School District and the Vocational School District pursuant to the Tax Incentive Agreement and (ii) to finance the Public Improvements. Costs of the Public Improvements that may be paid with Service Payments include costs of and relating to the acquisition, construction, improvement, equipping and developing of the Public Improvements and to placing the same in service and to the financing thereof, including costs relating to the issuance of revenue bonds, notes or other obligations ("Bonds"), administrative costs and fees, credit enhancement costs and any costs associated with any refinancing or refunding of the Bonds (or of any refunding bonds). Pursuant to Revised Code Section 5709.75 and the Tax Incentive Agreement, the amount that

shall be paid to the School District and the Joint Vocational School District shall be equal to 100% of the real property taxes that the School District or Joint Vocational School District, as the case may be, would have received from the Further Improvements if they were not exempt from taxation pursuant to this Resolution.

**SECTION 6.**

That the Fiscal Officer is hereby directed to forward a copy of this Resolution to the County Auditor of Hamilton County and pursuant to section 5709.73(I), to forward a copy of this Resolution to the Director of the Ohio Department of Development ("Director") within fifteen (15) days after its adoption; and that, on or before March 31 of each year that the exemption referred to in Section 2 of this Resolution shall remain in effect, the Fiscal Officer or other authorized officer of this Township shall prepare and submit to the Director the status report required under that Section 5709.73(I).

**SECTION 7.**

That this Board hereby authorizes and directs the Trustees, or any of them, the Fiscal Officer, the Township Administrator, the Law Director or other appropriate officials of the Township to sign the Service Agreement, and such other agreements and instruments, as may be necessary or appropriate to implement this Resolution, subject in each case to the approval of that agreement or instrument by the Law Director, and to take any other actions as may be necessary or appropriate to that purpose.

**SECTION 8.**

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

**SECTION 9.**

That the requirement that this Resolution be read on two separate days is hereby dispensed.

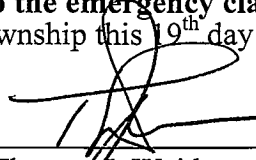
**SECTION 10.**

That this Resolution is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the Township. The reason for the emergency is the necessity to permit the Township to immediately proceed with and timely construct and/or finance the Public Improvements.

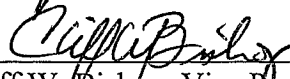
**VOTE RECORD:**

Mr. Bishop AYE Mr. Connor AYE Mr. Weidman AYE

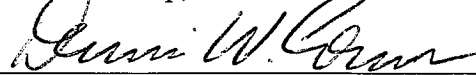
**Passed unanimously, including as to the emergency clause,** at a regular meeting of the Board of Township Trustees of Sycamore Township this 19<sup>th</sup> day of July, 2012.



Thomas J. Weidman, President



Cliff W. Bishop, Vice President



Dennis W. Connor, Trustee


**AUTHENTICATION**

This is to certify that this resolution was duly passed and filed with the Sycamore Township Fiscal Officer this 19<sup>th</sup> day of July, 2012.



Robert C. Porter III, Fiscal Officer  
Sycamore Township, Ohio

**APPROVED AS TO FORM:**

  
R. Douglas Miller, Law Director

## EXHIBIT A

### SURVEY OF ACREAGE PARCEL 5.2404 ACRES

Situate in the State of Ohio, County of Hamilton, Township of Sycamore, lying in Section 7, Township 4, Entire Range 1, Symmes Purchase, being part of Hamilton County Auditor Parcel Number 0600-0080-\_\_\_\_\_, further being part of Registered Land No. 198702 of the Hamilton County, Ohio, Registered Land Records, and being out of the tract conveyed as Parcel I to Kenwood Towers, LLC by deed of record in Official Record 9327, Page 903, of the Hamilton County Recorder's Office, being more particularly described as follows:

Beginning, for reference, at the southwesterly corner of Lot 1 of the subdivision plat entitled "Kenwood Village Block 'H'" of record in Plat Book 25, Pages 41 & 42, of the Registered Land Records of Hamilton County, Ohio, and in Plat Book 151, Pages 23 & 24, of the Hamilton County Recorder's Office, being in the northerly right-of-way line of Lynnfield Court (60') of record in Plat Book 128, Page 55 of the Hamilton County Recorder's Office, and Plat Book 17, Page 19, of the Registered Land Records of Hamilton County, Ohio, reference a 1 inch iron pipe found 0.44 feet west;

thence with said northerly right-of-way line, the following courses and distances;

South 89° 35' 00" West, (passing at 0.44 feet a 1 inch iron pipe found) a total distance of 150.01 feet to 5/8 inch rebar capped "SMITH" found;

South 00° 25' 00" East, a distance of 10.00 feet to a magnetic nail set; and

South 89° 35' 00" West, a distance of 329.98 feet to an iron pin set at the TRUE POINT OF BEGINNING;

thence South 89° 35' 00" West, with said northerly right-of-way line, a distance of 70.02 feet to a 3/4 inch iron pipe capped "DETTMER" found;

thence North 86° 57' 40" West, with the northerly line of Parcel 1 conveyed to Kenwood Olde Towne, LLC by deed of record in Official Record 9489, Page 672, a distance of 363.45 feet to a point referenced by a 5/8 inch rebar capped "SMITH" found (0.59 feet West), being in an easterly line of that 12.19 acre tract conveyed as Parcel 8995-WL to State of Ohio by deed of record in Deed Book 3675, Page 269, being the easterly limited access right-of-way line of State Route 71;

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thence with the easterly line of said Parcel 8995-WL, the easterly limited access right-of-way line of State Route 71, the following courses and distances:

North 14° 06' 35" East, a distance of 83.78 feet to a 1 inch iron pin found;

North 23° 55' 51" East, a distance of 164.83 feet to a point referenced by a 1 inch iron pin found (0.21 feet North and 0.31 feet West);

North 33° 55' 05" East, a distance of 386.04 feet to a point referenced by a 3/4 inch rebar found (0.68 feet North, 0.62 feet East);

North 46° 59' 03" East, a distance of 195.15 feet to a point referenced by a 1 inch iron pin found (0.21 feet South, 0.35 feet East);

North 01° 03' 14" West, a distance of 5.46 feet to a 5/8 inch rebar capped "SMITH" found at a southerly corner of that 1.4459 acre tract conveyed to 8020 Montgomery Cincinnati LLC by deed of record in Official Record 11260, Page 1046;

North 52° 12' 29" East, with the southeasterly line of said 1.4459 acre tract, a distance of 121.49 feet to a point;

thence across said Parcel I, the following courses and distances:

South 28° 08' 54" East, a distance of 60.42 feet to an iron pin set;

South 85° 40' 54" East, a distance of 21.16 feet to an iron pin set on the arc of a curve to the right;

with the arc of said curve to the right, having a central angle of 22° 38' 12", a radius of 20.00 feet, an arc length of 7.90 feet, a chord bearing and distance of South 43° 36' 30" East, 7.85 feet to an iron pin set at a point of reverse curvature;

with the arc of said curve to the right, having a central angle of 23° 49' 55", a radius of 181.50 feet, an arc length of 75.49 feet, a chord bearing and distance of South 44° 12' 21" East, 74.95 feet to an iron pin set;

South 19° 34' 07" West, a distance of 34.05 feet to an iron pin set;

South 44° 23' 43" West, a distance of 90.58 feet to an iron pin set;

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South 00° 25' 07" East, a distance of 112.62 feet to an iron pin set;

South 89° 34' 53" West, a distance of 84.84 feet to an iron pin set;

South 46° 35' 28" West, a distance of 82.26 feet to an iron pin set;

South 00° 25' 07" East, a distance of 403.22 feet to the TRUE POINT OF BEGINNING and containing 5.2404 acres of land, more or less.

The bearings herein are based on westerly line of Kenwood Village Block "H", a subdivision of record in Plat Book 25, Pages 41 & 42, of the Registered Land Records of Hamilton County, Ohio, and in Plat Book 151, Pages 23 & 24, of the Hamilton County Recorder's Office, having a bearing of North 0° 25' West.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

EVANS, MECHWART, HAMBLETON, & TILTON, INC.

Heather L. King  
Registered Surveyor No. 8307

HLK: tb/April 13, 2010  
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