

**SUGARCREEK TOWNSHIP, GREENE COUNTY, OHIO**

**RESOLUTION NO. 2016.11.02.02**

**AUTHORIZING AMENDING A  
PROPERTY TAX EXEMPTION GRANTED  
PURSUANT TO SECTION 5709.73  
OF THE OHIO REVISED CODE**

WHEREAS, this Board of Township Trustees (the "Board") of Sugarcreek Township (the "Township"), Greene County, Ohio previously adopted Resolution No. 2006-04-20-01 on April 20, 2006, attached hereto as Exhibit A, which declared certain improvements to parcels of real property located in Sugarcreek Township to be a public purpose under Section 5709.73 of the Ohio Revised Code and exempted seventy-five percent of such improvements from taxation for a period of ten years commencing January 1, 2010; and

WHEREAS, the State Tax Commissioner previously approved the exemption applications filed with respect to such parcels set forth on Exhibit B attached hereto; and

WHEREAS, exemption applications have not been filed for the parcels set forth on Exhibit C, attached hereto; and

WHEREAS, pursuant to Section 5709.73 of the Ohio Revised Code the Township issued its \$1,500,000 Tax Increment Revenue Note (Clyo Road Project) dated May 16, 2006 (the "2006 Notes"), which 2006 Notes were paid off in May 2007; and

WHEREAS, the Township issued its \$650,000 Certificates of Participation (Sugarcreek Township Clyo Road Improvement Project) on June 23, 2009, which were refinanced with the Township's \$470,000 Certificates of Participation (Sugarcreek Township Clyo Road Improvement Project) on June 22, 2010 which were refinanced with the Township's \$560,000 Certificates of Participation (Sugarcreek Township Clyo Road Improvement Project) on May 31, 2012 (the "2012 Obligations"); and

WHEREAS, the 2012 Obligations have been paid in full and are no longer outstanding; and

WHEREAS, the Township has determined it to be in the best interest of the Township to amend Resolution No. 2006-04-20-01 to remove the parcels listed on Exhibit C, attached hereto, from the Sugarcreek Township TIF, as defined in Resolution No. 2006-04-20-01; and

WHEREAS, the Township has provided notice to the Sugarcreek Local School District and the Greene County Career Center by letters dated October 18, 2016 of its intent to amend Resolution No. 2006-04-20-01.

NOW THEREFORE BE IT RESOLVED by the Board of Trustees of Sugarcreek Township, Greene County, Ohio:

**SECTION 1.** That this Board hereby determines that it will be in the best interest of the Township, its constituents and the property owners of the parcels set forth on Exhibit C attached hereto to amend Resolution No. 2006-04-20-01 and remove for those properties set forth on Exhibit C, attached hereto, from the Sugarcreek Township TIF. Exhibit A to Resolution No. 2006-04-20-01 is hereby amended and shall be as set forth in Exhibit B attached hereto.

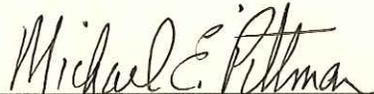
**SECTION 2.** That the real property tax exemptions granted by Resolution No. 2006-04-20-01, pursuant to Section 5709.73 of the Ohio Revised Code and approved by the State Tax Commissioner for parcels set forth on Exhibit B shall remain in effect pursuant to the terms of Resolution No. 2006-04-20-01 and the exemption applications approved by the State Tax Commissioner.

**SECTION 3.** That the Fiscal Officer is hereby directed to forward a certified copy of this Resolution to the Greene County Auditor and the Ohio Department of Development.

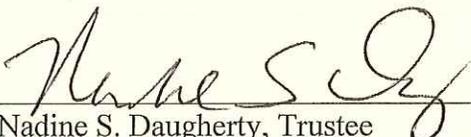
**SECTION 4.** That it is found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting at this Board, and that all deliberations of this Board and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with the law.

**SECTION 5.** That this Resolution shall take effect at the earliest date permitted by law.

ADOPTED: November 2, 2016.

  
\_\_\_\_\_  
Michael E. Pittman, Chairperson

  
\_\_\_\_\_  
Carolyn L. Destefani, Vice Chairperson

  
\_\_\_\_\_  
Nadine S. Daugherty, Trustee

  
\_\_\_\_\_  
Theodore L. Hodson, Fiscal Officer

**CERTIFICATE**

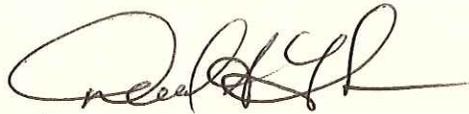
I hereby certify that the foregoing is a true and correct copy of a resolution adopted on the Second day of November, 2016, and that on November 02, 2016, I filed a certified copy of said resolution with the county auditor.



\_\_\_\_\_  
Fiscal Officer

**RECEIPT**

Received this day a certified copy of the foregoing resolution.



\_\_\_\_\_  
County Auditor, County of Greene, Ohio

Dated: 11/2, 2016

**EXHIBIT A**

Resolution No. 2006-04-20-01

06 APR 24 10:29

RESOLUTION NO. 2006-04-20-01

FILED

2006 APR 21 11:43  
SUGARCREEK TOWNSHIP  
GREEN COUNTY, OHIO

DECLARING IMPROVEMENTS TO PARCELS OF REAL PROPERTY  
LOCATED IN SUGARCREEK TOWNSHIP, OHIO, TO BE A PUBLIC PURPOSE  
UNDER SECTION 5709.73(B) OF THE OHIO REVISED CODE, EXEMPTING  
SUCH IMPROVEMENTS FROM REAL PROPERTY TAXATION,  
AUTHORIZING THE EXECUTION OF  
A SERVICE AGREEMENT AND SUCH OTHER DOCUMENTS AS MAY BE  
NECESSARY, ESTABLISHING A TAX INCREMENT EQUIVALENT FUND.

WHEREAS, Section 5709.73 et seq. of the Ohio Revised Code authorizes townships to participate in a financing technique commonly known as tax increment financing; and

WHEREAS, this Board wishes to use the authority granted pursuant to such Sections in connection with certain improvements in the Township in order to meet the public health, safety, welfare and convenience needs of the area, including new development and traffic capacity;

WHEREAS, notice has been given to the Sugarcreek Local School District of the consideration of a resolution providing for tax increment financing, as required by Section 5709.73 and 5709.83 of the Ohio Revised Code; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Sugarcreek Township, Greene County, State of Ohio, all members elected thereto concurring:

SECTION 1. That this Board hereby finds and declares that certain public improvements in the Township, to wit: the planning, design and construction of public street improvements including pavements, walkways, bike paths, traffic control devices and alterations to existing streets, including but not limited to widening and extending Clio Road; altering and improving the existing Possum Run Road; the extension and completion of Center Point Drive; the planning, design and construction of utilities including but not limited to water, sanitary sewers, storm water sewers and detention facilities; the preparation of plans for land use in the area; the creation or enhancement of buffer areas, recreation facilities and open areas necessary for ensuring the compatibility of adjacent land uses; the creation and/or enhancement of public service facilities and operations; and, the purchase of property rights of way and easements or other rights in property necessary for the completion of the Public Improvements listed above, are a public purpose and that those Public Improvements are necessary for the further development of the parcels of land described in Exhibit A attached to this Resolution (such parcels are hereinafter collectively referred to as the "Sugarcreek Township TIF"), but excluding any and all residential property located within Exhibit A, which parcels are located in the unincorporated area of the Township; for the creation of jobs; increasing property values, and the provision of adequate public services in Sugarcreek Township. The further development of the parcels in the Sugarcreek Township TIF will place direct additional demand on the Public Improvements.

SECTION 2. That, pursuant to Section 5709.73 of the Ohio Revised Code, further improvements to the parcels in the Sugarcreek Township TIF District occurring after the date of



this Resolution are exempt from real property taxation commencing on January 1, 2010, and ending on the earlier of (1) December 31, 2019, or (2) the date on which the specific public improvements as described in Section 1 above (the "Public Improvements") that will benefit the Sugarcreek Township TIF District are paid in full from the Tax Increment Equivalent Fund, as defined in Section 4 hereof, but in no case shall the Public Improvements be exempted from taxation for more than ten (10) years. It is hereby determined that (i) a portion of the Improvements shall be exempt from real property taxation, (ii) such portion shall be seventy-five percent (75%) of the assessed value of the Improvements, and (iii) the Public Improvements directly benefit, or once made will directly benefit, the Sugarcreek Township TIF District.

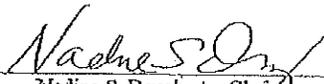
SECTION 3. That pursuant to Section 5709.74 of the Ohio Revised Code, the owner or the owners of the Improvements shall be required to make semi-annual service payments in lieu of taxes (the "Service Payments") to the Greene County Treasurer on or before the final dates for payment of real property taxes. This Board hereby expresses its intention and authorizes the Township Administrator to enter into such agreements as may be necessary and appropriate to assure the payment of such Service Payments.

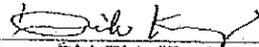
SECTION 4. That pursuant to Section 5709.75 of the Ohio Revised Code, there is hereby established the Sugarcreek Township Public Improvement Tax Increment Equivalent Fund (the "Tax Increment Equivalent Fund"), into which the Service Payments shall be deposited. Money in the Tax Increment Equivalent Fund shall be used to finance the Public Improvement and may be used to make payments to the Sugarcreek Local School District at the discretion of the Board of Township Trustees.

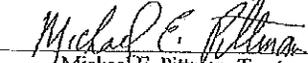
SECTION 5. That the Clerk is hereby directed to forward a copy of this Resolution to the County Auditor of Greene County and the State of Ohio Director of Development.

SECTION 6. That 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.

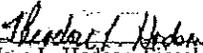
ADOPTED: April 20, 2006.

  
Nadine S. Daugherty, Chairperson

  
Dick King, Vice Chairperson

  
Michael E. Pittman, Trustee

Attest:

  
\_\_\_\_\_  
Theodore L. Hodson, Fiscal Officer

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EXHIBIT A

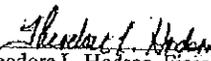
Sugarcreek Township TIF District

Subject property is located within Sugarcreek Township, Greene County, Ohio and is identified by the Greene County Auditor by the following parcel numbers:

L32000100020000100, L32000100020000200, L32000100020007200, L32000100020008100,  
L32000100020006800, L32000100020008000, L32000100020007800, L32000100020007900,  
L32000100020007700, L32000100020000300, L32000100020007400, L32000100020007500,  
L32000100020007600, L32000100020005100, L32000100030000800, L32000100030001500,  
L32000100030013700, L32000100030013600, L32000100030015600, L32000100030014800,  
L32000100030013500, L32000100030014900, L32000100030019300, L32000100030015800,  
L32000100030015700, L32000100030015500, and L32000100030021500

CERTIFICATE

The undersigned hereby certifies that the foregoing is a true and correct copy of Resolution No. 2006-04-05-01

  
Theodore L. Hodson, Fiscal Officer

CERTIFICATE

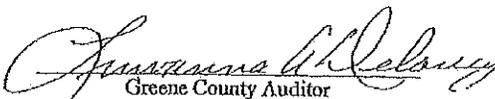
The undersigned hereby certifies that a copy of the foregoing Resolution was certified this day to the Greene County Auditor.

  
Theodore L. Hodson, Fiscal Officer

Dated: April 20, 2006

RECEIPT

The undersigned hereby acknowledges receipt of a certified copy of the foregoing Resolution.

  
Greene County Auditor

Dated: 4-21, 2006

FROM:

04-03-06103:30PM

EX 244-11421  
#III

IN WITNESS WHEREOF, the said ROBERT PATTERSON and ISABEL  
CARVER PATTERSON, his wife, who hereby releases her right and  
expectancy of dower in said premises, have hereunto set their hands  
as of the 6th day of OCTOBER, 1953.

Signed and acknowledged by  
said Robert Patterson in the  
presence of:

Robert Patterson  
Robert Patterson

Robert R. ...  
Walter E. ...

Signed and acknowledged by  
said Isabel Carver Patterson  
in the presence of:

Isabel Carver Patterson  
Isabel Carver Patterson

Walter E. ...  
Charles J. ...

STATE OF OHIO,           SS:  
COUNTY OF MONTGOMERY,

On this 6th day of OCTOBER, 1953, before me, a  
Notary Public in and for Montgomery County, Ohio, personally came

- 3 -

ROBERT PATTERSON, the Grantor in the foregoing deed, and acknowledged  
the signing thereof to be his voluntary act and deed.



WITNESS my official signature and seal on the day last  
before mentioned.

Robert Patterson  
Notary Public, Montgomery County,  
Ohio.

My Commission Expires June 30, 1955

STATE OF ARIZONA,           SS:  
COUNTY OF PIMA

On this 6th day of OCTOBER, 1953, before me, a  
Notary Public in and for Pima County, Arizona,  
personally came ISABEL CARVER PATTERSON, and acknowledged the signing  
thereof to be her voluntary act and deed.

FROM:

01-01-06:03:30PM

WE 244-10422

WITNESS my personal appearance and seal on this day last  
made.

*Michael J. ...*  
Notary Public  
County, Arizock  
My Commission expires 1/1/54

Notarized July 6, 1953  
Received June 6, 1953 10:54 AM  
Recorded June 11, 1953  
Recorder's Fee 2.00 W.D. ...  
Notary

67655  
APPENDIX

STATE OF OHIO  
MONTGOMERY COUNTY

Oscar H. Gilmer, being first duly summoned and sworn, deposes and says that by deed dated March 4, 1910, filed March 23, 1910, and recorded in Deed Book 169, page 372 of the Deed Records of Greene County, Ohio, he and his wife, Grace H. Gilmer, were the grantors, and which said deed was executed and delivered by Vera Sokolov, unmarried, and now deceased, for 238.51 acres of land situate in the Township of Sugar Creek, County of Greene and State of Ohio, and being a part of Military Survey No. 36101. That in said deed by reason of error or omission the date that the returned document was taken by the Notary Public was omitted therefrom and this Affidavit under oath says that the date that said acknowledgment was taken was on the same date and at the same time that said deed was executed and delivered, to-wit: March 4, 1910; that this Affidavit is given to correct said error of omission and further Affidavit saith naught.

*Oscar H. Gilmer*

Sworn to and subscribed before me by the said Oscar H. Gilmer, this 6th day of November, A. D. 1953.

*Paul ...*  
Notary Public in and for  
Montgomery County, Ohio  
CANTON, OHIO, My Comm. Exp.  
1-1-54



*W.D. ...*

Approved: \_\_\_\_\_  
Notary

FROM:

04-03-08;03:30PM;

3-13-2000 (007, 2100, 100, 400, 500)

vs. 285 nab20 28265

# Know all Men by these Presents

That Paul M. Brown and Gladys H. Brown, husband and wife,

*is on the annexation map*

in consideration of One Dollar and other considerations

do hereby sell to Billie Laboratories Corporation,

the receipt whereof is hereby acknowledged hereby Grant, Virginia, Bill and Company for the said Billie Laboratories Corporation

As successors *recovered and maintained*

the following described real estate, to-wit: Situate in Section 9, Towa 2, Range 6 N&E, in Superior Township, Greene County, State of Ohio, bounded and more particularly described as follows:

Beginning at an iron pin located N. 19° 20' E. a distance of 1019.53 feet from the Northwest corner of an 80 (more or less) acre tract conveyed to the Billie Laboratories Corporation by deed as recorded in Volume 214, Page 419 of the Deed Records of Greene County, Ohio, said corner also being the Northwest corner of the Paul M. Brown and Gladys H. Brown 85.26 acre tract as recorded in Volume 188, Page 3 of the Deed Records of Greene County, Ohio, and also being the North line of said Section 9 and 4.50 feet South of the center line of the traveled roadway of Brown Road; thence from said point of beginning N. 88° 20' E. a distance of 875.37 feet to an iron pin; thence S. 2° 18' 30" E. a distance of 159.97 feet to an iron pin; thence S. 61° 26' E. a distance of 300.66 feet to an iron pin on the North line of a 17.11 acre tract conveyed to the Billie Laboratories Corporation by deed as recorded in Volume 214, Page 419 of the Deed Records of Greene County, Ohio; thence with the South line of said tract S. 48° 40' 20" E. a distance of 1157.20 feet to an iron pin; thence N. 10° 21' 20" E. a distance of 124.26 feet to the place of beginning, containing 7.463 acres, more or less, subject however to all legal highways and easements of record.

Deed Reference: Volume 188, Page 3, Deed Records of Greene County, Ohio.



FROM:

04-03-08:03:30PM

for 285 no 622

In Witness Whereof, I have signed this instrument at the City and County of San Diego, California, on this 17th day of July, 1957, at the year of our Lord one thousand nine hundred and fifty-seven.

Signed and acknowledged in presence of  
Charles Brown Paul W. Brown  
Gladys H. Brown

State of Calif, County of San Diego, ss.  
I, Charles Brown, Notary Public,  
do hereby certify that on this 17th day of July,  
1957, in the year of our Lord one thousand nine hundred  
and fifty-seven, before me, the undersigned a Notary Public,  
in and for said county, personally came Paul W. Brown and Gladys H. Brown,  
husband and wife,

the genuineness of the foregoing facts, and acknowledged the signing  
thereof to be their voluntary act and deed.

In Testimony Whereof, I have hereunto subscribed  
my name and official seal on the day and year last aforesaid.  
Charles Brown  
Notary Public

THIS INSTRUMENT PREPARED  
BY W. A. SUNDAY

Transferred July 22, 1957  
Received July 22, 1957  
Recorded July 22, 1957  
Recorder's Fee 1.00





EXHIBIT B

Exempted Parcels

Parcel ID

L32000100020007200  
L32000100020007201  
L32000100020008100  
L32000100020008101  
L32000100020008400  
L32000100020008401  
L49000100010000201  
L49000100010000202  
L49000100010000300  
L49000100010000301  
L49000100010000500  
L49000100010000600  
L49000100010000700  
L49000100010000800  
L49000100010001200  
L49000100010001900  
L49000100010001901  
L49000100010002000  
L49000100010002001  
L49000100010002100  
L49000100010001201  
L49000100010003200  
L49000100010003100  
L49000100010003300  
L49000100010003400  
L49000100010002400  
L49000100010002300  
L49000100010002200  
L49000100010002900  
L49000100010002500  
L49000100010002600  
L49000100010002700

EXHIBIT C

Parcels to be removed from the Sugarcreek Township TIF.

Parcel ID

L32000100020000100  
L32000100020000200  
L32000100020000300  
L32000100020005100  
L32000100020006800  
L32000100020007400  
L32000100020007500  
L32000100020007600  
L32000100020007700  
L32000100020007800  
L32000100020007900  
L32000100020008000  
L32000100030000800  
L32000100030001500  
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L49000100010000200