

ORDINANCE NO. 2025-10

Introduced by Joe Dike

AN ORDINANCE TO ESTABLISH AN INCENTIVE DISTRICT ENCOMPASSING A CERTAIN PARCEL OF REAL PROPERTY IN THE CITY; DECLARING IMPROVEMENTS TO A CERTAIN PARCEL OF REAL PROPERTY WITHIN THE INCENTIVE DISTRICT TO BE A PUBLIC PURPOSE; IDENTIFYING CERTAIN PUBLIC INFRASTRUCTURE IMPROVEMENTS MADE, TO BE MADE, IN THE PROCESS OF BEING MADE, OR THAT ONCE MADE, WILL BENEFIT OR SERVE THE PARCEL IN THE INCENTIVE DISTRICT; REQUIRING THE OWNERS OF THE PARCEL TO MAKE SERVICE PAYMENTS IN LIEU OF REAL PROPERTY TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS; APPROVING RELATED MATTERS AND DECLARING AN EMERGENCY.

WHEREAS, the City of Huron, Ohio (the “City”) is the fee owner of a certain parcel of real property located within the City, as identified more particularly as Exhibit A attached hereto (the “Project Site” with each parcel comprising the Project Site being referred to herein individually as a “Parcel”); and

WHEREAS, the City has identified the Project Site as a vacant portion of real property within the City and has prepared a strategy to foster development and redevelopment along the City’s shoreline in an area of the City more commonly known as the “ConAgra Site”, all in order to encourage, by one or more prospective developers, the new construction of what is expected to include a mix of one or more residential dwelling unit applications, including, but not limited to, approximately one hundred (100) or more townhomes, condominium units, or single-family dwelling units, as may be further determined by one or more Development Agreements or other agreements to be executed between the City and one or more developers from time to time (collectively, the “Project”); and

WHEREAS, the City desires for one or more future developers to construct the Project upon what is currently vacant real property within the City and further anticipates that certain “public infrastructure improvements” (as defined under Ohio Revised Code Section 5709.40(A)(8)) must be constructed in order to support the economic viability of the Project as more fully described on Exhibit B attached hereto and incorporated herein by this reference; and

WHEREAS, pursuant to Ohio Revised Code Section 5709.40(B), this Council of the City (the “Council”) approved Ordinance No. 2011-33 on November 8, 2011 (the “Original TIF Ordinance”) authorizing an exemption from real property taxation equal to One Hundred Percent (100%) of the “improvements” (as defined by the Original TIF Ordinance) to parcels of real property (identified by Exhibit A to the Original TIF Ordinance) in the City for a period of thirty (30) years (the “Original TIF Exemption”); and

WHEREAS, the Parcel comprising the proposed Incentive District (as defined below and described on Exhibit A attached hereto and incorporated herein) is located within the City and the Incentive District is (i) not more than three hundred (300) total acres in size, (ii) enclosed by a continuous boundary, and (iii) pursuant to Ordinance No. 2024-51 approved by this Council on November 26, 2024 (the “Nonperforming Parcel Ordinance”), the Original TIF Exemption applicable to the Parcel authorized under the Original TIF Ordinance and Ohio Revised Code Section 5709.40(B) was terminated from and after tax lien date January 1, 2025 pursuant to this Council’s declaration that the Parcel is a “nonperforming parcel” under Ohio Revised Code Section 5709.40(A)(9); and

WHEREAS, as a result of the Nonperforming Parcel Ordinance, the Parcel is not currently subject to another real property tax exemption authorized pursuant to Ohio Revised Code Section 5709.40(B) nor

included within an existing incentive district established under Ohio Revised Code Section 5709.40(C), and may be included within a subsequent incentive district established under Ohio Revised Code Section 5709.40(C) and this Ordinance; and

WHEREAS, Ohio Revised Code Sections 5709.40, 5709.42, 5709.43, 5709.82 and 5709.83 (the “TIF Statute”) provide that this Council may, under certain circumstances, (i) establish one or more incentive districts within the City, and declare the Improvements (as defined below) to real property located within those incentive districts, to be a public purpose, (ii) exempt a percentage of such Improvements from real property taxation, (iii) identify certain public infrastructure improvements made, to be made, in the process of being made, or that once made, will benefit or serve that real property, (iv) identify one or more specific projects being, or to be, undertaken in the incentive district that place additional demand on the designated public infrastructure improvements, (v) require payments in lieu of real property taxes by the owners of the real property, and (vi) establish a public improvement tax increment equivalent fund and accounts and subaccounts therein; and

WHEREAS, pursuant to the TIF Statute, the boundaries of the Incentive District are coextensive with the boundaries of, and will include only, the respective portions of the Parcel comprising the Project Site, as specifically identified and depicted by Exhibit A attached hereto and incorporated herein; and

WHEREAS, the Public Infrastructure Improvements described by Exhibit B attached hereto and incorporated herein will benefit or serve the Parcel comprising the Incentive District, and as required by Ohio Revised Code Section 5709.40(C)(3)(a), this Council has determined that the Project will place additional demand on the Public Infrastructure Improvements to be located at the Project Site and within the Incentive District; and

WHEREAS, as required by Ohio Revised Section 5709.40(A)(5)(f), this Council has approved a written Economic Development Plan (the “Plan”) with respect to the Incentive District and delineated an “overlay” (as defined by Ohio Revised Code Section 5709.40(A)(6)) upon a map of the proposed Incentive District pursuant to its adoption of Resolution No. 17-2025 adopted on February 11, 2025; and

WHEREAS, as required by Ohio Revised Code Section 5709.40(A)(5)(f), the person or entity acting as engineer for the City, has certified, effective February 4, 2025, that the public infrastructure serving the Incentive District is inadequate to meet the development needs of the Incentive District, all as further evidenced by the Plan; and

WHEREAS, pursuant to Ohio Revised Code Section 5709.40(C)(2)(a), the City held a public hearing on April 8, 2025, which such public hearing occurred not later than thirty (30) days prior to the date on which this Council considered formal adoption of this Ordinance, notice of the public hearing was sent by first-class mail to each owner of each Parcel to be located within the boundaries of the proposed Incentive District not later than thirty (30) days prior to the public hearing, and this Council has not received written request for any Parcel to be excluded from inclusion in any Incentive District from any owner pursuant to Ohio Revised Code Section 5709.40(C)(2)(a); and

WHEREAS, under Ohio Revised Code Section 5709.42, this Council has determined to require the owner or owners of each Parcel comprising the Project Site within the Incentive District, together with their successors and assigns (each an “Owner”, and collectively the “Owners”), to make service payments in lieu of real property taxes on the portion of the Improvements exempted from real property taxation pursuant to this Ordinance; and

WHEREAS, the Parcel is located within the boundaries of the Huron City School District and the E-HOVE Joint Vocational School District (the "City School District" and the "JVSD" respectively, and together, the "School Districts"); and

WHEREAS, the Board of Education of the City School District, by its passage of Resolution No. 21-0132 on December 21, 2021, has (i) approved an exemption from real property taxation under the TIF Statute at a rate of up to One Hundred Percent (100%) for a period of not more than thirty (30) years, (ii) waived any further requirements of the TIF Statute, including but not limited to, the application of Ohio Revised Code Section 5709.82 and the notice requirements of Ohio Revised Code Section 5709.40 and 5709.83, and (iii) approved the School Compensation Agreement entered into between the City and the City School District (as approved by this Council pursuant to Resolution No. 12-2022 on January 11, 2022); provided, that the terms of this Ordinance reflect the School Compensation Agreement; and

WHEREAS, the Board of Education of the JVSD, by its approval at its Board Meeting held on January 12, 2022, has (i) waived any further requirements of the TIF Statute, including but not limited to, the application of Ohio Revised Code Section 5709.82 and the notice requirements of Ohio Revised Code Section 5709.40 and 5709.83 and (ii) approved the E-HOVE School Compensation Agreement entered into between the City and the JVSD (as approved by this Council pursuant to Resolution No. 13-2022 on January 11, 2022); provided, that the terms of this Ordinance reflect the E-HOVE Compensation Agreement; and

WHEREAS, pursuant to Ohio Revised Code Section 5709.40(E)(1), the City sent notice of this Council's intention to adopt this Ordinance to the Board of Commissioners of Erie County, Ohio not later than forty-five (45) business prior to the adoption of this Ordinance and this Council hereby ratifies the giving of such notice by the City; and

WHEREAS, this Council finds the Project in the best interests of the City with respect to the City's desire to encourage the new construction of single family dwelling units upon currently vacant real property in the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON:

SECTION 1. This Council hereby establishes the ConAgra Incentive District, which shall consist of the Parcel comprising the Project Site (the "Incentive District"), which such boundaries of the Incentive District are depicted on Exhibit A hereto and incorporated herein. Pursuant to Ohio Revised Code Section 5709.40(C), this Council finds and determines that it is in the best interest of the City to declare the increase in the assessed value of each Parcel comprising the Project Site within the Incentive District after the effective date of this Ordinance (the "Improvements") to be a public purpose and to authorize an exemption from real property taxation equal to One Hundred Percent (100%) of such Improvements (the "TIF Exemption"). The TIF Exemption shall commence on the earlier of [(i) the first tax year following the effective date of this Ordinance for which Improvements attributable to the construction of one or more structures within the boundaries of the Incentive District are completed and first appear on the tax list and duplicate of real and public utility property within the boundaries of the Incentive District or (ii) tax year 2028 (the "Commencement Date")]. The TIF Exemption shall end on the earlier of (i) thirty (30) years after the Commencement Date or (ii) the date on which the Public Infrastructure Improvements are paid in full and the City can no longer require Service Payments from the Owners, all in accordance with the requirements of the TIF Statute.

SECTION 2. Pursuant to Ohio Revised Code Section 5709.42, this Council directs and requires each Owner of each Parcel comprising the Project Site included within the Incentive District to make annual service payments in lieu of real property taxes with respect to the Improvements allocable to each Parcel to the County Treasurer of Erie County, Ohio (the "County Treasurer") on or before the final dates for payment of real property taxes. Service payments in lieu of real property taxes, including any penalties and interest at the then current rate established under Ohio Revised Code Sections 323.121 and 5703.47, will be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the Improvements if they were not subject to the TIF Exemption authorized by this Ordinance. Such service payments in lieu of real property taxes, penalties and interest, and any other payments with respect to the Improvements that are received by the County Treasurer in connection with the reduction required by Ohio Revised Code Sections 319.302, 321.24, 323.152 and 323.156, as the same may be amended from time to time, or any successor provisions, as the same may be amended from time to time (the "Property Tax Rollback Payments," and together with the service payments in lieu of real property taxes and penalties and interest described above, the "Service Payments"), will be allocated and distributed in accordance with Section 4 of this Ordinance.

SECTION 3. This Council hereby establishes, pursuant to and in accordance with the provisions of the TIF Statute, the ConAgra Incentive District TIF Fund into which the City shall deposit all Service Payments collected with respect to the Parcel included within the Incentive District and received from the County Treasurer. Within the ConAgra Incentive District TIF Fund, the Finance Director of the City, or their designee, is hereby authorized to establish one or more accounts or sub-accounts associated with the ConAgra Incentive District TIF Fund, as may be required from time to time in the sole discretion of the Finance Director. The City, in its sole discretion, may utilize Service Payments deposited into the ConAgra Incentive District TIF Fund, and its associated accounts and sub-accounts, for the purposes authorized by the TIF Statute, this Ordinance, and other generally applicable Ohio law. The ConAgra Incentive District TIF Fund shall exist so long as Service Payments are collected and used for the purposes described above, after which the ConAgra Incentive District TIF Fund, and its associated accounts and sub-accounts, are to be dissolved and any surplus funds remaining in the ConAgra Incentive District TIF Fund shall be transferred to the City's general fund, all as set forth under Ohio Revised Code Section 5709.43.

SECTION 4. At the same time and in the same manner as real property tax distributions, the City requests that the County Treasurer distribute the Service Payments applicable to the Incentive District as follows:

FIRST, if applicable, to the appropriate taxing authorities the portion of the Service Payments that represent payments required under Ohio Revised Code Section 5709.40(F), as is required of the County Treasurer pursuant to Ohio Revised Code Section 5709.43(C); and,

SECOND, the remainder to the City for deposit into the ConAgra Incentive District TIF Fund.

The City shall then use the Service Payments for such uses as may be identified and approved by the City from time to time, including, but not limited to, the following:

FIRST, to the City to pay the costs of administration of the ConAgra Incentive District TIF Fund; and,

SECOND, to pay compensation to the Board of Commissioners of Erie County, in the eleventh and subsequent years of the TIF Exemption with respect to the Incentive District, equal to fifty percent

(50%) of the real property taxes that would have been payable to Erie County but for the TIF Exemption authorized pursuant to this Ordinance; and,

THIRD, to pay compensation to the City School District and the JVSD in the amounts and on terms described pursuant to (i) the City School Compensation Agreement executed between the City and the City School District and (ii) the E-HOVE Compensation Agreement executed between the City and the JVSD; and,

FOURTH, payment of the costs of any other Public Infrastructure Improvements defined by Ohio Revised Code Section 5709.40(A)(8) and selected in the sole discretion of the City, made, to be made, in the process of being made, or that once made will benefit or serve the Parcel comprising the Project Site and included within the Incentive District, all as authorized under Ohio Revised Code Section 5709.40 and more particularly defined by Exhibit B attached hereto and incorporated herein, and,

FIFTH, for any other lawful purpose pursuant to this Ordinance, the TIF Statute, its related laws and rules, and other generally applicable Ohio law.

SECTION 5. This Council determines that the Public Infrastructure Improvements described by Exhibit C attached hereto, are public infrastructure improvements made, to be made, in the process of being made, or that once made, will benefit or serve the Parcel included within the Incentive District. As required by Ohio Revised Code Section 5709.40(C)(3)(a), this Council hereby determines that the Project will place additional demand on the Public Infrastructure Improvements to be located at the Project Site within the Incentive District.

SECTION 6. This Council further authorizes and directs the City Manager and the Finance Director, or their designees, and other appropriate officers of the City to: (i) make such arrangements as are necessary and proper for the collection of Service Payments from the Owners of the Parcel comprising the Project Site and included within the Incentive District, (ii) facilitate the payment of the Service Payments from the County Treasurer to the City for deposit into the ConAgra Incentive District TIF Fund, (iii) prepare and sign all agreements, documents, instruments, amendments, or certificates as may be necessary to implement this Ordinance from time to time, including, but not limited to, any applications for real property tax exemption and remission (Form DTE-24) that may be required with respect to the Incentive District, and (iv) take all other actions as may be appropriate to implement this Ordinance. For the avoidance of doubt, Ohio Revised Code Section 5709.911 shall govern the priority status of the TIF Exemption authorized pursuant to this Ordinance. Pursuant to Ohio Revised Code Section 5709.40(C), 5709.911, and 5715.27, the Owner of the Parcel comprising the Project Site or the City may apply for the TIF Exemption authorized pursuant to this Ordinance with respect to the Parcel to be included within the Incentive District; provided, that any exemption application filed with the Ohio Tax Commissioner under Ohio Revised Code Section 5715.27 with respect to this Ordinance shall identify (i) the "nonperforming parcels" (as defined by the Nonperforming Parcel Ordinance) included in the Incentive District, (ii) the Original TIF Ordinance under which the Nonperforming Parcels were originally exempted, and (iii) the value history of each Nonperforming Parcel since the enactment of the Original TIF Ordinance, all as required by Ohio Revised Code Section 5709.40(C)(1).

SECTION 7. Pursuant to Ohio Revised Code Section 5709.40(I), the City Manager and the Finance Director, together with their designees, are authorized and directed to deliver a copy of this Ordinance to the Director of the Ohio Department of Development ("ODOD") within fifteen (15) days of

its adoption. On or before March 31st of each year that a TIF Exemption authorized pursuant to this Ordinance remains in effect, the City Manager and the Finance Director, together with their designees, are authorized to prepare and submit the status report required under Ohio Revised Code Section 5709.40(I) to the Director of ODOD.

SECTION 8. In accordance with Ohio Revised Code Section 5709.832, this Council hereby determines that no entity doing business upon any Parcel or any portion of any Parcel comprising the Project Site and included within the Incentive District shall deny any individual employment based on considerations of race, religion, sex, disability, color, national origin, or ancestry.

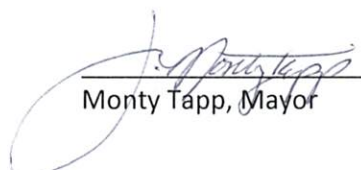
SECTION 9. The City acknowledges that it has created, or has joined, an applicable Tax Incentive Review Council (the "TIRC") with the membership of the TIRC constituted in accordance with Ohio Revised Code Section 5709.85. The TIRC shall, in accordance with Ohio Revised Code Section 5709.85, annually review all TIF Exemptions resulting from the declarations set forth in this Ordinance and any other such matters as may properly come before the TIRC, all in accordance with Ohio Revised Code Section 5709.85.

SECTION 10. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Ohio Revised Code Section 121.22.

SECTION 11: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and general welfare and for the further reason that, this Council desires to support the timely and orderly development and completion of the Project to encourage economic development within the City and on currently vacant real property within the City, it is imperative this Ordinance be effective immediately; WHEREFORE, this Ordinance shall be in full force and effect from and immediately after its adoption.

ATTEST:


Clerk of Council


Monty Tapp, Mayor

ADOPTED:

13 MAY 2025

EXHIBIT A

DESCRIPTION OF THE INCENTIVE DISTRICT

The Incentive District consists of the Parcel identified in the records of the Erie County Auditor as having the permanent parcel identification number 42-61270.001, as of the date of the passage of the Ordinance to which this Exhibit A is attached. The Incentive District shall consist of, and the authorizations of the Ordinance to which this Exhibit A is attached shall apply to, the Parcel comprising the Project Site, as such Parcel may be further sub-divided, combined, re-combined, re-numbered, or re-platted from time to time by the City, any future owner or owners of the Parcel, or the Erie County Auditor.

For the avoidance of doubt, the Parcel included within the Incentive District is outlined in blue below:



For the avoidance of doubt, a legal description identifying the Parcel included within the Incentive District is attached hereto, as follows:

[See Legal Description Attached]

LEGAL DESCRIPTION OF
11.2926 ACRE PARCEL
(CITY OF HURON)

SITUATED IN THE CITY OF HURON, COUNTY OF ERIE, AND STATE OF OHIO, AND FURTHER KNOWN AS BEING PART OF LOT 31, SECTION 1, ORIGINAL HURON TOWNSHIP, BEING TOWNSHIP NUMBER 6 IN THE 22 RANGE OF TOWNSHIPS IN THE CONNECTICUT WESTERN RESERVE;

BEGINNING AT A RAILROAD SPIKE FOUND IN THE CENTERLINE INTERSECTION OF RIVER ROAD AND CLEVELAND ROAD EAST (WIDTH VARIES);

THENCE NORTH 15°39'53" EAST, 88.84 FEET TO A 3/4 INCH IRON PIPE FOUND IN THE NORTHERLY RIGHT-OF-WAY LINE OF SAID CLEVELAND ROAD EAST, ALSO BEING THE SOUTHWEST CORNER OF LAND DESCRIBED TO THE NORFOLK & SOUTHERN RAILWAY COMPANY, BY DEED RECORDED IN VOLUME 547, PAGE 371 OF ERIE COUNTY RECORDS, PERMANENT PARCEL NUMBER 42-9077.000;

THENCE NORTH 14°36'12" EAST, ALONG A WESTERLY LINE OF SAID NORFOLK & SOUTHERN RAILWAY COMPANY, PASSING THROUGH A 5/8 INCH IRON PIN FOUND AT 44.71 FEET, A TOTAL DISTANCE OF 306.85 FEET TO A 1/2 INCH IRON PIN FOUND (I.D. CAP "HARTUNG") AT AN ANGLE POINT THEREIN;

THENCE NORTH 55°17'48" WEST, ALONG A WESTERLY LINE OF SAID NORFOLK & SOUTHERN RAILWAY COMPANY, 212.41 FEET TO A 5/8 INCH IRON PIN FOUND (I.D. CAP "PDG") AT AN ANGLE POINT THEREIN;

THENCE NORTH 21°16'18" WEST, ALONG SAID NORFOLK & SOUTHERN RAILWAY COMPANY, 10.41 FEET TO AN IRON PIN SET AT THE PRINCIPAL PLACE OF BEGINNING:

COURSE 1 THENCE NORTH 55°18'18" WEST, 22.03 FEET TO AN IRON PIN SET AT THE POINT OF CURVATURE;

COURSE 2 THENCE 185.05 FEET, ALONG AN ARC OF A CURVE DEFLECTING TO THE LEFT, HAVING A RADIUS OF 430.00 FEET, A CENTRAL ANGLE OF 24°39'24" AND A 183.62 FEET CHORD THAT BEARS NORTH 67°38'00" WEST TO A PIN SET AT THE POINT OF TANGENCY IN A NORTHERLY LINE OF LAND DESCRIBED TO STATE OF OHIO DEPARTMENT OF NATURAL RESOURCES, BY RECEPTION NUMBER 200608925 & 200608926, PERMANENT PARCEL NUMBER 42-61270.000;

COURSE 3 THENCE SOUTH 25°36'40" WEST, ALONG A NORTHERLY LINE OF SAID STATE OF OHIO DEPARTMENT OF NATURAL RESOURCES, 5.72 FEET TO AN IRON PIN SET;

COURSE 4 THENCE SOUTH 86°28'53" WEST, ALONG A NORTHERLY LINE OF SAID STATE OF OHIO DEPARTMENT OF NATURAL RESOURCES 241.81 FEET TO AN IRON PIN SET;

COURSE 5 THENCE NORTH 80°29'48" WEST, 69.39 FEET TO AN IRON PIN SET AT AN POINT OF CURVATURE;

COURSE 6 THENCE 143.45 FEET, BEING AN ARC OF A CURVE DEFLECTING TO THE RIGHT, HAVING AN RADIUS OF 230.00 FEET, A CENTRAL ANGLE OF 35°44'10" AND AN 141.14 FEET CHORD THAT BEARS NORTH 62°37'43" WEST TO A POINT OF TANGENCY;

COURSE 7 THENCE NORTH 44°45'38" WEST, 50.59 FEET TO AN IRON PIN SET;

COURSE 8 THENCE SOUTH 85°22'44" WEST, 57.66 FEET TO THE APPROXIMATE LOW WATER MARK OF THE HURON RIVER;

COURSE 9 THENCE NORTH 4°39'08" WEST, ALONG THE APPROXIMATE LOW WATER MARK OF THE HURON RIVER, 30.74 FEET TO A POINT;

COURSE 10 THENCE NORTH 11°19'32" WEST, ALONG THE APPROXIMATE LOW WATER MARK OF THE HURON RIVER, 93.00 FEET TO A POINT;

COURSE 11 THENCE NORTH 0°34'49" EAST, ALONG THE APPROXIMATE LOW WATER MARK OF THE HURON RIVER, 216.00 FEET TO A POINT;

COURSE 12 THENCE NORTH 4°14' 40" EAST, ALONG THE APPROXIMATE LOW WATER MARK OF THE HURON RIVER, 239.00 FEET TO A POINT;

COURSE 13 THENCE NORTH 25°28'22" WEST, ALONG THE APPROXIMATE LOW WATER MARK OF THE HURON RIVER, 31.00 FEET TO THE SOUTHERLY EDGE OF AN EXISTING SHEET PILE;

COURSE 14 THENCE NORTH 72°20' 12" EAST, ALONG THE SOUTHERLY EDGE OF AN EXISTING SHEET PILE, 487.00 FEET TO A POINT;

COURSE 15 THENCE SOUTH 21°16' 18" EAST, ALONG THE WESTERLY EDGE OF AN EXISTING SHEET PILE, 671.50 FEET TO THE MOST NORTHERLY CORNER OF SAID STATE OF OHIO DEPARTMENT OF NATURAL RESOURCES;

COURSE 16 THENCE SOUTH 21°16' 18" EAST, ALONG A NORTHERLY LINE OF SAID STATE OF OHIO DEPARTMENT OF NATURAL RESOURCES AND ALONG THE WESTERLY EDGE OF AN EXISTING SHEET PILE, 160.57 FEET TO A TO 1/2 INCH IRON PIN FOUND (I.D. CAP "HARTUNG");

COURSE 17 THENCE NORTH 68°43'42" EAST, ALONG A NORTHERLY LINE OF SAID STATE OF OHIO DEPARTMENT OF NATURAL RESOURCES, AND ALONG THE FACE OF AN EXISTING SHEET PILE WALL TO THE SOUTHWEST CORNER OF SAID NORFOLK & SOUTHERN RAILWAY COMPANY, 66.00 FEET TO A 1/2 INCH IRON PIN FOUND (I.D. CAP "HARTUNG");

COURSE 18 THENCE SOUTH 21°16' 18" EAST, ALONG A WESTERLY LINE OF SAID NORFOLK & SOUTHERN RAILWAY COMPANY, 45.00 FEET TO A 1/2 INCH IRON PIN FOUND (I.D. CAP "HARTUNG");

COURSE 19 THENCE SOUTH 68°43'42" WEST, ALONG A NORTHERLY LINE OF SAID NORFOLK & SOUTHERN RAILWAY COMPANY, 150.00 FEET TO A PIN SET AT AN ANGLE POINT THEREIN;

COURSE 20 THENCE SOUTH 21°16' 18" EAST, ALONG SAID NORFOLK & SOUTHERN RAILWAY COMPANY, 79.59 FEET THE PRINCIPAL PLACE OF BEGINNING, SUBJECT TO ALL LEGAL HIGHWAYS AND EASEMENTS OF RECORD AND CONTAINING 11.2926 ACRES OF LAND AS CALCULATED AS DESCRIBED BASED ON A FIELD SURVEY PERFORMED IN MAY 2022 BY RICHARD A. THOMPSON JR., OHIO REGISTERED PROFESSIONAL LAND SURVEYOR #7388 OF POLARIS ENGINEERING AND SURVEYING. BEARINGS REFER TO THE OHIO STATE COORDINATE SYSTEM OF 1983 - NORTH ZONE - 1986 ADJUSTMENT. ALL IRON PINS SET ARE 5/8 INCH DIAMETER BY 30-INCH-LONG REBAR WITH IDENTIFICATION CAPS STAMPED "POLARIS S-7388". PRIOR DEED REFERENCE IS THE CITY OF HURON, AS RECORDED IN RECEPTION NUMBER 200711763, PERMANENT PARCEL NUMBER 42-61270.001 AND STATE OF OHIO DEPARTMENT OF NATURAL RESOURCES, AS RECORDED IN RECEPTION NUMBERS 200608925 & 200608926, PERMANENT PARCEL NUMBER 42-61720.000

EXHIBIT B

PUBLIC INFRASTRUCTURE IMPROVEMENTS

The Public Infrastructure Improvements consist generally of acquiring and constructing the Public Infrastructure Improvements described below, as selected in the sole discretion of the City in accordance with the Ordinance to which this Exhibit B is attached, the TIF Statute, its related rules and laws, and other generally applicable Ohio law, including but not limited to, the following:

- Construction, reconstruction, extension, opening, improving, widening, grading, draining, curbing, or changing of, as well as the continued maintenance of, the lines and traffic patterns of roads, highways, streets, bridges (both roadway and pedestrian), traffic calming devices, sidewalks, bikeways, medians, and viaducts accessible to and serving the public, and providing lighting systems, signalization, and traffic controls, and all other appurtenances thereto; and
- Construction, reconstruction, or installation of, as well as the continued maintenance of, public utility improvements (including any underground publicly owned utilities), storm and sanitary sewers (including necessary site grading therefore), water and fire protection systems (including, but not limited to, seawall construction and reconstruction designed to protect the shoreline of the Project Site), and all other appurtenances thereto; and
- Construction, reconstruction, or installation of publicly owned gas, electric, and communication service facilities, and all other appurtenances thereto; and
- Construction or reconstruction of one or more public parks, including grading, trees and other park plantings, park accessories and related improvements, and all other appurtenances thereto; and
- Construction or installation of streetscape and landscape improvements including trees and shrubs, landscaping mounds and fencing, tree grates, planting beds, signage, curbs, sidewalks, street and sidewalk lighting, trash receptacles, benches, newspaper racks, burial of overhead utility lines and related improvements, and all other appurtenances thereto; and
- Construction of one or more public parking facilities, including public surface parking and public parking structures and related improvements, and all other appurtenances thereto; and
- Demolition and excavation, including demolition and excavation on private property when determined to be necessary for economic development purposes; and
- Acquisition of real estate or interests in real estate (including easements) necessary to accomplish the foregoing improvements; and
- Any on-going administrative expenses relating to the Public Infrastructure Improvements as well as maintaining the Service Payments in the ConAgra Incentive District TIF Fund, including but not limited to, engineering, architectural, legal, and other consulting and professional services; and
- All inspection fees and other governmental fees related to the foregoing; and

- Any and all other costs of the Public Infrastructure Improvements, as determined by the City in its sole discretion and in accordance with the Ordinance to which this Exhibit B is attached, the TIF Statute, its related rules and laws, and other generally applicable Ohio law.

The Public Infrastructure Improvements specifically include the costs of financing the Public Infrastructure Improvements, including the items of “costs of permanent improvements” set forth in Ohio Revised Code Section 133.15(B), and incurred with respect to the Public Infrastructure Improvements. “Costs” specifically include any reimbursement payments for the reimbursement of the costs of the Public Infrastructure Improvements and the debt service on any bonds or other obligations issued to finance the Public Infrastructure Improvements (including fees and administrative expenses of, and fund reserve funds necessary to pay or service any bonds or other obligations) (the “Debt Service”), all as determined by the City in its sole discretion and in accordance with the Ordinance to which this Exhibit B is attached, the TIF Statute, its related rules and laws, and other generally applicable Ohio law.