

SUGARCREEK TOWNSHIP, GREENE COUNTY, OHIO

RESOLUTION NO. 2016.11.02.01

**AUTHORIZING TERMINATION OF
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, pursuant to Section 5709.74 of the Ohio Revised Code the Township required owners of those exempted parcels to make service payments in lieu of taxes for seventy-five percent of the increases in value of the property after the date of Resolution No. 2006-04-20-01; and

WHEREAS, pursuant to Section 5709.75 of the Ohio Revised Code the Township created the Sugarcreek Township Public Improvement Tax Increment Equivalent Fund (the "TIF Fund") into which the service payments are deposited; 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, on May 26, 2006, annexation proceedings were commenced by certain property owners to annex certain of the exempted parcels included in Exhibits A and B into the City of Centerville, Ohio (the "City"); and

WHEREAS, those parcels have been annexed into the City; and

WHEREAS, the Township and the City have been parties to several legal matters involving such annexation for the past ten years; and

WHEREAS, as part of a settlement agreement for these legal matters the Township has agreed to terminate the property tax exemption granted pursuant to Resolution No 2006-04-20-01 and Section 5709.73 of the Ohio Revised Code for certain parcels identified on Exhibit C attached hereto.

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 terminate the property tax exemption granted pursuant to Resolution No. 2006-04-20-01 and Section 5709.73 of the Ohio Revised Code for those properties set forth on Exhibit C, attached hereto.

SECTION 2. That the Fiscal Officer is hereby authorized and directed to notify the Greene County Auditor and the State Tax Commissioner that such exemptions should be terminated for the identified parcels, commencing with tax year 2016 collection year 2017.

SECTION 3. That the Fiscal Officer is further authorized and directed to give notice of the termination of such real property tax exemptions to the affected property owners and the Sugarcreek Local School District.

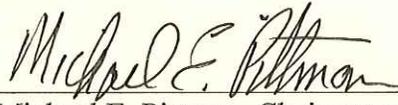
SECTION 4. That the real property tax exemptions granted by Resolution No. 2006-04-20-01, pursuant to Section 5709.73 of the Ohio Revised Code and approved by the State Tax Commissioner for parcels not included on Exhibit C shall remain in effect pursuant to the terms of the original exemption.

SECTION 5. That the Fiscal Officer is hereby directed to forward a certified copy of this Resolution to the Greene County Auditor.

SECTION 6. 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 7. That this Resolution shall take effect at the earliest date permitted by law.

ADOPTED: November 2, 2016.



Michael E. Pittman, Chairperson

Carolyn L. Destefani
Carolyn L. Destefani, Vice Chairperson

Nadine S. Daugherty
Nadine S. Daugherty, Trustee

Theodore L. Hodson
Theodore L. Hodson, Fiscal Officer

CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of a resolution adopted on the 2nd day of Novemebr, 2016, and that on November 02, 2016, I filed a certified copy of said resolution with the county auditor.

Theodore L. Hodson
Fiscal Officer

RECEIPT

Received this day a certified copy of the foregoing resolution.

[Signature]
County Auditor, County of Greene, Ohio

Dated: 11/2, 2016

EXHIBIT A

Resolution No. 2006-04-20-01

06 APR 24 10:33

RESOLUTION NO. 2006-04-20-01

FILED

2006 APR 21 12:43

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.

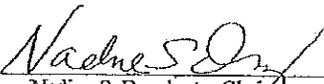
SECTION 3. That pursuant to Section 5709.74 of the Ohio Revised Code, the owner or the owners of the Improvements shall be required to make semi-annual service payments in lieu of taxes (the "Service Payments") to the Greene County Treasurer on or before the final dates for payment of real property taxes. 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.

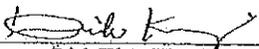
SECTION 4. That pursuant to Section 5709.75 of the Ohio Revised Code, there is hereby established the Sugarcreek Township Public Improvement Tax Increment Equivalent Fund (the "Tax Increment Equivalent Fund"), into which the Service Payments shall be deposited. Money in the Tax Increment Equivalent Fund 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.

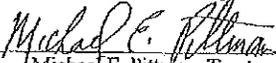
SECTION 5. That the Clerk is hereby directed to forward a copy of this Resolution to the County Auditor of Greene County and the State of Ohio Director of Development.

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.

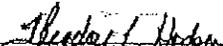
ADOPTED: April 20, 2006.


Nadine S. Daugherty, Chairperson


Dick King, Vice Chairperson


Michael E. Pittman, Trustee

Attest:



Theodore L. Hodson, Fiscal Officer



EXHIBIT A

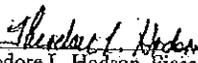
Sugarcreek Township TIF District

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

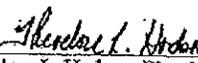
CERTIFICATE

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

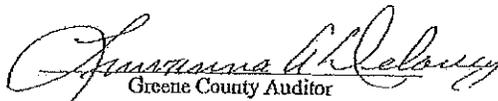
The undersigned hereby certifies that a copy of the foregoing Resolution was certified this day to the Greene County Auditor.


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:

64-93-66103:30PM

EX 244 711421
#111

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 heretofore 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

John R. ...
Walter E. ...

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

Isabel Carver Patterson
Isabel Carver Patterson

Robert L. ...
Walter E. ...

STATE OF OHIO,
COUNTY OF MONTGOMERY, ss:

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, 1954

STATE OF ARIZONA,
COUNTY OF PIMA, ss:

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:

04-02-06:00:30/AM

WE 244 via 422

Witness, or Notary, or Agent, had read on the day last past.

Walter P. ...
 Notary Public
 for Hamilton County, Ohio
 My Commission expires 1/1/54

Witnessed and sealed this 6th day of November, 1953.

Received *John E. ...*
 Recorded *John E. ...*
 Recorder's Fee *...*

07655
ATTEST

STATE OF OHIO
HAMILTON COUNTY

OSCAR H. BRIMMER, being first duly qualified and sworn, deposes and says that by deed dated March 4, 1910, filed March 13, 1940, and recorded in Deed Book 169, page 372 of the Deed Records of Greene County, Ohio, he and his wife, Susan M. Brimmer, were the grantors, and which said deed was executed and delivered by Nora Schrock, unmarried, and now deceased, for 1 1/2 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. 3610; that in said deed by reason of error or omission the date that the record deed was taken by the Notary Public was omitted therefrom and this Affidavit deposes and says that the date 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 recites as follows:

Oscar H. Brimmer

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

Paul ...
 Notary Public in and for
 Hamilton County, Ohio
 My Commission Expires ...



W.P.B.

Witnessed and sealed this ... day of ... 1953.

From:

04-03-06:03:30PM

via 285 mar 621



Handwritten note in a cloud shape: "#33 on annexation map"

and all the Estate, Title and Interest of the said Paul H. Brown and Gladys H. Brown

shall be given in Equity of, in and to the said parties; Together with all the privileges and appurtenances to the same belonging and all the same and profits thereon; To have and to hold the same to the only proper use of the said Dilla Laboratories Corporation,

its successors, executors, administrators, assigns and assigns hereof; And the said Paul H. Brown and Gladys H. Brown

do hereby Covenant with the said Dilla Laboratories Corporation

that they are the true and lawful owners of the said premises and have full power to convey the same and that the title to the same is Clear, Free and Unincumbered; And further, that they do warrant and will defend the same against all claims of all persons whatsoever; Excepting all taxes and assessments due and payable in December, 1957 and thereafter, which said taxes and assessments said Dilla Laboratories and agrees to pay as part of the consideration for this conveyance.

FROM:

04-03-06:03:20PM

Vol 285 pg 622

In Witness Whereof, the said Paul M. Brown and Gladys H. Brown, husband and wife,

... their hands and seals this 27th day of July in the year of our Lord one thousand nine hundred fifty-seven.

Signed and acknowledged in presence of: Charles H. Brown Paul M. Brown

Gladys H. Brown Gladys H. Brown

State of Ohio, County of Cuyahoga, City of Cleveland, Ohio. I, Charles H. Brown, Notary Public in and for said county, personally saw Paul M. Brown and Gladys H. Brown, husband and wife,

the grantors in the foregoing deed, and acknowledged the signing thereof to be their voluntary act and deed.

In Testimony Whereof, I have hereunto subscribed my name and official Notarial Seal at the city and year last aforesaid. Charles H. Brown, Notary Public

This instrument prepared by W. A. Sanner, Dayton, O.

Transferred July 27, 1957
Received July 27, 1957
Recorded July 27, 1957
Recorder's Fee \$1.00

FROM:

04-03-06:03:30PM

44320001 000 20000 000 (14) on 04/03/06

WARRANTY DEED, MAY FORM, MAY BE USED IN ANY STATE

21111

Know All Men by These Presents

That Paul W. Brown and Gladys H. Brown, (husband and wife),

of the County of Greene, Ohio,

do hereby certify that One Dollar (\$1.00) and other good and valuable considerations,

in and to be paid by Dille Laboratories Corporation,

whose address is 393 W. First Street, Dayton, Ohio,

to the said Dille Laboratories Corporation,

its successors and assigns forever, the following described Real Estate,

Situated in the State of Ohio, County of Greene, Township of Sugar Creek, and being a part of Section 9, Township 9, Range 6.

Being more fully described as follows: Beginning at an iron pin at the northeast corner of a 7.463 acre tract transferred to Dille Lab. by Paul W. & Gladys Brown; thence N 12° 23' E, 41.9 feet to an iron pin; thence N 66° 03' E, 1881.5 feet to another iron pin; thence N 0° 03' E, 304.1 feet to an iron pin; thence S 80° 46' E, 317 feet to an iron post in a creek and northwest corner to a 10.0 acre tract; thence S 0° 10' E, 715 feet along the west line of said 10.0 acre tract to an iron pin at the southwest corner of said 10.0 acre tract; thence S 66° 41' W, 653 feet to an iron pin, a curve to said 7.463 acre tract; thence S 61° 26' W, 301.26 feet along said 7.463 acre tract to an iron pin; thence N 2° 04' W, 199.97 feet along said 7.463 acre tract to an iron pin; thence S 86° 10' W, 875.37 feet along said 7.463 acre tract to the point of beginning, containing eleven and thirty-one hundredths (11 31/100) acres of land, be in the same more or less.

The above described tract being a part of a 85.26 acres tract transferred to Paul W. & Gladys H. Brown by Euse B. Brown and recorded in Volume 185, Page 3 of the Deed Records of Greene County, Ohio.



we, the said Estate, Right, Title and Interest of the said grantors in and to said premises to have and to hold the same, with all the privileges and appurtenances thereto in anywise, to and for the use and enjoyment forever. And the said Paul W. Brown and Gladys H. Brown

do hereby Covenant and Warranty that the title conveyed is Clear, Free and Unincumbered, and that they will defend the same against all lawful claims of all persons whatsoever, excepting taxes and assessments which come due and payable after the December, 1959 installment thereof.

Witness my hand and seal of my office this 3rd day of April, 1959.

In Witness Whereof, as said Paul W. Brown

and Gladys H. Brown, Notary Public in and for the State of Ohio, do hereby certify that on this 3rd day of April, 1959, at the City of Dayton, Ohio, the within and foregoing was read and explained in presence of us:

Witness my hand and seal of my office this 3rd day of April, 1959. Paul W. Brown, Gladys H. Brown

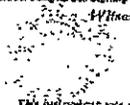
FROM:

04-03-08;03:20PM

in 318 records.
 State of Ohio, Montgomery County, ss.
 On the 1st day of April, 1960, before me, Notary Public,
 known for said County, personally came Paul W. Brown and Gladys H. Brown.

Handwritten: #36 on annexation map

Who confirm in the foregoing that, and acknowledge the signing thereof to be their voluntary act and deed.
 Witness my official signature and seal on the day last above mentioned.



Signature: James W. Beck
 Notary Public

This instrument was prepared by James W. Brown, Attorney at Law,
 1000 N. High Street, Columbus, Ohio
 by instrument dated March 30, 1960

Transcribed *Apr 18 1960*
 Received *Apr 18 1960*
 Recorded *Apr 21 1960*
 Recorder's Seal *Paul W. Brown, Notary Public*

Know all Men by these Presents

That Robert E. Murrain, married, the grantor,
 of Adams County, Ohio,

in consideration of one dollar (\$1.00) and other valuable considerations

to him and wife, the grantees, *paid by* Paul Strunk and Evelyn F. Strunk, husband and wife, the grantors,
 of Adams County, Ohio,

the receipt whereof is hereby acknowledged, *Acquiesce Grant, Murrain*
 Sell and convey with covenants Paul Strunk and Evelyn F. Strunk, jointly, their heirs and assigns, and to the survivors of them, his or her respective heirs and assigns, forever

the following described property:

Situate in the city of Fairport, in the County of Adams and State of Ohio.
 Being Lot Numbered Two thousand Nine hundred Twenty-four of the Cooperative Subdivision of Lots in the recorded plat of Maple Heights, Section One, as recorded in Volume 2, page 135 and 137, of the Fair Records of Adams County, Ohio.
 Subject to all covenants, restrictions, easements and legal rights of record.

Being the same premises conveyed by Warranty Deed from Edward James Fincher and Emma G. Fincher, husband and wife, to Robert E. Murrain, the grantor herein, dated January 6, 1954, and recorded in Volume 221, page 103, of the Deed Records of Adams County, Ohio.



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 for which real property tax exemption is to be terminated.

Parcel ID

L49000100010000201
L49000100010000202
L49000100010000300
L49000100010000301
L49000100010000500
L49000100010000600
L49000100010000700
L49000100010000800
L49000100010001200
L49000100010001900
L49000100010001901
L49000100010002000
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L49000100010002400
L49000100010002300
L49000100010002200
L49000100010002900
L49000100010002500
L49000100010002600
L49000100010002700