



**SUGARCREEK TOWNSHIP
RESOLUTION NO. 2024.08.05.03**

IN RE: 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. 2016-11-02-01 on November 2, 2016, attached hereto as Exhibit A, which intended to terminate a property tax exemption granted pursuant to Section 5709.73 of the Ohio Revised Code; and,

WHEREAS, as set forth in Resolution No. 2016-11-02-01, the Board previously adopted Resolution No. 2006-04-20-01 on April 20, 2006, attached to 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 response to such parcels; 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 from 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 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 the exhibits to Exhibit A into the City of Centerville, Ohio (the "City"); and

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

WHEREAS, the Township and the City had been parties to legal matters involving such annexation; and

WHEREAS, as part of the settlement agreement for those legal matters, the Township had agreed to terminate the property tax exemption granted pursuant to Resolution No. 20604-20-01 and Section 5709.73 of the Ohio Revised Code for certain parcels identified on Exhibit C of Resolution No. 2016-11-02-01; and

WHEREAS, on November 2, 2016, the Township adopted Resolution No. 2016-11-02-01, Exhibit A, intending to rescind Resolution No. 2006-04-20-01; and

WHEREAS, it was just recently discovered that the parcel numbers referenced in Resolution No. 2016-11-02-01 had changed due to subsequent replating of the annexed property, and as such the parcels for the Cornerstone Park, identified as parcel numbers set out in Exhibit B, were not released from the TIF exemption; and

WHEREAS, as a result of such parcel number changes, both the Township, and subsequently, the County failed to accurately account for the termination of the property tax exemption granted to certain parcels intended to be released, which for all intents and purposes has been treated as having been released by the County Auditor; and

WHEREAS, it was always the intent of the Township after the settlement of the litigation to rescind the TIF as to all of the City annexed property, including the Cornerstone Park; and

WHEREAS, the Township with this resolution intends to abide by the Settlement Agreement and record the termination as to the correct parcels, which include the Cornerstone Park, in order to remove such designation as to the updated parcel numbers; and

WHEREAS, the parcels that should have been included to be released are set forth on Exhibit B, attached and incorporated herein.

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

SECTION 1. That this Board hereby already determined that it was in the best interests of the Township, its constituents and the property owners of the parcels set forth on the attachments to Exhibit A 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 originally on Exhibit C to said Resolution, which was previously adopted by Resolution No. 2016-11-02-01, which should have included the parcels set forth on Exhibit B.

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 have been terminated for the identified parcels immediately.

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

SECTION 5. That it is found and determined that all formal actions for 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 6. That this resolution shall take effect at the earliest date permitted by law.

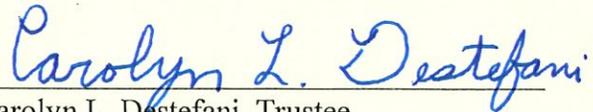
ADOPTED:



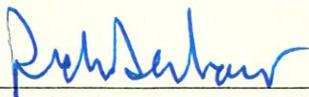
Marvin Moeller, Chairperson



Fred Cramer, Vice Chairperson



Carolyn L. Destefani, Trustee



Richard J. Demko, Fiscal Officer