

**ORDINANCE NO. 173-2022**

**TITLE: REMOVAL OF RAILROAD AND UTILITY PARCELS**

**AN ORDINANCE AMENDING ORDINANCE NO. 91-2019 TO REMOVE CERTAIN PARCELS FROM AN EXISTING TAX INCREMENT FINANCING EXEMPTION PROVIDED FOR IN SAID ORDINANCE; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City adopted Ordinance No. 91-2019 on December 19, 2019 (the “Original TIF Ordinance”), whereby the City declared certain improvements to certain defined real property within the City (the “TIF Property”) to be a public purpose, exempted 100% of the value of such improvements from real property taxation in accordance with Section 5709.40 of the Ohio Revised Code for a period of 30 years, and provided for the owner(s) of the TIF Property to make certain service payments in lieu of taxes to be used to fund certain payments to the Barberton City School District as set forth in the Original TIF Ordinance and otherwise to pay the costs of public infrastructure improvements undertaken by the City for the benefit of the TIF Property; and

**WHEREAS**, the real property currently identified as Parcel Nos. 0113326, 0113663, and 0116088 in the records of the Summit County Fiscal Officer (“Removal Parcels”) comprised a portion of the TIF Property at the time that the Original TIF Ordinance was adopted by this Council; and

**WHEREAS**, as of the date of adoption of this Ordinance, no improvements have been made to the Removal Parcels that have been exempted from real property taxation in accordance with Section 5709.40 of the Ohio Revised Code; and

**WHEREAS**, this Council desires to remove the Removal Parcels from the exemption provided for in the Original TIF Ordinance; and

**WHEREAS**, the City provided notice to the Board of Education of the Barberton City School District in conformance with Section 5709.83 of the Ohio Revised Code prior to the adoption of this Ordinance.

**WHEREAS**, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the City to amend the Original TIF Ordinance to remove the Removal Parcels from the TIF Property exempted under the Original TIF Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by City Council for the City of Barberton, Summit County, Ohio, that:

**SECTION 1.** This Council hereby amends Ordinance No. 91-2019 (the “Original TIF Ordinance”) to remove the real property currently identified as Parcel No. Nos. 0113326, 0113663, and 0116088 in the records of the Summit County Fiscal Officer (“Removal Parcels”) from the exemption provided for in the Original TIF Ordinance. A map depicting the Removal Parcels to be removed from the Original TIF Ordinance is attached hereto as Exhibit A.

**SECTION 2.** Furthermore, the real property exemption previously granted for the Removal Parcels by this Council in the Original TIF Ordinance is hereby rescinded in full, and shall be void and of no effect whatsoever. The action of this Council in amending the Original TIF Ordinance and rescinding and nullifying the exemption in the Original TIF Ordinance shall not prevent this Council from granting a subsequent exemption from real property taxation concerning the Removal Parcels in the future.

**SECTION 3.** The Clerk of Council is hereby directed to deliver or cause to be

delivered a copy of this Ordinance to the Director of the Ohio Development Services Agency (the “Director”) within 15 days after its passage.

**SECTION 4.** This Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council and of any committees that resulted in those formal actions were held, 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 and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to enable the City to provide for the further orderly and beneficial development of the City, including the Removal Parcels; and provided it receives the approval of two-thirds of the members of Council, shall be in full force and effect from and after its passage and approval by the Mayor, or otherwise take effect and be in full force from and after the earliest period allowed by law.

Passed    December 12, 2022

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Clerk of Council	President of Council

Approved \_\_\_\_\_ 2022

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Mayor