

The Board of Township Trustees of Liberty Township (Delaware County), Ohio, met in regular session at the Township Hall at 7761 Liberty Road, Powell, Ohio 43065, at 7:00 p.m. on August 5, 2019, with the following members present:

Henehan Gempertine  
Eichhorn

Trustee Henehan moved the adoption of the following resolution, and Trustee Eichhorn seconded the motion.

**19-0805-04: A RESOLUTION EXEMPTING IMPROVEMENT TO CERTAIN REAL PROPERTY FROM REAL PROPERTY TAXES; IDENTIFYING CERTAIN PUBLIC INFRASTRUCTURE IMPROVEMENTS THAT ARE A PUBLIC PURPOSE AND, ONCE MADE, WILL DIRECTLY BENEFIT THE REAL PROPERTY; REQUIRING THE OWNERS OF THE REAL PROPERTY TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A TOWNSHIP PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND; AND RELATED AUTHORIZATIONS.**

**WHEREAS**, Ohio Revised Code (“R.C.”) Sections 5709.73, 5709.74 and 5709.75 (the “TIF Statutes”) provide that this Board of Township Trustees (this “Board”) may, under certain circumstances, exempt a percentage of Improvement (as defined in Section 1) to real property located within the unincorporated area of Liberty Township (Delaware County), Ohio (the “Township”) from real property taxes, identify certain public infrastructure improvements that are a public purpose and, once made, will directly benefit that real property, provide for payments in lieu of taxes by the owners of the real property, and establish a township public improvement tax increment equivalent fund; and

**WHEREAS**, the real property described in Exhibit A attached to this Resolution (the “Property”) is located within the Township; and

**WHEREAS**, Schottenstein Real Estate Group, LLC and/or its affiliates, successors and/or assigns (collectively, the “Developer”) desire to construct or cause to be constructed the private improvements described in Exhibit B attached to this Resolution (the “Project”) on portions of the Property; and

**WHEREAS**, the public infrastructure improvements described in Exhibit C attached to this Resolution as the same may be further detailed in one or more separate agreements (the “Public Infrastructure Improvements”) are a public purpose and will directly benefit the Property; and

**WHEREAS**, this Board desires to have the Public Infrastructure Improvements constructed; and

**WHEREAS**, it is in the best interest of the Township to exempt a percentage of the Improvement from real property taxes as provided in this Resolution, to provide for the payment of service payments in lieu of taxes with respect to the Improvement pursuant to the TIF Statutes, and for the use of those service payments in lieu of taxes to be used to pay costs of the Public Infrastructure Improvements (including payment of obligations issued to pay such costs); and

**WHEREAS**, the Township provided notice of this Board's intent to exempt the Improvement from real property taxes in accordance with the terms of this Resolution to both the Board of Education of the Olentangy Local School District and the Delaware Area Career Center all in accordance with R.C. Section 5709.83;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Township Trustees of Liberty Township (Delaware County), Ohio, that:

Section 1. TIF Exemption. This Board finds and determines that it is in the best interest of the Township, pursuant to R.C. Section 5709.73(B), to grant an exemption from real property taxes on the increase in the assessed value of the Property after the effective date of this Resolution (the "Improvement," as further defined in R.C. Section 5709.73(A)(2) and Exhibit B), which exemption shall be equal to 75% of such Improvement (the "Exempted Portion of the Improvement"), in order to provide for Service Payments (as defined in Section 2) to pay costs of the Public Infrastructure Improvements (including the payment of obligations issued to pay such costs). This Board also finds and determines that the Public Infrastructure Improvements are a public purpose and directly benefit the Property. For each separately identifiable parcel of the Property, as currently configured or as may be combined and/or subdivided in the future (each a "Parcel"), the exemption shall commence on the earlier of (i) the first tax year for which an Improvement attributable to a fully-completed and fully-assessed structure on that Parcel first appears on the tax list and duplicate of real and public utility property (i.e., not attributable to partial construction), or (ii) tax year 2037, and ends on the earlier of (i) 10 years thereafter, or (ii) on the date on which the Township can no longer require service payments in lieu of taxes, all in accordance with the requirements of the TIF Statutes. This Board confirms and ratifies the giving of notice pursuant to R.C. Section 5709.83 referred to in the last recital above.

Section 2. Service Payments. As provided in the TIF Statutes, the present and future owners of the Property (each an "Owner", and collectively, the "Owners") are hereby required to, and shall make, service payments in lieu of taxes to the Treasurer of Delaware County (the "County Treasurer") on or before the final dates for payment of real property taxes, which service payments shall be deposited in the TIF Fund (as defined in Section 3), pursuant to the TIF Statutes and as provided in Section 3. Each such payment shall be in the same amount as the real property taxes that would have been charged and payable against the Exempted Portion of the Improvement had the exemption from taxation not been granted by this Resolution, and otherwise shall be in accordance with the requirements of the TIF Statutes. Any late payments shall be subject to penalty and bear interest at the then current rate established under R.C. Sections 323.121(B)(1) and 5703.47, as the same may be amended from time to time, or any successor provisions thereto, as the same may be amended from time to time (the payment of penalties and interest are collectively referred to herein with the payments in lieu of taxes as the "Service Payments"). The Service Payments, and any other payments in connection with the Improvement which are received

by the Township Fiscal Officer (the "Fiscal Officer") in connection with any reduction required by R.C. Section 319.302, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time (the "Property Tax Rollback Payments") shall be allocated and deposited in accordance with Section 3.

Section 3. TIF Fund. This Board hereby establishes, pursuant to and in accordance with the provisions of the TIF Statutes, the Liberty Township Public Improvement Tax Increment Equivalent Fund (Liberty Grand Project) (the "TIF Fund"). The Fiscal Officer shall deposit all Service Payments and Property Tax Rollback Payments received from the County Treasurer into the TIF Fund. Those Service Payments and Property Tax Rollback Payments deposited in the TIF Fund shall be deemed appropriated for the purposes set forth in this Resolution, and the Fiscal Officer is hereby authorized to make payments from the TIF Fund in accordance with this Resolution.

The Service Payments and Property Tax Rollback Payments deposited in the TIF Fund shall be allocated and used to pay costs of Public Infrastructure Improvements (including payment of obligations issued to pay those costs).

The TIF Fund shall remain in existence so long as the Service Payments and Property Tax Rollback Payments are collected and used for the above purposes, after which the TIF Fund shall be dissolved in accordance with the TIF Statutes. Upon such dissolution, any incidental surplus remaining in the TIF Fund shall be transferred to the General Fund of the Township.

Section 4. Nondiscriminatory Hiring Policy. As required by R.C. Section 5709.832, the Township hereby adopts the following nondiscriminatory hiring policy for all recipients of property tax exemptions granted by the Township, including the one granted pursuant to this Resolution: Any recipient of an exemption granted by the Township pursuant to R.C. Section 5709.73 shall agree in any agreement entered into with the Township in connection with that exemption that it does not deny employment to any individual solely on the basis of race, religion, sex, disability, color, national origin or ancestry.

Section 5. Further Authorization. Each member of this Board, the Fiscal Officer and any other Township official, as appropriate, are each authorized and directed to sign any other documents, instruments or certificates and to take such actions as are necessary or appropriate to consummate or implement the transactions described in or contemplated by this Resolution.

Section 6. Filing with DSA; Status Reports to DSA. The Fiscal Officer is hereby directed to deliver a copy of this Resolution to the Director of the Development Services Agency of the State of Ohio within fifteen days after its adoption. On or before March 31 of each year that the exemption from real property taxes granted by this Resolution remains in effect, this Board shall prepare and submit, or cause to be prepared and submitted, to the Director of the Development Services Agency of the State of Ohio the status report required under R.C. Section 5709.73(I).

Section 7. Open Meeting. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this Resolution, and that all deliberations of this Board and of any committees that resulted in those formal actions, were taken in meetings open to the public in compliance with the law.

Section 8. Effective Date. This Resolution shall be in full force and effect immediately upon its adoption.

The foregoing motion having been put to a vote, the result of the roll call was as follows:

<u>Melanie Lenahan</u> Lenahan	<u>yes</u>
<u>Michael Lampert</u> Lampert	<u>yes</u>
<u>Elanperian</u> Elanperian	<u>yes</u>
<u>Mark Allen</u> Eckhorn	<u>yes</u>

The foregoing is a true and correct copy of a resolution adopted by the Board of Township Trustees of Liberty Township (Delaware County), Ohio, on August 5, 2019.

Dated: August 5<sup>th</sup>, 2019

Nancy Denutte  
Nancy Denutte, Fiscal Officer  
Liberty Township (Delaware County), Ohio

## **EXHIBIT A**

### **PROPERTY**

The Property is comprised of the real estate situated in Liberty Township, Delaware County, Ohio shown on the attached depiction and comprised of the following tax year 2018 identification numbers, subject to future splits and/or combinations, which future splits or combinations may result in a change to the identification numbers and/or create Parcels within the Property with boundaries that differ from the current boundaries:

31921001037000  
31921001039000  
31924001040000  
31924001039000  
31924001036000  
31921001036000  
31921001028000  
31921001011000  
31921001027000  
31921001026000

**PARCEL EXHIBIT**  
LOTS D, E, 7, 22, 26 AND 27, QUARTER TOWNSHIP 2, TOWNSHIP 3, RANGE 19  
UNITED STATES MILITARY LANDS  
TOWNSHIP OF LIBERTY, COUNTY OF DELAWARE, STATE OF OHIO

A black and white line drawing of a city street layout. A specific area is highlighted with a cross-hatch pattern and labeled 'SITE' in the center. The drawing shows various buildings, roads, and other urban features.

LOCATION MAP AND BACKGROUND DRAWING  
NOT TO SCALE



**EXHIBIT B**

**PROJECT AND IMPROVEMENT**

The Project will consist of multi-family apartment units, which may be constructed in phases over time, together with all related improvements and appurtenances. The Property (as defined in Exhibit A), is comprised of two large land mass areas spanning and including several major east-west roadways for the Township and Delaware County (the "County") and two major north-south roadways within the Township and County, the development of which will significantly change the character and accessibility of both the northeast and northwest quadrants of Sawmill Parkway and the Home Road corridor, for which a coordination of Township and County efforts and constructed improvements is contemplated. The Improvement includes all commercial development on the Property pursuant to R.C. Section 5713.041, including, but not limited to, multi-family residential structures containing four or more units, and does not include single-family residential structures.

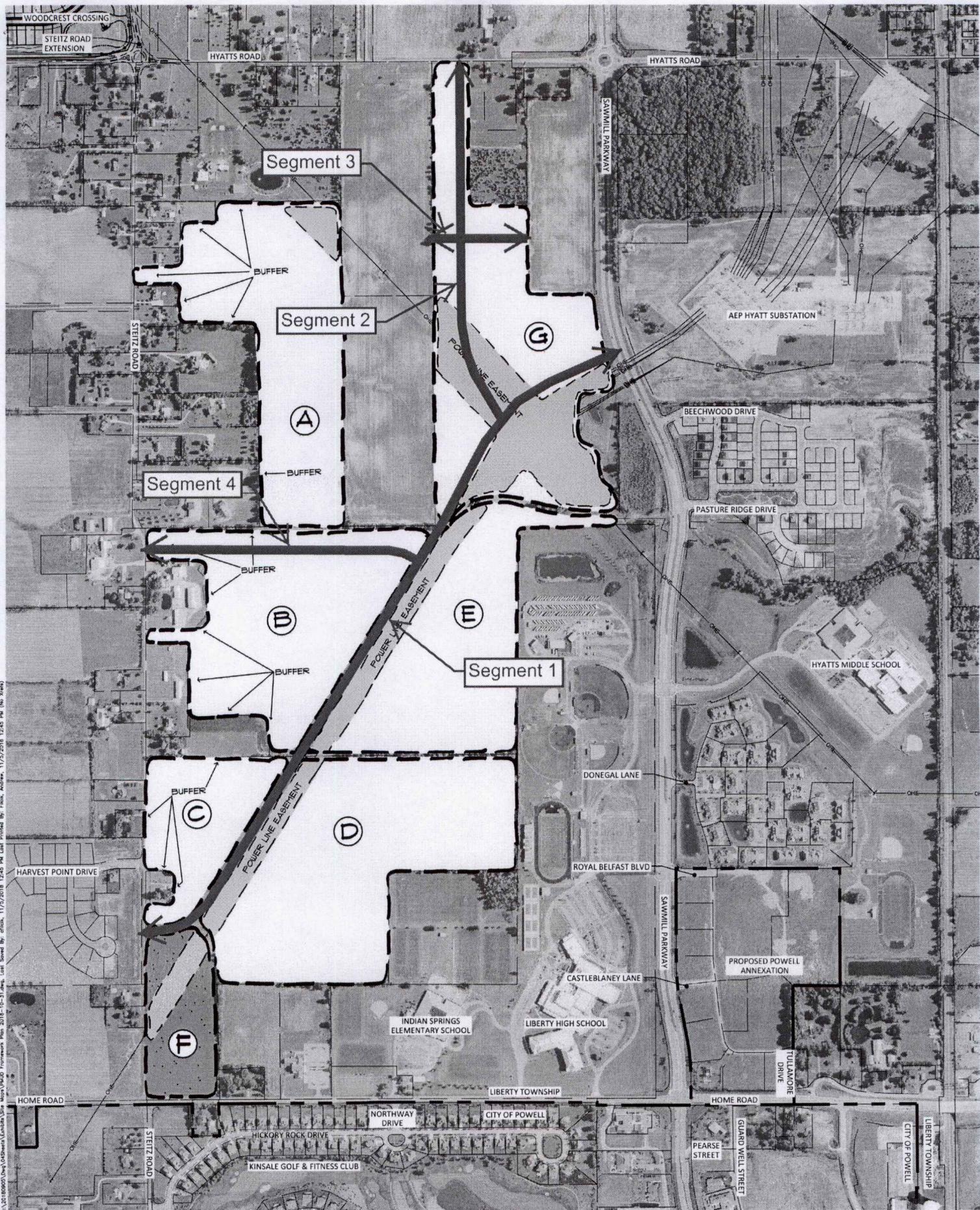
## EXHIBIT C

### PUBLIC INFRASTRUCTURE IMPROVEMENTS

The Public Infrastructure Improvements include, but are not limited to, any or all of the following improvements that will directly benefit the Property and all related costs of permanent improvements (including, but not limited to, those costs listed in R.C. Section 133.15(B)):

- Construction, reconstruction, extension, opening, improving, widening, grading, draining, curbing or changing of the lines and traffic patterns of, highways, streets, intersections, bridges (both roadway and pedestrian), sidewalks, bikeways, medians and viaducts accessible to and serving the public, and providing signage (including traffic signage and informational/promotional signage), lighting systems, signalization, and traffic controls, and all other appurtenances thereto.
- The “Primary Road” consisting of public roadway system for circulation and connectivity purposes which will connect the Project to Sawmill Parkway, Hyatts Road, and Steitz Road; as depicted on the Primary Road Map, such Primary Road to include Segments 1, 2, 3 and 4. The Primary Road Map is incorporated herein to Exhibit B. As depicted on the Primary Roadway Map, Segment 1 is expected to include the construction of approximately 5800 linear foot boulevard roadway, roundabout(s), 20 foot lanes, a 12 foot median and an 80 foot public right of way (subject to modification). In addition, the construction of the Primary Road is expected to include, but not be limited to, curbs and gutters, sidewalks/multi-use paths, storm sewers, sanitary sewers, watermains and appurtenances, gas facilities, electric facilities, communication facilities, lighting, stormwater management facilities, landscaping, street trees, signage, artwork, sculptures and/or other streetscape improvements, and traffic signalization. The specifications, design and final configuration of the Primary Road are subject to change and modification in whole, or in part.
- Signage, artwork, sculpture and other related items that enhance, compliment and beautify the Property and the Public Infrastructure Improvements located in the public right-of-way or within public easements.
- Construction, reconstruction, extension, opening, improving, widening, grading, draining or curbing of walking and/or multipurpose paths that connect the Property to any public school facility, including improvements on the Property and any public school property.
- Construction, reconstruction or installation of public utility improvements (including any underground municipally owned utilities), storm and sanitary sewers (including necessary site grading therefore), water and fire protection systems, and all appurtenances thereto.
- Construction, reconstruction or installation of gas, electric and communication service facilities (including any underground lines or other facilities), and all appurtenances thereto.

- Construction, reconstruction and installation of stormwater and flood remediation projects and facilities, including such projects and facilities on private property when determined to be necessary for public health, safety and welfare.
- Continued and ongoing maintenance, paving, repaving, striping, grading and related work on roads, highways, streets, water and sewer lines constructed as part of the Public Infrastructure Improvements.
- Construction or installation of streetscape and landscape improvements including trees, tree grates, signage, curbs, sidewalks, scenic fencing, street and sidewalk lighting, trash receptacles, benches, newspaper racks, burial of overhead utility lines and related improvements, together with all appurtenances thereto, including, but not limited to streetscape improvements in conjunction with and along the roadway improvements described above.
- Acquisition of real estate or interests in real estate (including easements) (a) necessary to accomplish any of the foregoing Public Infrastructure Improvements or (b) in aid of industry, commerce, distribution or research, including, but not limited to, any acquisition of land in connection with the Township's taking title to any Public Infrastructure Improvements.
- Any other public infrastructure improvements, pursuant only to a written request by the Developer, constructed or maintained by or on behalf of the Township that are determined by the Board of Township Trustees to directly benefit the Property.



PLANNED OVERLAY DISTRICT  
**POD 18 (B)**  
LIBERTY TOWNSHIP - DELAWARE COUNTY, OHIO



NOVEMBER 5, 2018  
REVISED: DECEMBER 5, 2018  
JANUARY 9, 2019

