



City of Dublin

Office of the City Manager

5200 Emerald Parkway • Dublin, OH 43017-1090

Phone: 614-410-4400 • Fax: 614-410-4490

Memo

To: Members of Dublin City Council

From: Marsha I. Grigsby, City Manager 

Date: June 5, 2014

Initiated By: Angel L. Mumma, Director of Finance

Re: Ordinance No. 50-14 - Amending Ordinance 14-96 (Thomas Kohler Tax Increment Financing (TIF) District)

Summary

Ordinance No. 50-14 provides for amendments to the existing legislation that established the Thomas Kohler TIF district. The Thomas Kohler TIF District was established in 1996 through Ordinance No. 14-96 to provide a funding mechanism for the construction of Emerald Parkway between our corporate boundary south of Rings Road and Shier Rings Road, as well as the construction of Woerner-Temple Road.

In 1999, Council approved modifications to the original TIF (Ordinance No. 138-99). The modifications provided for the implementation of a "non-school TIF" after the terms of the "straight TIF" expired (which was in tax year 2003), extending the period of time "non-school" service payments would be received by the City.

In 2002, Council approved another modification to the TIF (Ordinance No. 143-02). This modification identified additional public infrastructure improvements benefiting the TIF district to include the relocation and burial of the overhead utility lines.

Staff is currently proposing another amendment to the TIF, which will allow for the public infrastructure improvements to include the widening of Avery Road from Woerner-Temple Road to Rings Road West as well as the construction of a roundabout at the intersection of Avery Road and Rings Road West. As part of the 2014 – 2018 CIP, project design was programmed in 2014 with the construction and landscaping reflected beyond 2018. Intersection control options for Avery Road and Rings Road East will be evaluated during detailed design.

The required notice has been sent to the Dublin City School District and Tolles Career & Technical Center.

Copies of Ordinance No. 14-96, Ordinance No. 138-99 and Ordinance No. 143-02 as well as a TIF map are attached for reference.

Recommendation

Staff recommends that Council adopt Ordinance No. 50-14 at the second reading/public hearing on June 23, 2014.

RECORD OF ORDINANCES

Ordinance No. 50-14

Passed _____, 20____

**AN ORDINANCE AMENDING ORDINANCE NO. 14-96 PASSED
APRIL 1, 1996, TO SUPPLEMENT THE DESCRIPTION OF
ELIGIBLE INFRASTRUCTURE IMPROVEMENTS PAYABLE
FROM TIF FUNDS PURSUANT TO THAT ORDINANCE.**

WHEREAS, pursuant to Ohio Revised Code Sections 5709.40, 5709.42 and 5709.43 this Council by Ordinance No. 14-96, passed April 1, 1996 (the "TIF Ordinance"), as amended by Ordinance No. 138-99, passed January 3, 2000, and as further amended by Ordinance No. 143-02, passed December 9, 2002, (collectively, the "Amending Ordinances") declared certain improvements to certain real property located in the City (the "Property") to be a public purpose, thereby exempting those improvements from real property taxation for a period of time, specified public infrastructure improvements to be made to benefit that parcel, provided for the making of service payments in lieu of taxes by the owner thereof, established a municipal public improvement tax increment equivalent fund into which those service payments shall be deposited, and authorized payment of a portion of those service payments to the Dublin City School District; and

WHEREAS, this Council desires to supplement the public infrastructure improvements specified in Exhibit B to the TIF Ordinance, to be made to benefit the Property, to include those public infrastructure improvements specified in Exhibit A to this proposed Ordinance; and

WHEREAS, notice of this proposed Ordinance has been delivered to the Board of Education of the Dublin City School District and the Central Ohio Joint Vocational School District in accordance with Sections 5709.40 and 5709.83 of the Ohio Revised Code.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Dublin, Franklin, Union and Delaware Counties, Ohio, _____ of the elected members concurring, that:

Section 1. This Council hereby confirms the findings and determinations in the TIF Ordinance, as amended by the Amending Ordinances.

Section 2. The Infrastructure Improvements set forth in Exhibit B to the TIF Ordinance are hereby supplemented to include those public infrastructure improvements described in Exhibit A to this Ordinance, and those public infrastructure improvements specified in attached Exhibit A are designated as public infrastructure improvements made, to be made, or in the process of being made, that directly benefit, or that once made will directly benefit, the Property and are included in the "Infrastructure Improvements" as defined in the TIF Ordinance.

Section 3. Pursuant to Section 5709.40 of the Ohio Revised Code, the Clerk of this Council is hereby directed to deliver a copy of this Ordinance to the Director of the Ohio Development Services Agency within fifteen days after its passage.

Section 4. 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 or its committees and that all deliberations of this Council or its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

RECORD OF ORDINANCES

Ordinance No. 50-14

Passed Page 2 of 2, 20

Section 5. This Ordinance will be in full force and effect at the earliest date permitted by law.

Signed:

Presiding Officer

Attest:

Clerk of Council

Passed: _____, 2014

Effective: _____, 2014



FILE COPY

June 3, 2014

To: Board of Education of the Dublin City School District

Subject: Notice of Ohio Revised Code Section 5709.40
Proposed Tax Increment Financing Amendment
(Thomas Kohler TIF Project)

This letter constitutes notice to the Board of Education of the Dublin City School District of the City of Dublin's intent to amend Ordinance No. 14-96 passed April 1, 1996, as amended by Ordinance No. 138-99 passed January 3, 2000, and as further amended by Ordinance No. 143-02 passed December 9, 2002 to include certain additional public infrastructure improvements within the scope of that Ordinance. The following information is provided pursuant to Section 5709.40 of the Revised Code:

■ Finance
5200 Emerald Parkway
Dublin, Ohio 43017

phone 614.410.4400
www.dublinohiousa.gov

Depiction of Parcel: See Exhibit A

True Value of the Private Improvements: \$65.1 million

Period for Which the Improvements Are Exempted from Taxation: The lesser of (i) 30 years (ending in 2026) or (ii) the date on which the City can no longer require annual service payments in lieu of taxes under Revised Code Sections 5709.40 and 5709.42 with respect to Improvements (as defined in the Ordinance), in either case commencing with the first calendar year in respect of which an application for exemption is filed.

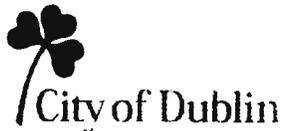
Percentage of the Improvement Exempted: 100%, provided the City has made provision in its TIF Ordinance pursuant to Ohio Revised Code Sections 5709.40 and 5709.42 that the District shall receive, at the same time and in the same manner as real property tax payments, all amounts it would otherwise receive as real property tax payments from the improvements absent the City's approval of the exemption under Ohio Revised Code Sections 5709.40 and 5709.42. Since the School District will receive all amounts it would otherwise receive as real property tax payments from the improvements, Ohio Revised Code Section 5709.40(D)(1) does not require the District's prior approval of this TIF exemption.

The proposed amendments to the TIF Ordinance will be considered for passage by Council on: June 23, 2014.

Sincerely,

Angel L. Mumma
Director of Finance

Attachments: Exhibit A -- Depiction of Parcel
Exhibit B -- Tax Increment Financing Ordinance Amendment



FILE COPY

June 3, 2014

To: Board of Education of the Tolles Career and Technical Center

Subject: Notice of Ohio Revised Code Section 5709.40
Proposed Tax Increment Financing Amendment
(Thomas Kohler TIF Project)

This letter constitutes notice to the Board of Education of the Dublin City School District of the City of Dublin's intent to amend Ordinance No. 14-96 passed April 1, 1996, as amended by Ordinance No. 138-99 passed January 3, 2000, and as further amended by Ordinance No. 143-02 passed December 9, 2002 to include certain additional public infrastructure improvements within the scope of that Ordinance. The following information is provided pursuant to Section 5709.40 of the Revised Code:

■ **Finance**
5200 Emerald Parkway
Dublin, Ohio 43017

phone: 614.410.4400

www.dublinohiousa.gov

Depiction of Parcel: See Exhibit A

True Value of the Private Improvements: \$65.1 million

Period for Which the Improvements Are Exempted from Taxation: The lesser of (i) 30 years (ending in 2026) or (ii) the date on which the City can no longer require annual service payments in lieu of taxes under Revised Code Sections 5709.40 and 5709.42 with respect to Improvements (as defined in the Ordinance), in either case commencing with the first calendar year in respect of which an application for exemption is filed.

Percentage of the Improvement Exempted: 100%, provided the City has made provision in its TIF Ordinance pursuant to Ohio Revised Code Sections 5709.40 and 5709.42 that the District shall receive, at the same time and in the same manner as real property tax payments, all amounts it would otherwise receive as real property tax payments from the improvements absent the City's approval of the exemption under Ohio Revised Code Sections 5709.40 and 5709.42. Since the School District will receive all amounts it would otherwise receive as real property tax payments from the improvements, Ohio Revised Code Section 5709.40(D)(1) does not require the District's prior approval of this TIF exemption.

The proposed amendments to the TIF Ordinance will be considered for passage by Council on: June 23, 2014.

Sincerely,

Angel L. Mumma
Director of Finance

Attachments: Exhibit A -- Depiction of Parcel
Exhibit B -- Tax Increment Financing Ordinance Amendment

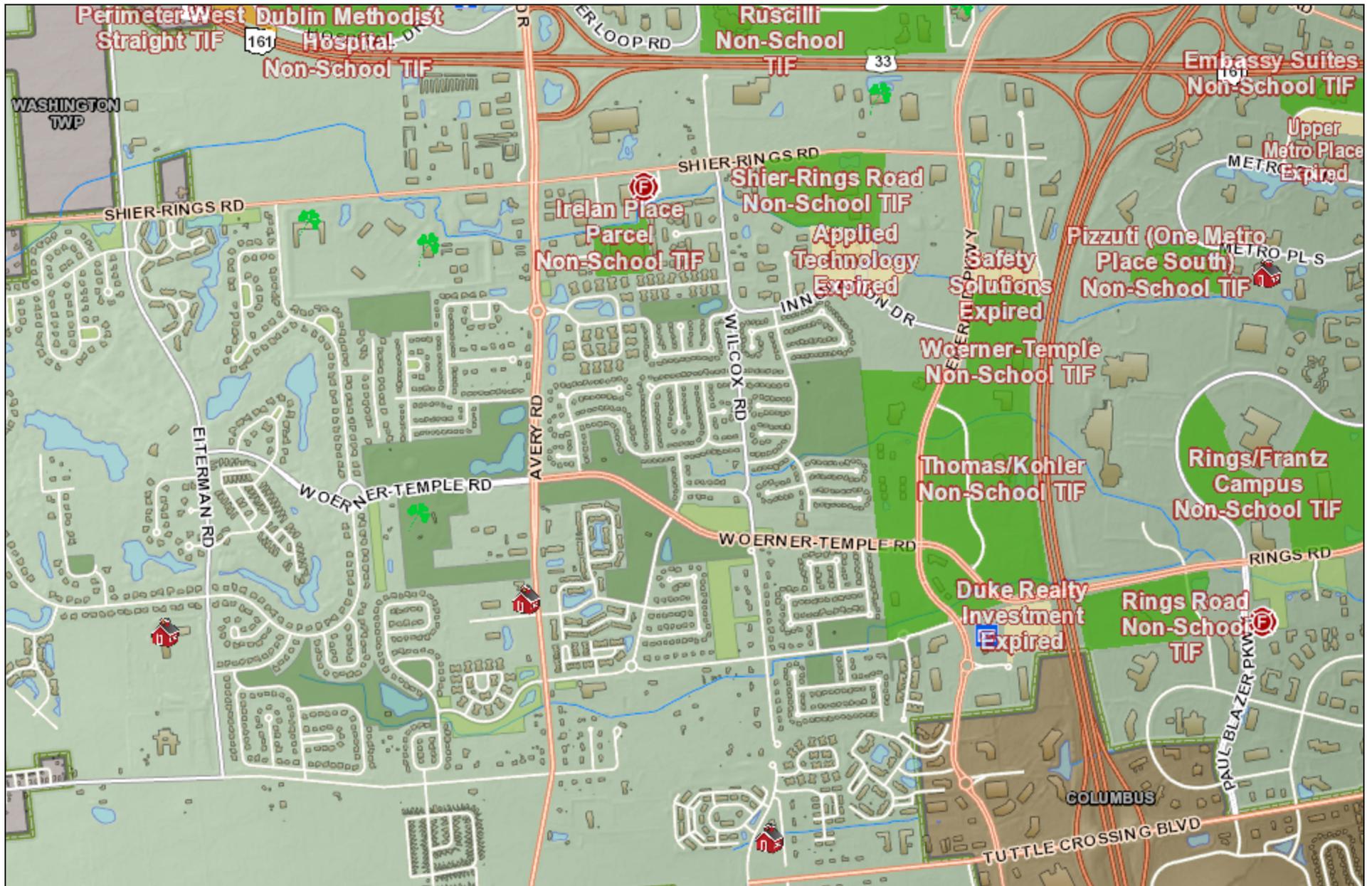
EXHIBIT A

DESCRIPTION OF ADDITIONAL INFRASTRUCTURE IMPROVEMENTS

The Infrastructure Improvements include the following improvements and all related costs of those improvements (including, but not limited to, those costs listed in Section 131.15(B) of the Ohio Revised Code):

- Widening of Avery Road from Woerner-Temple Road to Rings Road West;
- Construction of a roundabout at the intersection of Avery Road and Rings Road West;
- Improvements to the intersection of Avery Road and Rings Road East.

The foregoing improvements also include all costs and improvements necessary and appurtenant thereto, including, without limitation: paving and repaving; curbs and gutters; demolition; public utilities which include water mains, sanitary sewer, and storm sewer; stormwater improvements; utility lines (buried, or at or above grade); gas, electric and communications service facilities (including fiber optics); street lighting and signs; sidewalks and bikeways; streetscaping and landscaping (including, without limitation, trees, scenic fencing and irrigation); traffic signs and signalization; other signage; right-of-way or real estate acquisition; erosion and sediment control measures; and grading, drainage and other related work.



0 1503 3006 Feet



Thomas Kohler TIF
June 5, 2014

ORDINANCE NO. 14-96

AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE TO BENEFIT THOSE PARCELS, REQUIRING THE OWNERS THEREOF TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, AUTHORIZING AN AGREEMENT WITH DUKE REALTY LIMITED PARTNERSHIP, F.A. KOHLER COMPANY AND RR PARTNERS WITH RESPECT TO THOSE PAYMENTS, ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS, AUTHORIZING A RELATED AMENDMENT OF AN AGREEMENT WITH THE DUBLIN CITY SCHOOL DISTRICT, AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code Sections 5709.40, 5709.42 and 5709.43 provide that this Council may declare improvements to parcels of real property located in the City to be a public purpose thereby exempting those improvements from real property taxation for a period of time, specify public infrastructure improvements to be made to benefit those parcels, provide for the making of semiannual service payments in lieu of taxes by the owners thereof, and establish a municipal public improvement tax increment equivalent fund into which such service payments shall be deposited; and

WHEREAS, Duke Realty Limited Partnership, F.A. Kohler Company and RR Partners will each acquire certain real property located in the City, which property is described in Exhibit A hereto (collectively, the Property) and may be acquired in phases over time, and contemplate making improvements to the Property, and this Council expects to make the public infrastructure improvements (the Infrastructure Improvements) generally described in Exhibit B hereto that once made would directly benefit the Property; and

WHEREAS, the need for those Infrastructure Improvements relative to the Improvements (as hereinafter defined) on the Property, and that those Infrastructure Improvements will directly benefit the Property, is documented in part in the City's Southwest Area Plan and in the traffic study conducted by Barton-Aschman Associates, Inc. and presented to the City on October 30, 1995; and

WHEREAS, the City has determined that it is necessary and appropriate and in the best interests of the City to provide for semiannual service payments in lieu of taxes with respect to the Property pursuant to Section 5709.42 of the Ohio Revised Code (the Tax Increment Financing); and

WHEREAS, proceeding with the Tax Increment Financing authorized by this Ordinance will be contingent upon the taking effect of appropriate rezoning(s) of the Property now proposed and under consideration by this Council; and

WHEREAS, this Council will, in coordination with the implementation of the Tax Increment Financing, create and allocate to a special capital improvement fund for the initial financing of certain of those Infrastructure Improvements municipal income taxes to be derived from the Improvements on the Property and other revenues of the City; and

WHEREAS, the implementation of the Tax Increment Financing is further contingent on the execution of the Amendment to the Municipal Income Tax Revenue Sharing Agreement referred to in Section 5 of this Ordinance;

WHEREAS, notice of the Tax Increment Financing proposed in this Ordinance has been delivered to the Dublin City School District in accordance with Section 5709.40 of the Ohio Revised Code and to the Central Ohio Joint Vocational School District in accordance with

Section 5709.83 of the Ohio Revised Code, and pursuant to Section 5709.40 the Dublin City School District has approved or is deemed to have approved the exemptions provided for hereby;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Dublin, Counties of Franklin, Union and Delaware, State of Ohio, that:

Section 1. Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.40, this Council hereby finds and determines that 100% of the increase in true value of the Property subsequent to the effective date of this Ordinance (which increase in true value is hereinafter referred to as the "Improvements" as defined in Section 5709.40) is a public purpose, and 100% of the Improvements is hereby declared to be a public purpose and exempt from taxation for a period commencing on the date of passage of this Ordinance and ending with the earlier of the lesser of (i) ten (10) years or (ii) that number of years ending with the conclusion of the year in which the amount of service payments in lieu of taxes made pursuant to Section 3 of this Ordinance and deposited into the Thomas/Kohler Municipal Public Improvement Tax Increment Equivalent Fund (the Fund) established pursuant to Section 4 of this Ordinance equals or exceeds the three million dollar (\$3,000,000) cost of Infrastructure Improvements to be paid from that Fund, and the Amendment to the Municipal Income Tax Revenue Sharing Agreement referred to in Section 5 of this Ordinance shall provide that any amount received into that fund in excess of \$3,000,000 shall be paid to the Dublin City School District. In no event shall such exemption extend beyond the date on which the City can no longer require semiannual service payments in lieu of taxes under Sections 5709.40 and 5709.42 of the Revised Code, all in accordance with the requirements of said Sections 5709.40 and 5709.42.

Section 2. The Infrastructure Improvements set forth in Exhibit B hereto are hereby designated as those Infrastructure Improvements that directly benefit, or that once made will directly benefit, the Property.

Section 3. As provided in Section 5709.42 of the Revised Code, the respective owner or owners of the Improvements are hereby required to, and shall make, semiannual service payments in lieu of taxes to the County Treasurer on or before the final dates for payment of real property taxes, which service payments shall be deposited in the Fund established pursuant to Section 4 of this Ordinance. The Tax Increment Financing and Economic Development Agreement between the City and Duke Realty Limited Partnership, F.A. Kohler Company and RR Partners, a copy of which is on file with the Clerk of Council, under which the Duke Realty Limited Partnership, F.A. Kohler Company and RR Partners respectively agree to make semiannual service payments in lieu of taxes for those portions of the property owned by each of them, is hereby approved, and the City Manager and Director of Finance are hereby authorized and directed to execute said Agreement on behalf of the City in substantially the form on file with the Clerk of Council, together with such revisions or additions thereto as are approved by the City Manager and Director of Finance, and those City officials are further authorized to provide such information and to execute, certify or furnish such other documents, and to do all other things as are necessary for and incidental to carrying out the provisions of that Agreement.

Section 4. This Council hereby establishes, pursuant to and in accordance with the provisions of Section 5709.43 of the Ohio Revised Code, the Thomas/Kohler Project Municipal Public Improvement Tax Increment Equivalent Fund, into which shall be deposited all of the semiannual service payments in lieu of taxes distributed to the City with respect to the Improvements on the Property by or on behalf of the County Treasurer as provided in Section 5709.42 of the Ohio Revised Code, and hereby provides that all of the moneys deposited in the Fund shall be used solely for the following purposes:

- (i) To pay the cost of constructing the Infrastructure Improvements;
- (ii) To pay the interest on and principal of bonds or notes issued by the City in order to finance the Infrastructure Improvements until such notes or bonds are paid in full; and
- (iii) To make payments to the Dublin City School District as provided in Section 1 of this Ordinance.

The Fund shall remain in existence so long as such service payments are collected and used for the aforesaid purposes, after which said Fund shall be dissolved in accordance with said Section 5709.43.

Section 5. The Amendment to the Municipal Income Tax Revenue Sharing Agreement dated February 27, 1995, between the City and Dublin City School District, a copy of which Amendment is on file with the Clerk of Council, under which the School District agrees it will not receive municipal income tax payments under Section 5709.82 of the Revised Code with respect to the exemption under this Ordinance, is hereby approved, and the City Manager and Director of Finance are hereby authorized and directed to execute that Amendment on behalf of the City in substantially the form on file with the Clerk of Council, together with such revisions or additions thereto as are approved by the City Manager and Director of Finance.

Section 6. Pursuant to Section 5709.40 of the Ohio Revised Code, the Clerk of Council is hereby directed to deliver a copy of this Ordinance to the Director of the Department of Development of the State of Ohio within fifteen days after its passage. On or before March 31 of each year that the exemption set forth in Section 1 hereof remains in effect, the Clerk of Council or other authorized officer of this City shall prepare and submit to the Director of the Department of Development of the State of Ohio the status report required under Section 5709.40(D) of the Ohio Revised Code.

Section 7. This Council finds and determines that all formal actions of this Council 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 that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 8. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of this City and for the further reason that it is immediately necessary to provide for the funding for the Infrastructure Improvements so that the Infrastructure Improvements may be constructed as quickly as possible, thereby permitting development of the Property which will provide needed jobs and employment opportunities; wherefore, this Ordinance shall be in full force and effect immediately after its passage.

Signed:



Presiding Officer

Attest: Anne C. Clarke
Clerk of Council

April
Passed: ~~March~~ 1, 1996
April
Effective: ~~March~~ 1, 1996

I hereby certify that copies of this Ordinance/~~Resolution~~ were posted in the City of Dublin in accordance with Section 731.25 of the Ohio Revised Code.

Anne C. Clarke
Clerk of Council, Dublin, Ohio

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

June 26, 1995
Revised Oct. 5, 1995
Revised Feb. 1, 1996

DESCRIPTION OF 111.72 ACRES
NORTH OF RINGS ROAD
WEST OF INTERSTATE ROUTE 270
CITY OF DUBLIN, OHIO

Situated in the State of Ohio, County of Franklin, City of Dublin, being all that land described in a deed to RR Partners, of record in Official Record Volume 31014, page C03, all that land as described in a deed to Frank A. Thomas and Ruth E. Thomas, of record in Deed Book 3137, Page 521, all that land as described in a Certificate of Transfer to Frank F. Thomas, of record in Official Record Volume 19868, Page H05, all references being to the records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at the southeasterly corner of the Thomas property at the intersection of the westerly limited access right-of-way line of Interstate Route 270 with the centerline of (old) Rings Road;

Thence South 79° 49' 03" West, along said centerline, a distance of 232.17 feet to an angle point;

Thence South 70° 11' 03" West, continuing along said centerline, a distance of 1566.29 feet to a point of curvature;

Thence continuing along said centerline with the arc of a curve to the right, having a radius of 403.41 feet, a central angle of 12° 06' 29", the chord of which bears South 76° 14' 18" West, a chord distance of 85.09 feet to the point of tangency at the southwesterly corner of said RR Partners property;

Thence North 6° 31' 55" West, along the westerly line of said RR Partners property, a distance of 1026.98 feet to an angle point;

Thence North 6° 46' 38" West, continuing along said westerly line, a distance of 412.72 feet to an angle point;

Thence North 6° 56' 38" West, continuing along said westerly line, a distance of 1584.73 feet to the northwesterly corner of said RR Partners property;

Thence South 89° 14' 15" East, along the northerly line of said RR Partners property, a distance of 859.35 feet to the northeasterly corner of same, the northwesterly corner of said Thomas property;

Thence South 89° 07' 50" East, along the northerly line of said Thomas property, a distance of 1020.78 feet to the northeasterly corner of same and in the westerly limited access right-of-way line of Interstate Route 270;

Thence along said right-of-way line the following four courses:

1. With the arc of a non-tangent curve to the left, having a radius of 7623.36 feet, a central angle of 2° 48' 21", the chord of which bears South 1° 54' 56" West, a chord distance of 373.32 feet to an angle point;
2. South 15° 08' 52" East, a distance of 102.39 feet to an angle point;
3. With the arc of a non-tangent curve to the left, having a radius of 7596.36 feet, a central angle of 12° 32' 46", the chord of which bears South 6° 30' 14" East, a chord distance of 1660.07 feet to the point of tangency;
4. South 12° 46' 38" East, a distance of 269.41 feet to the place of beginning and containing 111.72 acres of land.

Bearings herein are based on those of the subdivision "Turtle Crossing North".

This description was prepared by M-E Civil Engineering, Inc., based on information from recent surveys and records of the Franklin County Recorder's Office.

53103111.7207s

Exhibit A



NORTH

RR PARTNERS
54.795 ACRES

FRANK THOMAS, ET AL (4)
54.493 ACRES

270

INTERSTATE
ROUTE



FRANK THOMAS
2 ACRES
(2.434 ACRES BY SURVEY)

TOTALS:

RR PARTNERS	-	54.795 AC.
THOMAS, ET AL	-	54.493 AC.
THOMAS	-	2.434 AC.
		<u>111.722 AC.</u>

Exhibit A

EXHIBIT B

DESCRIPTION OF PUBLIC IMPROVEMENTS

The Public Improvements consist of constructing all or a portion of a new north-south street (Emerald Parkway) to connect Britton Parkway south of Rings Road with Shier Rings Road; a new east-west street (Woerner-Temple Road) extending west to Avery Road from Rings Road at I-270; a commercial loop road located east of Emerald Parkway and connecting Emerald Parkway at the north end of the Property with Woerner-Temple Road; and widening Britton Parkway from Rings Road to Tuttle Crossing Boulevard. The public roadway improvements for Emerald Parkway, Woerner-Temple Road and the loop road include pavement, landscaped median, curbs and gutters, two culvert crossings over Cramer Ditch, one culvert crossing over Geary Ditch, one culvert crossing over Cosgray Ditch, street lighting, storm sewers, sanitary sewers, water mains, sidewalk and bikeways, bikeway underpass, landscaping within the right-of-way and traffic signal improvements at Shier Rings Road and Woerner-Temple Road. Also included is widening of Britton Parkway from three to four lanes south of Rings Road. In addition, also included are any necessary improvements to Rings Road and Shier Rings Road to connect the new streets to existing pavement. In addition, the public improvements include design and other related costs, any required land acquisition needed for right-of-way, easements, final plat preparation as required, erosion and sediment control measures, traffic control devices, grading and other related work, survey work, soil engineering for the public street, construction staking and all other matters and activities necessary and appurtenant to those public improvements.

ORDINANCE NO. 138-99

AN ORDINANCE AMENDING ORDINANCE NO. 14-96 PASSED APRIL 1, 1996 TO EXTEND THE PERIOD DURING WHICH PREVIOUSLY IDENTIFIED IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY WILL BE A PUBLIC PURPOSE AND THE OWNERS THEREOF WILL BE REQUIRED TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, AND PROVIDING FOR PAYMENT OF A PORTION OF THOSE SERVICE PAYMENTS RECEIVED DURING THAT EXTENSION PERIOD TO THE DUBLIN CITY SCHOOL DISTRICT, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ohio Revised Code Sections 5709.40, 5709.42 and 5709.43, this Council, on April 1, 1996, passed Ordinance No. 14-96 (the TIF Ordinance) thereby declaring improvements to parcels of certain real property located in the City (as described and depicted in the TIF Ordinance and referred to therein as the Property) to be a public purpose, exempting those improvements from real property taxation for a period of time, specifying public infrastructure improvements (as described in the TIF Ordinance and referred to therein as the Infrastructure Improvements) to be made to benefit those parcels, providing for the making of service payments in lieu of taxes (the Service Payments) by the owner(s) thereof, and establishing a municipal public improvement tax increment equivalent fund (the Fund) into which those Service Payments were to be deposited; and

WHEREAS, the Dublin City School District approved the TIF Ordinance prior to its passage; and

WHEREAS, this Council desires to extend the period during which the owner(s) of the Property must make Service Payments in order to pay additional costs of those Infrastructure Improvements and provide for payments to the Dublin City School District during that period of extension equal to the amounts that School District would otherwise receive as real property tax payments; and

WHEREAS, notice of this amendment to the TIF Ordinance has been timely delivered to the Dublin City School District and the Central Ohio Joint Vocational School District in accordance with Ohio Revised Code Section 5709.83;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Dublin, Delaware, Franklin and Union Counties, Ohio, that:

Section 1. Section 1 of the TIF Ordinance is hereby amended to provide as follows:

"Section 1. Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.40, this Council hereby finds and determines that 100% of the increase in true value of the Property subsequent to the effective date of this Ordinance (which increase in true value is hereinafter referred to as the "Improvements" as defined in Section 5709.40) is a public purpose, and 100% of the Improvements is hereby declared to be a public purpose and exempt from taxation for a period commencing on the date of passage of this Ordinance and ending thirty (30) years thereafter. Until such time as the aggregate amount of monies deposited into the Thomas/Kohler Municipal Public Improvement Tax Increment Equivalent Fund (the Fund) established pursuant to Section 4 of this Ordinance equals three million dollars (\$3,000,000), all of such monies so deposited into the Fund shall be used solely for the purposes set forth in subsections 4(i) and 4(ii) of this Ordinance. After the aggregate amount of all monies deposited into the Fund equals \$3,000,000, all monies collected pursuant to Section 2 of this Ordinance and Section 5709.42 of the Revised Code shall be distributed as follows:

(i) Pursuant to Ohio Revised Code Sections 5709.40 and 5709.42, the Franklin County Treasurer shall distribute to the Dublin City School District from those payments in lieu of taxes provided for in Section 3 of this Ordinance, and at the same

time and in the same manner as real property tax payments, amounts equal to the amounts that School District would otherwise receive as real property tax payments derived from the Improvement absent the passage of this Ordinance; and

(ii) The remaining monies shall be deposited into the Fund and used for the purposes set forth in subsections 4(i) and (ii) of this Ordinance."

Section 2. Existing Section 1 of the TIF Ordinance is hereby repealed.

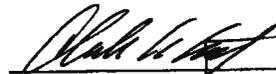
Section 3. Except as provided herein, all other provisions of the TIF Ordinance shall remain in full force and effect and the City Manager and Director of Finance are directed to make such arrangements as are necessary and proper for collection of the Service Payments. The City Manager and the Director of Finance are authorized to prepare or cause to be prepared and to submit to this Council for approval any amendments or supplements to that certain Tax Increment Financing and Economic Development Agreement between the City and Duke Realty Limited Partnership, F.A. Kohler Company and R.R. Partners, which amendments or supplements may be in the form of a separate agreement, and providing for the payment of further costs of the Public Infrastructure Improvement permitted and contemplated by this Ordinance. Those City officials are further authorized to provide such information and to execute, certify or furnish such other documents, and to do all of the things as are necessary for and incidental to carrying out the provisions of this Ordinance.

Section 4. Pursuant to Section 5709.40 of the Ohio Revised Code, the Clerk of Council is hereby directed to deliver a copy of this Ordinance to the Director of the Department of Development of the State of Ohio within fifteen days after its passage.

Section 5. This Council finds and determines that all formal actions of this Council 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 that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 6. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City, and for the further reason that this Ordinance is required to be immediately effective in order that the Infrastructure Improvements may be constructed as quickly as possible, which is necessary to provide transportation improvements at the earliest possible time and thereby improve the safety of the citizens of the City; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

Signed:



Presiding Officer

Attest: 
Clerk of Council

Passed: Jan. 3, 2000

Effective: Jan. 3, 2000

I hereby certify that copies of this Ordinance/Resolution were posted in the City of Dublin in accordance with Section 731.25 of the Ohio Revised Code,


Asst. Clerk of Council, Dublin, Ohio



CITY OF DUBLIN

Office of the City Manager
5200 Emerald Parkway · Dublin, Ohio 43017-1006
Phone: 614-761-6500 · Fax: 614-889-0740

Memo

To: Members of Dublin City Council
From: Timothy C. Hansley, City Manager *T. Hansley*
Date: December 9, 1999
Re: Ordinance 138-99, An Ordinance Amending Ordinance No. 14-96 (Thomas/Kohler TIF) to Provide a Funding Mechanism for the Continued Construction of Emerald Parkway
Initiated by: Marsha I. Grigsby, Director of Finance *MG*

Ordinance No. 138-99 provides an amendment to the existing legislation that established the Thomas/Kohler TIF district. The modification to the original legislation was previously discussed as part of the proposed incentive package with Qwest Communications International (Qwest). At this time, Qwest has put their decision to consolidate their Central Ohio operations "on hold"; however, it is important to maintain the flexibility provided by this amendment to fund the Emerald Parkway project for any future development. As you are aware Two Parkwood, the second office building in the TIF district, is under construction with a scheduled completion in mid-2000. More importantly, this financing mechanism will allow the City to continue to more aggressively fund roadway projects, an established City Council goal.

As discussed in the August 5, 1999 memo to City Council, the TIF district in effect for the "Thomas/Kohler site" included the Emerald Parkway from Shier Rings Road to Innovation Drive roadway project in the Description of the Public Improvements. The modification proposed in Ordinance No. 138-99 provides for the implementation of a "non-school district" TIF after the terms of the "straight TIF" expire. By extending the period of time that service payments can be received, the City will be able to utilize the TIF to fund a portion of the project costs for the Emerald Parkway from Shier Rings Road to Innovation Drive project.

As identified in Section 3 of this Ordinance, any amendments or supplements to the existing TIF/Economic Development Agreement between the City and the developers will be submitted to City Council at the applicable time. Any amendments or supplements would, in substance, mirror this Ordinance, but would also include specific details related to the economic development project.

For reference, the August 5, 1999 memo and related exhibits are attached. If you have any questions, please do not hesitate to contact Marsha.



CITY OF DUBLIN

Memo

To: Members of Dublin City Council

From: Timothy C. Hansley, City Manager

Date: August 5, 1999

Re: Incentive Package for Qwest Communications International

Initiated by: Richard B. Helwig, Director of Development
Marsha I. Grigsby, Director of Finance

Background

As City Council is aware, Qwest Communications International (Qwest) plans to consolidate and expand its operations currently existing in Central Ohio. In an effort to encourage this expansion and growth to occur in Dublin, Mr. Donald Hunter, representative for Duke-Weeks (formerly Duke Realty Investments), has requested that the City provide an incentive package to Qwest in order to be competitive with other sites in Central Ohio. As a result of Mr. Hunter's request, at the July 6, 1999 City Council meeting, City Council, by motion, directed Staff to work with Duke-Weeks to create an incentive package to retain and allow for Qwest to grow in Dublin.

Evaluation Completed to Develop an Incentive Package

As a result of City Council's direction, City Staff began reviewing the information packet prepared by Mr. Hunter and evaluating potential mechanisms available to fund an incentive package.

Based on discussions with Mr. Hunter and Qwest representatives since the July 6, 1999 City Council meeting, Staff feels confident the Qwest expansion will occur in either Dublin or Hilliard. The City of Hilliard has offered 100% tax abatement for 15 years on all new private improvements constructed for Qwest. The projected value of this incentive for an initial 200,000 square-foot office building is \$6.7 million over the 15-year period. Any additional expansion would also receive tax abatement.

Based on Hilliard's offer, Mr. Hunter requested Dublin provide an incentive package offering \$400,000 a year to Qwest for a period of 12 years in connection with Qwest making a 200,000 square-foot lease commitment in the Two Parkwood/Three Parkwood buildings for a total current incentive value of \$4.8 million. In addition to the \$4.8 million, an additional payment of up to \$236,000 per year was requested if the expansion was beyond the initial 200,000 square-foot lease. This could potentially result in the current value of the incentive reaching in excess of \$7.6 million. In evaluating the City's options, it is important to keep in mind that if Qwest were to expand their

operations in Hilliard instead of Dublin, the City would lose approximately 1,100 employees who are currently working in Dublin next year when the new facility is completed. This would result in an annual loss of approximately \$858,000 in withholding income tax revenue or approximately \$10.3 million over the term of the 12-year lease with Duke. There would also be the potential to lose the 1,150 employees who are located at One Parkwood at some point in the future.

Our first goal in looking at what incentive package to propose was "What can we offer without negatively impacting our current financial position and capital improvements program?" We began looking at options to fund roadway projects that are programmed in the 2000-2004 Capital Improvements Program (CIP) and specifically those projects that have a direct impact on this development. We also looked at new income tax revenues that would be generated from existing Qwest employees involved in the consolidation who are not currently working in Dublin. We have identified three items that can mitigate the impact of the proposed incentive.

Item #1

The tax increment financing (TIF) district currently in effect for the "Thomas/Kohler site" included several roadway projects in the Description of the Public Improvements (Exhibit 1) that we are currently planning to fund with income tax revenues. We can utilize service payments, instead of income tax revenues, for partial funding if the TIF agreement is modified to a "non-school TIF" after the terms of the "straight TIF" expire (Exhibit 2). The only project that is being partially funded from the Thomas/Kohler TIF is Emerald Parkway from Rings Road north to the northern property line of the Thomas/Kohler site and Parkwood Place which is an internal roadway to the Thomas/Kohler site.

By modifying the TIF, we can utilize service payments instead of income tax revenues to fund, over time, the estimated construction cost of Emerald Parkway from Shier Rings Road to Innovation Drive. This would result in an estimated \$2 million in income tax revenues previously programmed for the project being available for the Qwest incentive package.

Item #2

Another project identified in the Descriptions of the Public Improvements is the widening of Emerald Parkway from Rings Road to Tuttle Crossing Boulevard (formerly known as Britton Parkway). Mr. Hunter has been working with the City of Columbus and the State of Ohio, Department of Development (DOD), to obtain the majority of the funding for this project. Because of the number of jobs involved with the Qwest project, he has received an informal commitment from DOD for \$750,000 to \$1,000,000 for this project. The City of Columbus has informally committed to at least \$600,000 for this project because a portion of the roadway is within Columbus and will also provide a benefit to the existing development in Columbus. The remaining \$400,000 to \$650,000 has been identified as Dublin's share of the project.

Staff has requested that the DOD funding be redirected to the Emerald Parkway from Perimeter Drive to Shier Rings Road project (Overpass Project) and allow the modified TIF to fund the portion of the Emerald Parkway from Rings Road to Tuttle Crossing project that was being proposed to be funded by DOD funds. The portion proposed to be funded by Dublin can also be funded by the modified TIF. This would result in \$750,000 to \$1,000,000 in income tax revenues

previously programmed for the Overpass Project to be available for the Qwest incentive package.

Item #3

The Qwest consolidation would result in an additional 125 employees being located in Dublin in mid-2000. The estimated average annual salary per employee will be approaching \$40,000. This increase in employees would result in an additional \$100,000 annually in withholding income tax revenues collected by the City.

Qwest has also identified their intentions to create 500 new jobs within a three-year period. This increase in employment would further increase annual withholding income tax revenues by \$400,000.

Staff has also been involved in discussions with the Ohio Department of Transportation (ODOT) with regard to financing both the Emerald Parkway projects, Perimeter Drive to Shier Rings Road and Shier Rings Road to Innovation Drive, through ODOT's State Infrastructure Bank (SIB) loan program. If we can utilize the SIB loan program, savings in the form of lower interest payments over the term of the debt will be realized.

Proposed Incentive Package

Based on Items #1 - 3, the financial impact of the proposed incentive package can be mitigated. The following can offset the \$4 million incentive paid over the ten-year period:

- \$2,000,000 in service payments from a modified Thomas/Kohler TIF for the Emerald Parkway-Shier Rings Road to Innovation Drive project;
- \$750,000 to \$1,000,000 received from DOD for the Emerald Parkway-Perimeter Drive to Shier Rings Road project;
- The new withholding income tax revenue generated by the 125 new jobs relocating to Dublin as a result of the consolidation, which is estimated at \$100,000 a year or \$1,000,000 over the term of the incentive package.

Conclusion

Staff feels the proposed incentive, in conjunction with the City's past and future investment in roadways, represents a competitive offer that will not adversely impact our financial position or capital program.

① EXHIBIT B

DESCRIPTION OF PUBLIC IMPROVEMENTS

② The Public Improvements consist of constructing all or a portion of a new north-south street (Emerald Parkway) to connect Britton Parkway south of Rings Road with Shier Rings Road; a new east-west street (Woerner-Temple Road) extending west to Avery Road from Rings Road at I-270; a commercial loop road located east of Emerald Parkway and connecting Emerald Parkway at the north end of the Property with Woerner-Temple Road; and widening Britton Parkway from Rings Road to Tuttle Crossing Boulevard. The public roadway improvements for Emerald Parkway. Woerner-Temple Road and the loop road include pavement, landscaped median, curbs and gutters, two culvert crossings over Cramer Ditch, one culvert crossing over Geary Ditch, one culvert crossing over Cosgray Ditch, street lighting, storm sewers, sanitary sewers, water mains, sidewalk and bikeways, bikeway underpass, landscaping within the right-of-way and traffic signal improvements at Shier Rings Road and Woerner-Temple Road. Also ③ included is widening of Britton Parkway from three to four lanes south of Rings Road. In addition, also included are any necessary improvements to Rings Road and Shier Rings Road to connect the new streets to existing pavement. In addition, the public improvements include design and other related costs, any required land acquisition needed for right-of-way, easements, final plat preparation as required, erosion and sediment control measures, traffic-control devices, grading and other related work, survey work, soil engineering for the public street, construction staking and all other matters and activities necessary and appurtenant to those public improvements.

- ① - Exhibit to Ordinance No. 14-96, the Ordinance is attached for reference.
- ② - Includes Emerald Parkway - Shier Rings Road to Innovation Drive. This project is currently programmed in the 2000-2004 Capital Improvements Program.
- ③ - Emerald Parkway - Rings Road to Tuttle Crossing Boulevard.

Note: Emerald Parkway south of Rings Road was named Britton Parkway at the time this legislation was adopted in 1996.

ORDINANCE NO. 14-96

AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE TO BENEFIT THOSE PARCELS, REQUIRING THE OWNERS THEREOF TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, AUTHORIZING AN AGREEMENT WITH DUKE REALTY LIMITED PARTNERSHIP, F.A. KOHLER COMPANY AND RR PARTNERS WITH RESPECT TO THOSE PAYMENTS, ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS, AUTHORIZING A RELATED AMENDMENT OF AN AGREEMENT WITH THE DUBLIN CITY SCHOOL DISTRICT, AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code Sections 5709.40, 5709.42 and 5709.43 provide that this Council may declare improvements to parcels of real property located in the City to be a public purpose thereby exempting those improvements from real property taxation for a period of time, specify public infrastructure improvements to be made to benefit those parcels, provide for the making of semiannual service payments in lieu of taxes by the owners thereof, and establish a municipal public improvement tax increment equivalent fund into which such service payments shall be deposited; and

WHEREAS, Duke Realty Limited Partnership, F.A. Kohler Company and RR Partners will each acquire certain real property located in the City, which property is described in Exhibit A hereto (collectively, the Property) and may be acquired in phases over time, and contemplate making improvements to the Property, and this Council expects to make the public infrastructure improvements (the Infrastructure Improvements) generally described in Exhibit B hereto that once made would directly benefit the Property; and

WHEREAS, the need for those Infrastructure Improvements relative to the Improvements (as hereinafter defined) on the Property, and that those Infrastructure Improvements will directly benefit the Property, is documented in part in the City's Southwest Area Plan and in the traffic study conducted by Barton-Aschman Associates, Inc. and presented to the City on October 30, 1995; and

WHEREAS, the City has determined that it is necessary and appropriate and in the best interests of the City to provide for semiannual service payments in lieu of taxes with respect to the Property pursuant to Section 5709.42 of the Ohio Revised Code (the Tax Increment Financing); and

WHEREAS, proceeding with the Tax Increment Financing authorized by this Ordinance will be contingent upon the taking effect of appropriate rezoning(s) of the Property now proposed and under consideration by this Council; and

WHEREAS, this Council will, in coordination with the implementation of the Tax Increment Financing, create and allocate to a special capital improvement fund for the initial financing of certain of those Infrastructure Improvements municipal income taxes to be derived from the Improvements on the Property and other revenues of the City; and

WHEREAS, the implementation of the Tax Increment Financing is further contingent on the execution of the Amendment to the Municipal Income Tax Revenue Sharing Agreement referred to in Section 5 of this Ordinance;

WHEREAS, notice of the Tax Increment Financing proposed in this Ordinance has been delivered to the Dublin City School District in accordance with Section 5709.40 of the Ohio Revised Code and to the Central Ohio Joint Vocational School District in accordance with

Section 5709.83 of the Ohio Revised Code, and pursuant to Section 5709.40 the Dublin City School District has approved or is deemed to have approved the exemptions provided for hereby;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Dublin, Counties of Franklin, Union and Delaware, State of Ohio, that:

Section 1. Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.40, this Council hereby finds and determines that 100% of the increase in true value of the Property subsequent to the effective date of this Ordinance (which increase in true value is hereinafter referred to as the "Improvements" as defined in Section 5709.40) is a public purpose, and 100% of the Improvements is hereby declared to be a public purpose and exempt from taxation for a period commencing on the date of passage of this Ordinance and ending with the earlier of the lesser of (i) ten (10) years or (ii) that number of years ending with the conclusion of the year in which the amount of service payments in lieu of taxes made pursuant to Section 3 of this Ordinance and deposited into the Thomas/Kohler Municipal Public Improvement Tax Increment Equivalent Fund (the Fund) established pursuant to Section 4 of this Ordinance equals or exceeds the three million dollar (\$3,000,000) cost of Infrastructure Improvements to be paid from that Fund, and the Amendment to the Municipal Income Tax Revenue Sharing Agreement referred to in Section 5 of this Ordinance shall provide that any amount received into that fund in excess of \$3,000,000 shall be paid to the Dublin City School District. In no event shall such exemption extend beyond the date on which the City can no longer require semiannual service payments in lieu of taxes under Sections 5709.40 and 5709.42 of the Revised Code, all in accordance with the requirements of said Sections 5709.40 and 5709.42.

Section 2. The Infrastructure Improvements set forth in Exhibit B hereto are hereby designated as those Infrastructure Improvements that directly benefit, or that once made will directly benefit, the Property.

Section 3. As provided in Section 5709.42 of the Revised Code, the respective owner or owners of the Improvements are hereby required to, and shall make, semiannual service payments in lieu of taxes to the County Treasurer on or before the final dates for payment of real property taxes, which service payments shall be deposited in the Fund established pursuant to Section 4 of this Ordinance. The Tax Increment Financing and Economic Development Agreement between the City and Duke Realty Limited Partnership, F.A. Kohler Company and RR Partners, a copy of which is on file with the Clerk of Council, under which the Duke Realty Limited Partnership, F.A. Kohler Company and RR Partners respectively agree to make semiannual service payments in lieu of taxes for those portions of the property owned by each of them, is hereby approved, and the City Manager and Director of Finance are hereby authorized and directed to execute said Agreement on behalf of the City in substantially the form on file with the Clerk of Council, together with such revisions or additions thereto as are approved by the City Manager and Director of Finance, and those City officials are further authorized to provide such information and to execute, certify or furnish such other documents, and to do all other things as are necessary for and incidental to carrying out the provisions of that Agreement.

Section 4. This Council hereby establishes, pursuant to and in accordance with the provisions of Section 5709.43 of the Ohio Revised Code, the Thomas/Kohler Project Municipal Public Improvement Tax Increment Equivalent Fund, into which shall be deposited all of the semiannual service payments in lieu of taxes distributed to the City with respect to the Improvements on the Property by or on behalf of the County Treasurer as provided in Section 5709.42 of the Ohio Revised Code, and hereby provides that all of the moneys deposited in the Fund shall be used solely for the following purposes:

- (i) To pay the cost of constructing the Infrastructure Improvements;
- (ii) To pay the interest on and principal of bonds or notes issued by the City in order to finance the Infrastructure Improvements until such notes or bonds are paid in full; and
- (iii) To make payments to the Dublin City School District as provided in Section 1 of this Ordinance.

The Fund shall remain in existence so long as such service payments are collected and used for the aforesaid purposes, after which said Fund shall be dissolved in accordance with said Section 5709.43.

Section 5. The Amendment to the Municipal Income Tax Revenue Sharing Agreement dated February 27, 1995, between the City and Dublin City School District, a copy of which Amendment is on file with the Clerk of Council, under which the School District agrees it will not receive municipal income tax payments under Section 5709.82 of the Revised Code with respect to the exemption under this Ordinance, is hereby approved, and the City Manager and Director of Finance are hereby authorized and directed to execute that Amendment on behalf of the City in substantially the form on file with the Clerk of Council, together with such revisions or additions thereto as are approved by the City Manager and Director of Finance.

Section 6. Pursuant to Section 5709.40 of the Ohio Revised Code, the Clerk of Council is hereby directed to deliver a copy of this Ordinance to the Director of the Department of Development of the State of Ohio within fifteen days after its passage. On or before March 31 of each year that the exemption set forth in Section 1 hereof remains in effect, the Clerk of Council or other authorized officer of this City shall prepare and submit to the Director of the Department of Development of the State of Ohio the status report required under Section 5709.40(D) of the Ohio Revised Code.

Section 7. This Council finds and determines that all formal actions of this Council 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 that resulted in those formal actions were in meetings open to the public in compliance with the law.

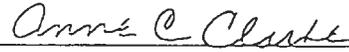
Section 8. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of this City and for the further reason that it is immediately necessary to provide for the funding for the Infrastructure Improvements so that the Infrastructure Improvements may be constructed as quickly as possible, thereby permitting development of the Property which will provide needed jobs and employment opportunities; wherefore, this Ordinance shall be in full force and effect immediately after its passage.

Signed:



Presiding Officer

Attest:



Clerk of Council

April
Passed: *March 1*, 1996

April
Effective: *March 1*, 1996

EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY

June 26, 1995
Revised Oct. 5, 1995
Revised Feb. 1, 1996

DESCRIPTION OF 111.72 ACRES
NORTH OF RINGS ROAD
WEST OF INTERSTATE ROUTE 270
CITY OF DUBLIN, OHIO

Situated in the State of Ohio, County of Franklin, City of Dublin, being all that land described in a deed to RR Partners, of record in Official Record Volume 31014, page C03, all that land as described in a deed to Frank A. Thomas and Ruth E. Thomas, of record in Deed Book 3137, Page 521, all that land as described in a Certificate of Transfer to Frank F. Thomas, of record in Official Record Volume 19868, Page H05, all references being to the records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at the southeasterly corner of the Thomas property at the intersection of the westerly limited access right-of-way line of Interstate Route 270 with the centerline of (old) Rings Road;

Thence South 79° 49' 03" West, along said centerline, a distance of 232.17 feet to an angle point;

Thence South 70° 11' 03" West, continuing along said centerline, a distance of 1566.29 feet to a point of curvature;

Thence continuing along said centerline with the arc of a curve to the right, having a radius of 403.41 feet, a central angle of 12° 06' 29", the chord of which bears South 76° 14' 18" West, a chord distance of 85.09 feet to the point of tangency at the southwesterly corner of said RR Partners property;

Thence North 6° 31' 55" West, along the westerly line of said RR Partners property, a distance of 1026.93 feet to an angle point;

Thence North 6° 46' 33" West, continuing along said westerly line, a distance of 412.72 feet to an angle point;

Thence North 6° 56' 38" West, continuing along said westerly line, a distance of 1584.73 feet to the northwesterly corner of said RR Partners property;

Thence South 89° 14' 15" East, along the northerly line of said RR Partners property, a distance of 859.35 feet to the northeasterly corner of same, the northwesterly corner of said Thomas property;

Thence South 89° 07' 50" East, along the northerly line of said Thomas property, a distance of 1020.78 feet to the northeasterly corner of same and in the westerly limited access right-of-way line of Interstate Route 270;

Thence along said right-of-way line the following four courses:

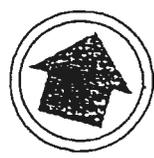
1. With the arc of a non-tangent curve to the left, having a radius of 7623.36 feet, a central angle of 2° 48' 21", the chord of which bears South 1° 54' 56" West, a chord distance of 373.32 feet to an angle point;
2. South 15° 08' 52" East, a distance of 102.39 feet to an angle point;
3. With the arc of a non-tangent curve to the left, having a radius of 7596.36 feet, a central angle of 12° 32' 45", the chord of which bears South 6° 30' 14" East, a chord distance of 1560.07 feet to the point of tangency;
4. South 12° 46' 33" East, a distance of 269.41 feet to the place of beginning and containing 111.72 acres of land.

Bearings herein are based on those of the subdivision "Tunic Crossing North".

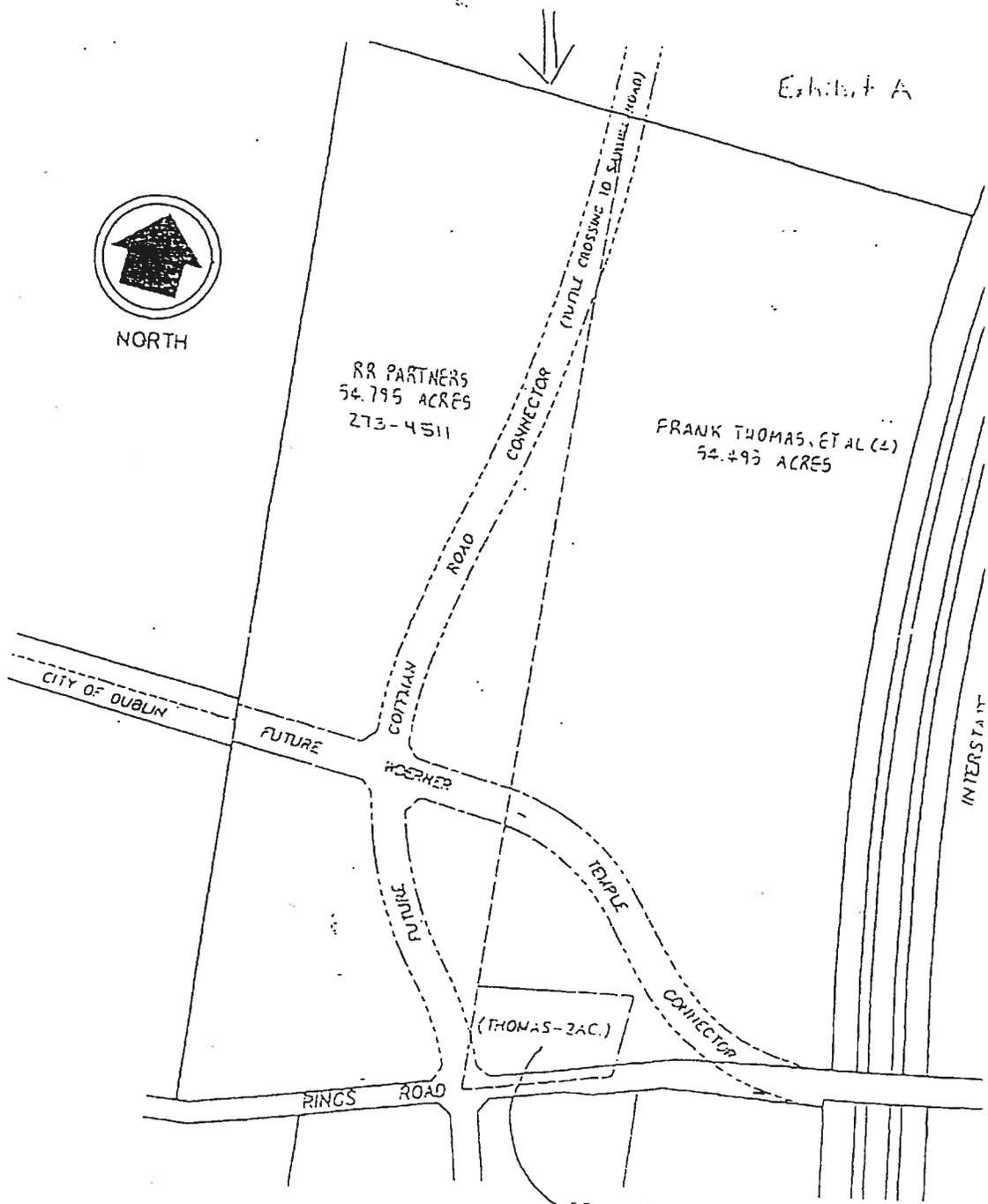
This description was prepared by M-E Civil Engineering, Inc., based on information from recent surveys and records of the Franklin County Recorder's Office.

53103111.72017s

Exhibit A



NORTH



FRANK THOMAS
 2 ACRES
 (2.492 ACRES BY SURVEY)

TOTALS:

RR PARTNERS	54.795 AC.
THOMAS, ET AL	54.493 AC.
THOMAS	2.492 AC.
	<u>111.772 AC.</u>

Exhibit A

Information on the Existing and Proposed Modified Thomas/Kohler Tax Increment Financing Agreement

Explanation of Terms

"Straight TIF" - payments in lieu of taxes, service payments, received by the City are based on 100% of the incremental increase in real property value as a result of the private improvements (i.e., office building)

"Non-school TIF" - payments in lieu of taxes, service payments, received by the City are based on 100% of the incremental increase in real property value as a result of the private improvements less the distribution to the Dublin City School District in an amount equal to the amount they would have received in real estate taxes had the TIF not been established.

General Information

The Thomas/Kohler TIF established by Ordinance No. 14-96 is currently a "straight TIF" with a cap of ten years or \$3 million in service payments. This was the first TIF executed by the City after Senate Bill 19 took effect on July 1, 1994. SB 19 placed restriction on the use of TIFs and Community Reinvestment Areas (CRAs). As a result, the City executed a Revenue Sharing Agreement with the Dublin City School District allowing the City to establish a "straight TIF" without having to share the withholding income tax revenues generated within the TIF district.

Based on service payments received to date and estimated future services payments from One Parkwood and Two Parkwood, the \$3 million cap on service payments will be reached by the end of 2002 or mid-2003, within 5 to 5.5 years of receiving our first service payments.

The modified TIF, a "non-school TIF" would generate an estimated \$420,000 a year in service payments to the City. This estimate is based on the existing One Parkwood building and the construction of Two Parkwood and Three Parkwood. Duke-Weeks is also projecting the construction of three additional buildings over the next four years. These additional buildings are estimated to generate additional service payments in the amount of \$240,000 per year. This would result in the "non-school TIF," at full development, being in effect for a period of 5 to 9 years depending upon the interest cost to finance the projects.

ORDINANCE NO. 143-02

AN ORDINANCE AMENDING ORDINANCE NO. 14-96 PASSED APRIL 1, 1996, AS AMENDED BY ORDINANCE NO. 138-99 PASSED JANUARY 3, 2000, TO SUPPLEMENT THE PUBLIC IMPROVEMENTS TO BE MADE TO BENEFIT THE PARCELS IDENTIFIED IN THOSE ORDINANCES, AND DECLARING AN EMERGENCY. (Thomas/Kohler TIF)

WHEREAS, pursuant to Ohio Revised Code Sections 5709.40, 5709.42 and 5709.43, this Council on April 1, 1996 passed Ordinance No. 14-96 (the TIF Ordinance) thereby declaring improvements to parcels of certain real property located in the City (as described and depicted in the TIF Ordinance and referred to therein as the Property) to be a public purpose, exempting those improvements from real property taxation for a period of time, specifying public infrastructure improvements (as described in the TIF Ordinance and referred to therein as the Infrastructure Improvements) to be made to benefit those parcels, providing for the making of service payments in lieu of taxes (the Service Payments) by the owner(s) thereof, and establishing a municipal public improvement tax increment equivalent fund (the Fund) into which those Service Payments were to be deposited; and

WHEREAS, this Council on January 3, 2000 by its passage of Ordinance No. 138-99 (the Amending Ordinance) specified additional public infrastructure improvements benefiting those parcels and provided for payments to the Dublin City School District equal to the amounts that School District would otherwise receive as real property tax payments; and

WHEREAS, this Council desires to specify additional public infrastructure improvements benefiting those parcels; and

WHEREAS, notice of this amendment to the TIF Ordinance has been timely delivered to the Dublin City School District and the Central Ohio Joint Vocational School District in accordance with Ohio Revised Code Section 5709.83;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Dublin, Delaware, Franklin and Union Counties, Ohio, that:

Section 1. The public infrastructure improvements set forth in Exhibit B to the TIF Ordinance as supplemented by the Amending Ordinance, and to be made or caused to be made by the City, shall also include the relocation and burying underground of overhead cables, wires and the appurtenant equipment which benefits, or that once made will benefit, the Property (as defined in the TIF Ordinance).

Section 2. Except as provided herein, all other provisions of the TIF Ordinance shall remain in full force and effect and the City Manager and Director

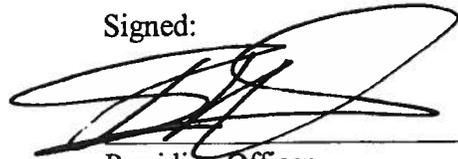
of Finance are directed to make such arrangements as are necessary and proper for collection of the Service Payments. The City Manager and the Director of Finance are authorized to prepare or cause to be prepared and to submit to this Council for approval any amendments or supplements to that certain Tax Increment Financing Agreement between the City and Duke Realty Limited Partnership, which amendments or supplements may be in the form of a separate agreement, and providing for the payment of further costs of the Public Infrastructure Improvement permitted and contemplated by this Ordinance. Those City officials are further authorized to provide such information and to execute, certify or furnish such other documents, and to do all of the things as are necessary for and incidental to carrying out the provisions of this Ordinance.

Section 3. Pursuant to Section 5709.40 of the Ohio Revised Code, the Clerk of Council is hereby directed to deliver a copy of this Ordinance to the Director of the Department of Development of the State of Ohio within fifteen days after its passage.

Section 4. This Council finds and determines that all formal actions of this Council 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 that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 5. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City, and for the further reason that this Ordinance is required to be immediately effective in order that provision may be made for the additional Infrastructure Improvements to be constructed as quickly as possible; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

Signed:



Presiding Officer

Attest:



Clerk of Council

Passed: Dec. 9, 2002

Effective: Dec. 9, 2002

I hereby certify that copies of this Ordinance/Resolution were posted in the City of Dublin in accordance with Section 731.25 of the Ohio Revised Code.


Clerk of Council, Dublin, Ohio



CITY OF DUBLIN

Office of the City Manager
5200 Emerald Parkway • Dublin, OH 43017
Phone: 614-410-4400 • Fax: 614-410-4490

Memo

To: Members of Dublin City Council

From: Jane S. Brautigam, City Manager *Jane S. Brautigam*

Date: December 2, 2002

Initiated By: Marsha I. Grigsby, Assistant City Manager/Director of Finance. *MIG*

Re: Ordinance No. 143-02, An Ordinance Amending Ordinance No. 14-96 Passed April 1, 1996, As Amended by Ordinance 138-99 Passed January 3, 2000, To Supplement The Public Improvements To Be Made To Benefit The Parcels Identified In Those Ordinances, And Declaring An Emergency. (Thomas/Kohler TIF)

SUMMARY:

As discussed at the November 18, 2002 City Council meeting and as directed by Resolution No. 41-02, the administration has worked with Squire, Sanders & Dempsey, LLC, the City's bond counsel, to prepare legislation amending the existing legislation related to the Thomas/Kohler tax increment financing (TIF) district. This amendment identifies additional public infrastructure improvements that will benefit the parcels included in the TIF district. The additional public infrastructure improvements include the relocation and burying underground of overhead cables, wires and the appurtenant equipment which benefit, or will benefit, the TIF parcels once made. These improvements include American Electric Power's (AEP) 138 KV transmission line project that is needed to resolve current and future electric needs of the City, including the parcels within the TIF district.

This TIF district was previously amended by Ordinance No 138-99 to provide for a "non-school" TIF after the terms of the "straight" TIF expire. The "straight" TIF will expire tax year 2003, calendar year 2004, and the "non-school" TIF will continue through tax year 2026.

As identified in Resolution No. 41-02, the City will fund 50% of the defined "additional" costs, estimated to be \$1,286,000, associated with the desired route and placement of the 138 KV transmission lines to be installed by AEP. We intend to utilize the Thomas/Kohler TIF to fund \$643,000 of the City's estimated project costs. This will result in the City's reimbursement of previously advanced funds to be deferred. This will not impact projected General Fund and/or Capital Improvements Tax Fund revenues because it was assumed no repayments of past advances would be made in the next five years. Sufficient funds are currently available in the Thomas/Kohler TIF Fund to make payment of the \$643,000.

RECOMMENDATION:

It is recommended that Ordinance No. 143-02 be passed as an emergency at the December 9, 2002 City Council meeting. Passage as an emergency is requested in order that provision for the additional infrastructure improvements is effective immediately upon passage.

