

RESOLUTION NO. 52-2012

Acknowledging the City's Consent to a Community Reinvestment Area Exemption on Franklin County Auditor's Parcel No. 100-006685 in Regards to a Concurrent Tax Increment Financing Exemption in Place on the Same Parcel.

WHEREAS, the City has undertaken efforts to foster commercial redevelopment of the former Worthington Foods manufacturing site, which was purchased and left vacant and unused in 1999 and then demolished in 2005; and,

WHEREAS, the City worked with the developer to incent the redevelopment of commercial office space on the site, with the City initially approving by ordinance two respective forms of assistance on the value of improvements made to such property: a Community Reinvestment Area ("CRA") abatement approved by City Council under Ordinance 13-2007 on April 16, 2007 and a tax increment financing ("TIF") approved by City Council under Ordinance 50-2007 on November 5, 2007; and,

WHEREAS, the City thereafter desired to limit the TIF to only those portions of the former Worthington Foods site that were fully redeveloped, thereby removing the TIF exemption from the still undeveloped portions of the site, and City Council passed Ordinance 58-2010 on December 20, 2010, to amend the TIF to exempt only those parcels redeveloped to-date, including that of Franklin County Auditor's Parcel No. 100-006685-00 (the "Property"); and,

WHEREAS, an application for TIF exemption of the Property (the "Exemption Application") was filed on December 30, 2010 by the City's representative on behalf of the owner of the Property, seeking to exempt twenty-five percent (25%) of the increase in assessed valuation of the improvements to the Property from real property taxation for ten years pursuant to the approved TIF; and,

WHEREAS, the City thereafter approved Ordinance 31-2011 on September 19, 2011, to similarly limit the CRA abatement to only to those parcels actually redeveloped at the project site, including improvements made to the Property; and,

WHEREAS, the City attempted to file on February 16, 2012, a CRA application for purposes of effecting the seventy-five percent (75%) abatement on the Property, and said CRA application was rejected by the Franklin County Auditor because the City's representative filed the TIF Exemption Application on behalf of the owner of the Property and the subsequent Tax Commissioner's Final Determination issued April 19, 2011, excludes the Property from being exempted under the CRA by operation of Ohio Revised Code ("ORC") § 5709.911; and,

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WHEREAS, the City always desired that the Property would be subject to both the TIF and the CRA exemptions, but that the TIF filing had the unintended consequence of precluding the CRA exemption; and,

WHEREAS, the City, its representative and the Ohio Department of Taxation, Tax Equalization Division, have discussed methods by which to preserve the City's ability to effect both the CRA and the TIF exemptions on the Property, despite the filing of the Exemption Application on behalf of the owner of the Property, with an agreed solution being in the form of a new Tax Commissioner's Final Determination that will supercede the earlier Final Determination by acknowledging both the TIF and CRA exemptions; and,

WHEREAS, pursuant to ORC § 5709.911(B)(1), the City seeks to provide its duly authorized written consent, by means of this Resolution, to the CRA exemption on the Property in addition to the TIF exemption.

NOW THEREFORE, BE IT RESOLVED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That the City hereby consents to the Property being exempted by both the TIF, created by Ordinance No. 50-2007 and later amended by Ordinance No. 58-2010, as well as the CRA, as approved under Ordinance 13-2007 and later amended by Ordinance No. 31-2011.

SECTION 2. That the City Manager is authorized to take any actions and execute any documents necessary to carry out Section 1 of this Resolution.

SECTION 3. That Resolution No. 26-2012 be and the same is hereby repealed.

SECTION 4. That the Clerk of Council be instructed to record said Resolution in the appropriate record book.

Adopted December 10, 2012

[Signature on File]

President of Council

Attest:

[Signature on File]

Clerk of Council