

ORDINANCE NO. 2024-51

Introduced by Joel Hagy

AN ORDINANCE PROVIDING FOR THE TERMINATION OF A TAX INCREMENT FINANCING EXEMPTION PREVIOUSLY AUTHORIZED BY THIS COUNCIL BY AMENDING ORDINANCE NO. 2011-33 APPROVED ON NOVEMBER 8, 2011 UNDER THE AUTHORITY OF OHIO REVISED CODE SECTION 5709.40(B); DECLARING A CERTAIN PARCEL OF REAL PROPERTY TO BE A NONPERFORMING PARCEL PURSUANT TO OHIO REVISED CODE SECTION 5709.40(A)(9); 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 “Nonperforming Parcel” as further defined herein); 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” must be constructed in order to support the economic viability of the Project; and

WHEREAS, pursuant to Ohio Revised Code Section 5709.40(B), this 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, under the terms of the Original TIF Ordinance and Exhibit A attached thereto, this Council authorized the Original TIF Exemption with respect to the parcel of real property that currently comprises the Nonperforming Parcel; and

WHEREAS, to encourage the construction and completion of the Project and various “public infrastructure improvements” applicable thereto, this Council now desires to provide appropriate development incentives to support the timely and sustainable development of the Project upon the Nonperforming Parcel, including an alternative tax increment financing exemption from real property taxation on the increase in the assessed value of the Nonperforming Parcel pursuant to Ohio Revised Code Section 5709.40(C) (the “New TIF Exemption”), as may be authorized pursuant to one or more subsequent ordinances approved by this Council (the “New TIF Ordinance”); and

WHEREAS, this Council now desires to terminate the Original TIF Exemption with respect to the Nonperforming Parcel by amending the Original TIF Ordinance; and

WHEREAS, this Council further desires to declare the Nonperforming Parcel a “nonperforming parcel” pursuant to Ohio Revised Code Section 5709.40(A)(9), such that, after the passage of this Ordinance, the Nonperforming Parcel shall no longer be exempted from taxation pursuant to Ohio Revised Code Section 5709.40(B) and the Original TIF Ordinance, and may be included within a New TIF Ordinance authorizing a New TIF Exemption pursuant to Ohio Revised Code Section 5709.40(C).

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

SECTION 1. The Original TIF Ordinance is hereby amended as follows: Ordinance No. 2011-33, approved by this Council on November 8, 2011 is hereby amended to terminate the Original TIF Exemption solely with respect to the Nonperforming Parcel.

SECTION 2. Pursuant to the conditions set forth under Ohio Revised Code Section 5709.40(A)(9), this Council declares the Nonperforming Parcel to be a “nonperforming parcel” as a result of the following circumstances:

- (i) The Nonperforming Parcel is a parcel of real property that is, or was, exempted from real property taxation pursuant to Ohio Revised Code Section 5709.40(B) and the Original TIF Ordinance; and
- (ii) Pursuant to Section 2 of the Original TIF Ordinance, all owners of the Nonperforming Parcel were required to make service payments in lieu of real property taxes in accordance with Ohio Revised Code Section 5709.42 during the term of the Original TIF Exemption; and
- (iii) As evidenced by Exhibit B attached hereto, the City has not received from, and no service payments in lieu of real property taxes have been remitted by, the Erie County Treasurer with respect to the Nonperforming Parcel since the inception of the Original TIF Exemption under the Original TIF Ordinance.

SECTION 3. It is the intention of this Council that notwithstanding anything to the contrary in this Ordinance:

- (i) The Original TIF Exemption authorized by the Original TIF Ordinance shall not apply to the Nonperforming Parcel on and after the tax lien date of January 1, 2025 with respect to tax year 2025 real property taxes payable in calendar year 2026.
- (ii) Except as expressly provided in this Ordinance, this Council authorizes no other amendment to the Original TIF Ordinance or the Original TIF Exemption. This Ordinance shall not in any manner affect any of the parcels of real property subject to the Original TIF Ordinance and the Original TIF Exemption except for the Nonperforming Parcel.
- (iii) At the discretion of the City Manager, one or more substitute Exhibits to the Original TIF Ordinance, as may be further amended from time to time, shall be prepared reflecting the termination of the Original TIF Exemption with respect to the Nonperforming Parcel.

SECTION 4. The City Manager, the Finance Director, the Clerk of this Council, their designees, and other appropriate officers of the City are authorized and directed to execute any agreements,

certificates, and other documents, as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance, including, but not limited to, the filing of this Ordinance with the Erie County Auditor and the Ohio Department of Development. Pursuant to Ohio Revised Code Section 5709.916(E), it is the intention of this Council that the termination and replacement of the Original TIF Exemption with respect to the Nonperforming Parcel will be further implemented by the approval of a New TIF Ordinance authorizing a New TIF Exemption with respect to the Nonperforming Parcel pursuant to Ohio Revised Code Section 5709.40(C).

SECTION 5. 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 6. 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, in order for this Council to authorize a New TIF Ordinance in calendar year 2025 this Council must terminate the Original TIF Exemption with respect to the Original TIF Ordinance by tax lien date January 1, 2025, it is imperative this Ordinance be effective immediately; WHEREFORE, this Ordinance shall be in full force and effect from and immediately after its adoption.


Monty Tapp, Mayor

ATTEST:


Clerk of Council

ADOPTED:

26 NOV 2024



EXHIBIT A

DESCRIPTION OF THE NONPERFORMING PARCEL

The Nonperforming Parcel consists of the parcel of real property 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 Nonperforming Parcel shall consist of, and the authorizations of the Ordinance to which this Exhibit A is attached shall apply to, the Nonperforming Parcel, as such Nonperforming Parcel may be further subdivided, combined, re-combined, re-numbered, or re-platted from time to time by the City, any future owner or owners of the Nonperforming Parcel, or the Erie County Auditor.

For the avoidance of doubt, the Nonperforming Parcel is outlined in blue below:



For the avoidance of doubt, a legal description identifying the Nonperforming Parcel is attached hereto, as follows:

[See Legal Description Attached]



POLARIS ENGINEERING & SURVEYING - 34600 CHARDON ROAD SUITE D - WILLOUGHBY HILLS - OHIO - 44094

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 $15^{\circ}39'53''$ EAST, 88.84 FEET TO A $\frac{3}{4}$ 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 42-90077.000;

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

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

THENCE NORTH $21^{\circ}16'18''$ 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 $55^{\circ}18'18''$ 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 $24^{\circ}39'24''$ AND A 183.62 FEET CHORD THAT BEARS NORTH $67^{\circ}38'00''$ 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 $25^{\circ}36'40''$ 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. 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");

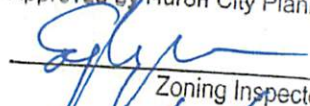
COURSE 19 THENCE SOUTH $68^{\circ} 43' 42''$ WEST, ALONG A NORTHERLY LINE OF SAID NORFOLK & SOUTHERN RAILWAY COMPANY, 150.00 FEET TO A PIN SET AT AN ANGLE POINT THEREIN;

COURSE 20 THENCE SOUTH $21^{\circ} 16' 18''$ 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 5-7388". 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 42-61270.000

RICHARD A. THOMPSON JR., OHIO REGISTERED PROFESSIONAL LAND SURVEYOR #7388

S:\2017 PROJECTS\17228- LIBERTY DEVELOPMENT - 10 ACRE PARCEL - HURON (CWS)\2-PROJECT SURVEYING INFO\4-LEGAL DESCRIPTIONS\LEGAL DESCRIPTION HURON PARCEL.DOC

Approved by Huron City Planning Commission


Zoning Inspector


Date

EXHIBIT B

NONPERFORMING PARCEL SERVICE PAYMENT IN LIEU OF TAXES HISTORY

Pursuant to the conditions set forth under Ohio Revised Code Section 5709.40(A)(9), this Council may declare the Nonperforming Parcel to be a “nonperforming parcel.”

The Finance Director of the City hereby certifies that the City has not received from, and no service payments in lieu of real property taxes have been remitted to or from, the Erie County Treasurer with respect to the Nonperforming Parcel, nor any parcel preceding the re-plat of the Nonperforming Parcel, since the inception of the Original TIF Exemption under the Original TIF Ordinance, as follows:

Nonperforming Parcel No.	Tax Year	Payment In Lieu of Tax Paid
42-61270.001	2012	\$0.00
42-61270.001	2013	\$0.00
42-61270.001	2014	\$0.00
42-61270.001	2015	\$0.00
42-61270.001	2016	\$0.00
42-61270.001	2017	\$0.00
42-61270.001	2018	\$0.00
42-61270.001	2019	\$0.00
42-61270.001	2020	\$0.00
42-61270.001	2021	\$0.00
42-61270.001	2022	\$0.00
42-61270.001	2023	\$0.00

By: Edward Widman 12.2.2024
Edward Widman, Finance Director