



**BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO**

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TOM GROSSMANN

SHANNON JONES

DAVID G. YOUNG

GENERAL SESSION AGENDA

December 20, 2022

- #1** **Clerk—General**
- #2** **9:00** **Work Session –Matt Schnipke, Director of Economic Development, Relative to Extension of Miami Valley Gaming TIF**
- #3** **9:15** **Work Session— Matt Nolan, Auditor, Relative to Termination of Greens of Bunnell Hill Incentive District TIF**
- #4** **9:20** **Work Session – Martin Russell, Deputy County Administrator, Approve 2023 Annual Appropriations**
- #5** **9:30** **Work Session – Ranking of Broadband RFP Submissions**

The Board of Commissioners' public meetings can now be streamed live at [Warren County Board of Commissioners - YouTube](#).

Meeting #50 of 2022

APPROVE REQUISITIONS AND AUTHORIZE COUNTY ADMINISTRATOR TO SIGN DOCUMENTS RELATIVE THERETO

BE IT RESOLVED, to approve requisitions as listed in the attached document and authorize Tiffany Zindel, County Administrator, to sign on behalf of this Board of County Commissioners.

M moved for adoption of the foregoing resolution being seconded by M. Upon call of the roll, the following vote resulted:

M
M
M

Resolution adopted this 20th day of December 2022.

BOARD OF COUNTY COMMISSIONERS

Tina Osborne, Clerk

/tao

cc: Commissioners' file

REQUISITIONS

Department	Vendor Name	Description	Amount
TEL	CDW LLC	TEL CDW NUTANIX PURCHASE TO RU	\$ 324,326.33
ENG	CITY OF SOUTH LEBANON	ENG CVT-379 CITY OF SOUTH LEBA	\$ 54,364.49
FAC	FRED B DE BRA CO	FAC HVAC EQUIPMENT- UPS ROOM	\$ 72,459.00
FAC	FRED B DE BRA CO	FAC HVAC EQUIPMENT- NOC ROOM	\$ 123,080.00
FAC	FRED B DE BRA CO	FAC HVAC EQUIPMENT- FRAME ROOM	\$ 36,858.00
TEL	MONTROSE FORD LLC	TEL MONTROSE FORD 2023 EXPEDIT	\$ 55,126.50
WAT	FULLER FORD INC	SEW TB FORD-F150 SUPERCAB V8 4	\$ 45,920.96
FAC	FRED B DE BRA CO	FAC BOILER REPLACEMENT	\$ 50,106.82

PO CHANGE ORDERS

Department	Vendor Name	Description	Amount
TEL	CLIMATE CONDITIONING CO	UPS BACKUP POWER UNIT FOR DISPATCH CENTER	\$ 33,604.40 INCREASE
WAT	BUILDING CRAFTS INC	RAR WATER SOFTENING UPGRADES	\$ 29,295.59 DECREASE

12/20/2022 APPROVED:

Tiffany Zindel, County Administrator

CONSENT AGENDA*

December 20, 2022

1. *Approve the minutes of the December 13, 2022, Commissioners' Meeting.*

PERSONNEL

2. *Appoint Arlene Byrd as the Director of Job & Family Services, Human Services Division*
3. *Approve leave donation for Wayne Click within Facilities Management*
4. *Hire Nathan Williams and Noah Faulkner as Sewer Collections Worker I within Water & Sewer*
5. *Hire Jordan Barnhart as Assistant Business Manager within Human Services*

GENERAL

6. *Amend Sections 4.06: Overtime Approval of the Warren County Personnel Policy Manual*
7. *Establish January 3, 2023 at 9:00 a.m. as the time and date for the Annual Organizational Meeting*
8. *Cancel regularly scheduled Commissioners' meetings of Thursday, December 22, 2022 and Tuesday, December 27, 2022*
9. *Authorize transparency reporting services addendum with OptumRX*
10. *Enter into administrative services contract with Dental Care Plus for administration services of the dental benefit program*
11. *Approve amendment to the professional service agreement with Morley relative to Broadband*
12. *Enter into contract with Assetworks for Garage Fleet Management System with implementation services for Warren County Garage*
13. *Approve change order #1 with Jess Howard Electric Co. for the Taxiway and New Wind Cone project at the Warren County Airport*
14. *Transfer vehicle no longer utilize by Facilities Management to the Warren County Park Board*
15. *Approve county vehicle tax for the City of South Lebanon*
16. *Approve destruction of various Sheriff's Office equipment*
17. *Approve MOU with Warren County Community Services on behalf of Children Services*
18. *Enter into a lease agreement with the Warren County Soil & Water Conservation District*
19. *Enter into agreement with the City of Mason relative to reimbursement for public defender expenditures for 2023*
20. *Enter into fire monitoring agreement with Silco Fire & Security for service at RAR Water Treatment Plant*
21. *Accept change order from Climate Conditioning Co. for Telecom*
22. *Enter into contract with Mission Critical Partners on behalf of Telecom*
23. *Accept quote from CDW for Nutanix hardware and supplies on behalf of Telecom*
24. *Acknowledge approval of financial transactions*
25. *Acknowledge payment of bills*

FINANCIALS

26. *Accept amended certificate for various funds*
27. *Accept amended certificate and approve appropriation decreases in Water Construction 5583 and Sewer Construction 5575*

- 28. Approve supplemental appropriations into Local Fiscal Recovery 2211, Workforce Development Board 2238, and Community Corrections 2289*
- 29. Approve appropriation adjustments from Commissioners 11011110 into Sheriff 11012200, 11012210, and Common Pleas 11011223 for payouts*
- 30. Approve appropriation adjustments within OMB 11011115, Workers Comp 6636, Common Pleas 11011220, Probate, 11011250, Facilities 11011600, Telecom 11012812, Engineer 2202, Dog & Kennel 2206, Treasurer 2249, and Mary Haven 2270*

**Please contact the Commissioners' Office at (513) 695-1250 for additional information or questions on any of the items listed on the Consent Agenda*

COUNTY OF WARREN, OHIO

RESOLUTION NO. []

AMENDING RESOLUTION NO. 12-1391 TO EXTEND THE TERM OF A TAX INCREMENT FINANCING EXEMPTION TO CERTAIN REAL PROPERTY LOCATED IN THE COUNTY OF WARREN, OHIO FROM TEN YEARS TO THIRTY YEARS; DECLARING THE IMPROVEMENT TO SUCH PROPERTY TO CONTINUE TO BE A PUBLIC PURPOSE; EXEMPTING ONE HUNDRED PERCENT OF THE VALUE OF SUCH IMPROVEMENTS FROM REAL PROPERTY TAXATION FOR ADDITIONAL PERIODS OF EXEMPTION AFTER THE TENTH YEAR OF THE ORIGINAL TAX INCREMENT FINANCING EXEMPTION FOR A TOTAL PERIOD OF UP TO THIRTY YEARS; REQUIRING THE OWNER THEREOF TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES DURING THE PERIODS OF THE ORIGINAL TAX INCREMENT FINANCING EXEMPTION AND THE AMENDED TAX INCREMENT FINANCING EXEMPTION; DESCRIBING THE PUBLIC IMPROVEMENTS MADE OR TO BE MADE TO DIRECTLY BENEFIT THE REAL PROPERTY; CONTINUING TO MAINTAIN A REDEVELOPMENT TAX EQUIVALENT FUND FOR THE DEPOSIT OF SERVICE PAYMENTS; AND APPROVING RELATED MATTERS

WHEREAS, an entity known as Miami Valley Gaming & Racing, LLC (the “Developer”), a Delaware limited liability company, developed, and continues to develop, an approximately 120-acre site (as depicted and described in Exhibit A attached hereto and incorporated herein by this reference, the “TIF Site”) located within the territorial boundaries of the County of Warren, Ohio (the “County”), on which it constructed a commercial racetrack and entertainment facility; and

WHEREAS, the development of commercial properties in the County benefits the County and its residents by creating economic opportunities, enlarging the property tax base, enhancing County sales tax revenues, and stimulating collateral development in the County; and

WHEREAS, the Board of Commissioners of the County of Warren, Ohio, by Resolution No. 12-1391, adopted on October 9, 2012, granted a seventy-five percent (75%) exemption from real property taxation for a period of ten (10) years (the “Original TIF Exemption”) for the improvement to the TIF Site (as defined in Section 3 hereof, the “Improvement”); and

WHEREAS, by providing public infrastructure improvements pursuant to the Original TIF Exemption, as that term is defined in Ohio Revised Code Sections 5709.40(A)(8) and 5709.77(H) (as more fully described on Exhibit B attached hereto and incorporated herein by this reference, the “Public Infrastructure Improvements”), the County has facilitated the development of commercial properties for the benefit of the TIF Site, including, without limitation, by facilitating the financing, acquisition, and construction of the Public Infrastructure Improvements; and

WHEREAS, Ohio Revised Code Sections 5709.77, 5709.78, 5709.79, and 5709.80 provide for the use of county tax increment financing to pay the costs of Public Infrastructure Improvements, which costs may include, without limitation: (i) the payment for or reimbursement of costs of the Public Infrastructure

Improvements incurred by the Developer or an affiliate of the Developer, the County, Turtlecreek Township, the City of Monroe, Ohio, the Warren County Port Authority, or any other public or private party in cooperation with the County, and (ii) payment of debt service charges, scheduled administrative expenses, and scheduled reserve fund deposits for any debt incurred to finance the costs of the Public Infrastructure Improvements; and

WHEREAS, the County received, and continues to receive from the County Treasurer, service payments in lieu of taxes on the exempted portion of the Improvements, as provided in Resolution No. 12-1391, and has used, and plans to continue to use, those service payments in lieu of taxes for the construction of Public Infrastructure Improvements made, to be made, and in the process of being made that directly benefit or, once made, will directly benefit the TIF Site; and

WHEREAS, Ohio Revised Code Sections 5709.77, 5709.78, 5709.79, and 5709.80 provide that this Board of Commissioners may, among other things, (a) declare the improvement to real property located in the County to be a public purpose, thereby exempting such improvement from real property taxation for a period of time, (b) specify public infrastructure improvements to be made to benefit those parcels, provide for the making of service payments in lieu of taxes by the owner or owners thereof, and (c) establish a redevelopment tax equivalent fund into which such service payments shall be deposited; and

WHEREAS, the County desires to amend Resolution No. 12-1391 to exempt one hundred percent (100%) of each of the Improvements (as defined in Section 3 hereof, the "Improvement") to the TIF Site for a period of thirty (30) years, commencing after the tenth year of the Original TIF Exemption (the "Amended TIF Exemption"); and

WHEREAS, the County has determined that it is necessary and appropriate and in the best interests of the County to require the owners of the parcels included in the TIF Site and their successors and assigns (collectively, with their successors and assigns, as owners of the TIF Site, the "Owners") to continue to make service payments in lieu of taxes (as defined in Section 3 hereof, the "Service Payments") with respect to the Improvement pursuant to Ohio Revised Code Section 5709.79; and

WHEREAS, the County has additionally determined that it is the intention of the County to pay to the affected school districts all of the taxes that they would have otherwise received if this exemption were not authorized; therefore, a portion of the service payments in lieu of taxes available after the tenth year of the Original Exemption shall be paid to (i) the Lebanon City School District (the "City Schools") in the amount of the taxes that would have been payable to the City Schools if the Improvements had not been exempted from taxation for all periods after the tenth year of the Original TIF Exemption, as provided in this Resolution and in a compensation agreement to be entered into by the County and the City Schools, and (ii) the Warren County Career Center at the same rate and under the same terms received by the City Schools under a compensation agreement to be entered into by the County and the Warren County Career Center ("Career Center," the City Schools and the Career Center collectively being referred to herein as the "School Districts"); and

WHEREAS, the City Schools and the Career Center have each received notice of this Amended TIF Exemption and the proposed text of this Resolution at least forty-five (45) business days in advance of the date on which this Resolution is being adopted, in accordance with Ohio Revised Code Section 5709.78(C)(1); and

WHEREAS, the City Schools, by the passage of Resolution No. [_____] on [_____] , 2022 approved the Amended TIF Exemption for the period and for the exemption percentage provided in this Resolution on the condition that the City Schools and the County enter into a compensation agreement

pursuant to Ohio Revised Code Sections 5709.78(C)(1), 5709.78(C)(2), and 5709.82 [and has waived any further notice requirements of Ohio Revised Code Sections 5709.78 and 5709.83]; and

WHEREAS, the Career Center, by the passage of Resolution No. [] on [], 2022 approved the Amended TIF Exemption for the period and for the exemption percentage provided in this Resolution on the condition that the Career Center and the County enter into a compensation agreement pursuant to Ohio Revised Code Sections 5709.78(C)(2), and 5709.82 [and has waived any further notice requirements of Ohio Revised Code Sections 5709.78 and 5709.83].

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the County of Warren, Ohio that:

SECTION 1. The Original TIF Exemption. Pursuant to Ohio Revised Code Section 5709.78(A), and having previously authorized the Original TIF Exemption with respect to the TIF Site depicted in Exhibit A attached hereto and incorporated herein, this Board of Commissioners finds and determines that amending Resolution No. 12-1391 to extend the length of the Original TIF Exemption and to increase the percentage of the Original TIF Exemption to Improvements at the TIF Site from real property is a public purpose.

SECTION 2. Continuation of Public Purpose. In accordance with Ohio Revised Code Section 5709.78(A), this Board of Commissioners hereby declares that Improvements to the TIF Site subsequent to the effective date of Resolution No. 12-1391 were at the time of Resolution No. 12-1391 and remain as of the date of this Resolution a public purpose.

SECTION 3. Authorization of Amended TIF Exemption. Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.78(A), this Board of Commissioners hereby:

- (i) Amends the period of the Original TIF Exemption to be thirty (30) years; and
- (ii) Determines to continue the Original TIF Exemption of seventy-five percent (75%) of the increase in assessed value of each parcel comprising the TIF Site of the Improvements (which increase in assessed value is hereinafter referred to as the "Improvement," as defined in Ohio Revised Code Section 5709.77(D)) to each parcel with respect to the TIF Site from taxation commencing on the first day of the first tax year after the effective date of Resolution No. 12-1391 in which any Improvement that is attributable to the TIF Site first appeared on the tax list and duplicate of real and public utility property (the "Commencement Date") and ending for such parcel on the tenth (10th) anniversary of such Commencement Date; and
- (iii) Determines to amend, and hereby does amend, the term and percentage rate of the exemption for each parcel comprising the TIF Site such that one hundred percent (100%) of the Improvements with respect to the TIF Site shall be exempt from taxation commencing for each parcel on the tenth (10th) anniversary of the Commencement Date and ending on the earlier of (A) the thirtieth (30th) anniversary of the Commencement Date for each parcel or (B) the date on which the cost of the Public Infrastructure Improvements, as defined in Exhibit B attached hereto and incorporated herein, are paid in full from the Redevelopment Tax Equivalent Fund established by Resolution 12-1391, which exemption in years following the tenth (10th) anniversary of the Commencement Date has been agreed upon by the City Schools in its Resolution No. [] adopted on [], 2022 and by the Career Center in its Resolution No. [] adopted on [], 2022, all pursuant to Ohio Revised Code Sections 5709.78 and 5709.82.

SECTION 4. Payment of Service Payments. As provided in Ohio Revised Code Section 5709.79, for the effective duration of the Original TIF Exemption and the Amended TIF Exemption, the Owner of any portion

of any parcel comprising the TIF Site shall be required to, and shall make, service payments in lieu of taxes with respect to the Improvement allocable thereto to the County Treasurer on or before the final due dates for payment of real property taxes. Each service payment in lieu of taxes shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against such parcel as if it were not exempt from taxation pursuant to Section 3 hereof. If any reduction in the levies otherwise applicable to such parcel is made by the County budget commission under Ohio Revised Code Section 5705.31, the amount of the service payment in lieu of taxes shall be calculated as if the reduction in levies had not been made. Any late payments of service payments in lieu of taxes shall be subject to penalty and bear interest at the then current rate established under Ohio Revised Code Sections 323.121(B)(1) and 5703.47, as the same may be amended from time to time, or any successor provisions thereto (the "Penalties and Interest"). Each Owner shall make any other payments in respect of such parcel which are received by the County Treasurer in connection with any reduction required by Ohio Revised Code Section 319.302, as the same may be amended from time to time, or any successor provisions thereto (the "Property Tax Rollback Payments," together with the service payments in lieu of taxes and the "Penalties and Interest," are collectively referred to herein as the "Service Payments"). The Service Payments shall be allocated and distributed in accordance with Section 5 hereof.

SECTION 5. TIF Fund; Application of Service Payments. This Board of Commissioners established, pursuant to Resolution No. 12-1391 and in accordance with the provisions of Ohio Revised Code Section 5709.80, a Redevelopment Tax Equivalent Fund, which shall be maintained with respect to the Amended TIF Exemption. The County Treasurer may create one or more accounts or sub-accounts within such fund as appropriate to distinguish the Service Payments received with respect to the Original TIF Exemption and the Amended TIF Exemption established pursuant to Resolution No. 12-1391 and this Resolution from any tax increment financing programs that may be established by the County in the future and as are necessary to account for payment of the costs of the Public Infrastructure Improvements, including any reimbursement payments for the reimbursement of the costs of the Public Infrastructure Improvements and debt service on, and other expenses relating to the issuance of, any bonds, notes, or other obligations issued to finance the Public Infrastructure Improvements. As used in this Resolution, "TIF Fund" shall refer to the specific fund or account that receives the Service Payments provided for in Resolution 12-1391 and this Resolution. The TIF Fund shall be maintained in the custody of the County and shall receive all distributions of Service Payments required to be made to the County. The County shall distribute Service Payments first to the School Districts, in an amount equal to the amount of real property taxes (including the applicable portion of any Property Tax Rollback Payments) derived from the Improvements that the School Districts would have received had the Improvement not been exempt from taxation pursuant to, and only pursuant to, the Amended TIF Exemption and this Resolution. The County (a) at any time following receipt of Service Payments received with respect to the Original TIF Exemption, and (b) for any Service Payments received with respect to the Amended TIF Exemption, at any time following payment of such funds as are required to be paid to the School Districts, shall use any remaining Service Payments received by the County with respect to the TIF Site solely for the purposes authorized in Ohio Revised Code Sections 5709.77, 5709.78, 5709.79, and 5709.80, including, but not limited to, paying any costs of the Public Infrastructure Improvements, in a manner that is consistent with Resolution 12-1391 and this Resolution. For purposes of Resolution 12-1391 and this Resolution, "costs" of the Public Infrastructure Improvements payable from the TIF Fund shall also include the items of "costs of permanent improvements" set forth in Ohio Revised Code Section 133.15(B), and incurred with respect to the Public Infrastructure Improvements, which "costs" specifically include any reimbursement payments for the reimbursement of the costs of the Public Infrastructure Improvements and debt service on any bonds issued to finance the Public Infrastructure Improvements. The TIF Fund shall remain in existence so long as such Service Payments are collected and used for the aforesaid purposes, after which time said TIF Fund shall be dissolved and any surplus funds remaining therein shall be transferred to the County's General Fund, all in accordance with Ohio Revised Code Section 5709.80. Service Payments received by the County in any year shall be applied to pay the costs of the Public Infrastructure Improvements at the sole discretion of the County.

SECTION 6. Public Infrastructure Improvements. This Board of Commissioners hereby designates the Public Infrastructure Improvements described in Exhibit B attached hereto as “public infrastructure improvements” (as such term is defined in Ohio Revised Code Sections 5709.40(A)(8) and 5709.77(H)) made, to be made, or in the process of being made, and that, once made, will directly benefit the TIF Site.

SECTION 7. Application for Real Property Tax Exemption and Remission. This Board of Commissioners further hereby authorizes and directs the County Administrator, the Director of Economic Development of the County, the County Prosecutor, or other appropriate officers of the County, to sign and execute all documents and make such arrangements as are necessary and proper for the collection of said Service Payments from the Owners of real property located in the TIF Site, which are to be deposited into the TIF Fund.

SECTION 8. Further Authorizations. This Board of Commissioners further hereby authorizes and directs each of the County Administrator, the Director of Economic Development of the County, the County Prosecutor, or other appropriate officers of the County, to prepare and sign all agreements, including all School District compensation agreements necessary to implement the terms of this Resolution, and any amendments thereto such that the character of those changes is not substantially adverse to the County, which shall be established conclusively by their signatures thereon, and to prepare and sign all instruments and to take all other actions as may be necessary and appropriate to implement this Resolution.

SECTION 9. Non-Discriminatory Hiring Policy. In accordance with Ohio Revised Code Section 5709.832, this Board of Commissioners hereby determines that no employer located in the TIF Site shall deny any individual employment based solely on race, religion, sex, disability, color, national origin or ancestry.

SECTION 10. Notices. This Board of Commissioners hereby finds and determines that notice of this proposed Resolution has been delivered to all affected school districts, including the Lebanon City School District and the Warren County Career Center, in accordance with Ohio Revised Code Sections 5709.78(C)(1) and 5709.83, and hereby ratifies the giving of that notice.

Pursuant to Ohio Revised Code Section 5709.78, the Clerk of Board of Commissioners is hereby directed to deliver a copy of this Resolution to the Director of the Department of Development of the State of Ohio within fifteen (15) days after its adoption. On or before March 31 of each year that the exemption set forth in Resolution No. 12-1391 and in Sections 1 through 3 hereof remains in effect, the Director of Economic Development of the County or other authorized officer of this County shall prepare and submit to the Director of the Department of Development of the State of Ohio the status report required under Ohio Revised Code Section 5709.78(H).

SECTION 11. Tax Incentive Review Council. The County has created the Warren County Tax Incentive Review Council with the membership of that Council constituted in accordance with Ohio Revised Code Section 5709.85. That Council shall, in accordance with Ohio Revised Code Section 5709.85, review annually all exemptions from taxation resulting from the declarations set forth in this Resolution and any other such matters as may properly come before that Council, all in accordance with Ohio Revised Code Section 5709.85.

SECTION 12. Open Meetings. This Board of Commissioners finds and determines that all formal actions of this Board of Commissioners and any of its committees concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board of Commissioners, and that all deliberations of this Board of Commissioners and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Ohio Revised Code Section 121.22.

SECTION 13. Effective Date. This Resolution shall be effective from and after the earliest period provided by law.

[Balance of Page Intentionally Left Blank]

ATTEST:

Tina Osborne
Clerk of Board of Commissioners

SIGNED:

Tom Grossman
Commissioner

Shannon Jones
Commissioner

David Young
Commissioner

APPROVED AS TO FORM:

David P. Fornshell
County Prosecutor

EXHIBIT A

Legal Description of TIF Site

The TIF Site includes the real property described below and shown on the attached site map.

The TIF Site, as of the date of this Resolution, consists of all of Warren County Parcel Nos. 11064000201 and 11064000202.

The TIF Site, as of the date of Resolution No. 12-1391, consisted of real property situated in Turtlecreek Township, City of Lebanon, County of Warren, State of Ohio and being part of Warren County Parcel Nos. 11064000140 and 12363000030 and being all of the real property conveyed by the State of Ohio pursuant to Section 6 of Amended and Substituted House Bill 386 enacted by the 129th General Assembly of the State of Ohio, with the following legal description:

Situated in Sections 6 T3E R3N and 36, Township 4 East, Range 3 North MRS, Township of Turtlecreek, County of Warren, State of Ohio, and being part of that real estate conveyed to the State of Ohio by deed recorded in Deed Book 124, Page 110 (all references to deeds, microfiche, plats, surveys, etc. refer to the records of the Warren County, Ohio Recorder's Office, unless noted otherwise) and being more particularly bounded and described as follows:

BEGINNING at the southeast corner of Section 6, also being in the centerline of State Route No. 63;

Thence North 5°33'50" East, leaving the centerline of said State Route No. 63, along the east line of said Section 6 for a distance of 30.00 feet to the existing north right-of-way of State Route No. 63;

Thence leaving the east line of said Section 6 along the existing north right-of-way of State Route No. 63 the following five (5) courses:

- 1) North 84°26'10" West for a distance of 783.45 feet;
- 2) North 5°33'50" East for a distance of 25.00 feet;
- 3) North 84°26'10" West for a distance of 35.61 feet;
- 4) South 5°33'50" West for a distance of 25.00 feet;
- 5) North 84°26'10" West for a distance of 181.51 feet to the west line of said State of Ohio tract also being the east line of a 5.223 acre tract conveyed to HLF Financial LLC by deed recorded in Official Record Volume 4946, Page 341;

Thence leaving the existing north right-of-way of State Route No. 63 along the west line of said State of Ohio tract and east line of said HLF Financial LLC tract the following four (4) courses:

- 1) North 29°34'19" West for a distance of 1062.09 feet;
- 2) North 20°56'35" West for a distance of 234.30 feet;
- 3) North 4°26'35" West for a distance of 270.60 feet;
- 4) North 20°03'25" East for a distance of 702.17 feet;

Thence leaving the west line of said State of Ohio tract along a new division line the following two (2) courses:

- 1) South 84°42'21" East for a distance of 2633.66 feet;
- 2) South 5°17'39" West for a distance of 2063.74 feet to the south line of Section 36, also being in the centerline of said State Route No. 63;

Thence North 84°36'40" West, along the south line of said Section 36 and the centerline of State Route No. 63 for a distance of 1055.66 feet to the place of beginning and containing 120.7273 acres, being 70.9643 acres from Warren County Ohio Auditor's parcel number 11064000140 (Section 6) and being 49.7630 acres, total (49.0360) acres net and 0.7270 acres existing right-of-way State Route No. 63) from Warren County Ohio Auditor's parcel number 12363000030 subject however to all covenants, conditions, reservations or easements of record contained in any instrument of record to the above described tract of land.

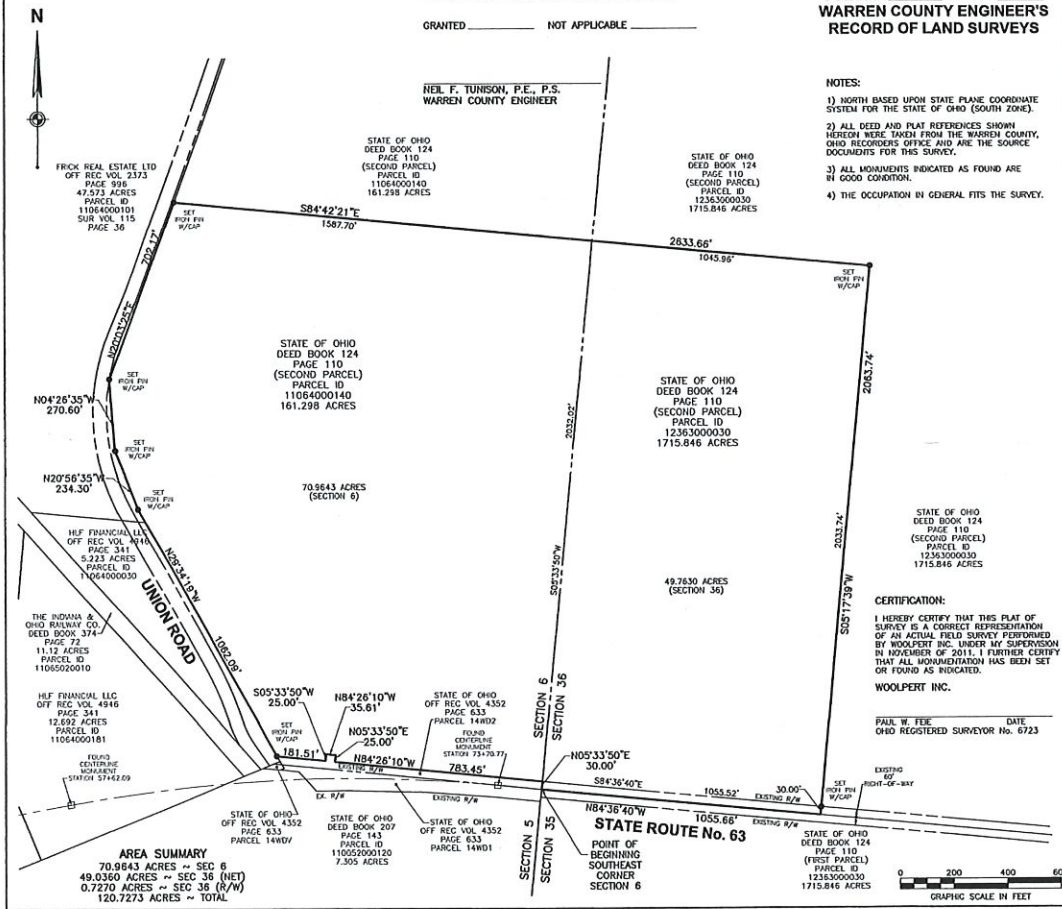
Being part of that real estate conveyed to the State of Ohio by deed recorded in Deed Book 124, Page 110 of the Warren County, Ohio Recorder's Office.

This description was prepared from a field survey performed by Woolpert, Inc. under my direction in November of 2011 with bearings based upon the State of Ohio State Plane Coordinate System for the State of Ohio (South Zone).

PRELIMINARY ACCESS APPROVAL

GRANTED _____ NOT APPLICABLE _____

VOLUME _____ PAGE _____
WARREN COUNTY ENGINEER'S
RECORD OF LAND SURVEYS



NEIL F. TUNISON, P.E., P.S.
WARREN COUNTY ENGINEER

NOTES:

- 1) NORTH BASED UPON STATE PLANE COORDINATE SYSTEM FOR THE STATE OF OHIO (SOUTH ZONE).
- 2) ALL DEED AND PLAT REFERENCES SHOWN HEREON WERE TAKEN FROM THE WARREN COUNTY, OHIO RECORDS OFFICE AND ARE THE SOURCE DOCUMENTS FOR THIS SURVEY.
- 3) ALL MONUMENTS INDICATED AS FOUND ARE IN GOOD CONDITION.
- 4) THE OCCUPATION IN GENERAL FITS THE SURVEY.

CERTIFICATION:

I HEREBY CERTIFY THAT THIS PLAT OF SURVEY IS A CORRECT REPRESENTATION OF AN ACTUAL FIELD SURVEY PERFORMED BY WOOLPERT INC. UNDER MY SUPERVISION IN NOVEMBER OF 2011. I FURTHER CERTIFY THAT ALL MONUMENTATION HAS BEEN SET OR FOUND AS INDICATED.

WOOLPERT INC.

PAUL W. TEE
OHIO REGISTERED SURVEYOR No. 6723



REVISION	No.	DATE

PROJECT No. 21988
DATE 11/29/11
SCALE 1"=200'
DES. BY DR. DJT
CHK. BY C.D.L.

9887 Caves Road
Suite 450
Chillicothe, OH 45824
WOOLPERT
PA. 613.372.8001

PLAT OF SURVEY
STATE OF OHIO
STATE ROUTE No. 63
SECTIONS 6 & 36, TOWNSHIP E. RANGE 3 N. M.E.S.
TURTLE CREEK TOWNSHIP, WARREN COUNTY, OHIO

SHEET NO. 1 of 1

EXHIBIT B

Public Infrastructure Improvements

The Public Infrastructure Improvements consist generally of acquiring and constructing the infrastructure described below:

- Construction, reconstruction, extension, opening, improving, widening, grading, draining, curbing or changing of, as well as the continued maintenance of, the lines and traffic patterns of roads, highways, streets, bridges (both roadway and pedestrian), traffic calming devices, sidewalks, bikeways, medians and viaducts accessible to and serving the public, and providing lighting systems, signalization, and traffic controls, and all other appurtenances thereto;
- Construction, reconstruction or installation of, as well as the continued maintenance of, public utility improvements (including any underground publicly-owned utilities), storm and sanitary sewers (including necessary site grading therefore), police equipment and police station buildings and improvements, fire equipment and fire buildings and improvements, water and fire protection systems, and all other appurtenances thereto;
- Construction, reconstruction or installation of publicly-owned gas, electric, and communication service facilities, and all other appurtenances thereto;
- Construction or reconstruction of one or more public parks, including grading, trees and other park plantings, park accessories and related improvements, and all other appurtenances thereto;
- Construction or installation of streetscape and landscape improvements including trees and shrubs, landscaping mounds and fencing, tree grates, planting beds, signage, curbs, sidewalks, street and sidewalk lighting, trash receptacles, benches, newspaper racks, burial of overhead utility lines and related improvements, and all other appurtenances thereto;
- Construction of one or more public parking facilities, including public surface parking and public parking structures and related improvements, and all other appurtenances thereto;
- Demolition and excavation, including demolition and excavation on private property when determined to be necessary for economic development purposes;
- Acquisition of real estate or interests in real estate (including easements) necessary to accomplish the foregoing improvements;
- Any on-going administrative expenses relating to the Public Infrastructure Improvements and maintaining the TIF revenues, including but not limited to engineering, architectural, legal, and other consulting and professional services; and
- All inspection fees and other governmental fees related to the foregoing.

The Public Infrastructure Improvements specifically include the costs of financing the Public Infrastructure Improvements, including the items of “costs of permanent improvements” set forth in Ohio Revised Code Section 133.15(B), and incurred with respect to the Public Infrastructure Improvements, which “costs” specifically include any reimbursement payments for the reimbursement of the costs of the Public Infrastructure Improvements and the debt service on any bonds or other obligations issued to finance the Public Infrastructure Improvements.

All of the Public Infrastructure Improvements described above are hereby determined to be “public infrastructure improvements” (as defined in Ohio Revised Code Sections 5709.40(A)(8) and 5709.77(H)) and will directly benefit the real property described in Exhibit A.

Resolution

Number 12-1391

Adopted Date October 09, 2012

DECLARING THE IMPROVEMENT TO CERTAIN REAL PROPERTY LOCATED IN THE COUNTY OF WARREN, OHIO TO BE A PUBLIC PURPOSE; DECLARING SUCH IMPROVEMENT TO BE EXEMPT FROM REAL PROPERTY TAXATION; REQUIRING THE OWNER THEREOF TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; DESIGNATING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE THAT WILL DIRECTLY BENEFIT THE REAL PROPERTY; AND ESTABLISHING A REDEVELOPMENT TAX EQUIVALENT FUND FOR THE DEPOSIT OF SERVICE PAYMENTS

WHEREAS, an entity known as Miami Valley Gaming & Racing, LLC (the "Developer"), a Delaware limited liability company, is exploring the development of an approximately 120-acre site (as depicted and described in Exhibit A attached hereto and incorporated herein by this reference, the "TIF Site") located within the territorial boundaries of the County of Warren, Ohio (the "County"), on which it desires to construct a commercial racetrack and entertainment facility; and

WHEREAS, the development of commercial properties in the County will benefit the County and its residents by creating economic opportunities, enlarging the property tax base, enhancing County sales tax revenues, and stimulating collateral development in the County; and

WHEREAS, by providing public infrastructure improvements, as that term is defined in Ohio Revised Code Sections 5709.40(A)(7) and 5709.77(G) (as more fully described on Exhibit B attached hereto and incorporated herein by this reference, the "Public Infrastructure Improvements"), the County may facilitate the development of commercial properties for the benefit of the TIF Site, including, without limitation, by facilitating the financing, acquisition, and construction of the Public Infrastructure Improvements; and

WHEREAS, Ohio Revised Code Sections 5709.77, 5709.78, 5709.79, and 5709.80 provide for the use of county tax increment financing to pay the costs of Public Infrastructure Improvements, which costs may include, without limitation: (i) the payment for or reimbursement of costs of the Public Infrastructure Improvements incurred by the Developer or an affiliate of the Developer, the County, Turtlecreek Township, the City of Monroe, Ohio, the Warren County Port Authority, or any other public or private party in cooperation with the County, and (ii) payment of debt service charges, scheduled administrative expenses, and scheduled reserve fund deposits for any debt incurred to finance the costs of the Public Infrastructure Improvements; and

WHEREAS, Ohio Revised Code Sections 5709.77, 5709.78, 5709.79, and 5709.80 provide that this Board of Commissioners may, among other things, (a) declare the improvement to real property located in the County to be a public purpose, thereby exempting such improvement from real property taxation for a period of time, (b) specify public infrastructure improvements to be made to benefit those parcels, provide for the making of service payments in lieu of taxes by the owner or owners thereof, and (c) establish a redevelopment tax equivalent fund into which such service payments shall be deposited; and

WHEREAS, the County desires to grant a seventy-five percent (75%) exemption from real property taxation for a period of ten (10) years (the "TIF Exemption") for the improvement to the TIF Site (as defined in Section 1 hereof, the "Improvement"); and

WHEREAS, the County has determined that it is necessary and appropriate and in the best interests of the County to require the owners of the parcels included in the TIF Site and their successors and assigns (collectively, with their successors and assigns, as owners of the TIF Site, the "Owners") to make service payments in lieu of taxes (as defined in Section 1 hereof, the "Service Payments") with respect to the Improvement pursuant to Ohio Revised Code Section 5709.79; and

WHEREAS, the Lebanon County School District and the Warren County Career Center have each received notice of the TIF Exemption and the proposed text of this Resolution at least fourteen (14) days in advance of the date on which this Resolution is being adopted, in accordance with Ohio Revised Code Sections 5709.78(G) and 5709.83.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the County of Warren, Ohio that:

SECTION 1. Authorization of TIF Exemption. Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.78(A), this Board of Commissioners hereby finds and determines that seventy-five percent (75%) of the increase in assessed value of each parcel comprising the TIF Site (the "Exempted Property") subsequent to the effective date of this Resolution (which increase in assessed value is hereinafter referred to as the "Improvement," as defined in Ohio Revised Code Section 5709.77(D)) is declared to be a public purpose, and shall be exempt from real property taxation (the "TIF Exemption") for a period commencing with the tax year to be specified in the DTE-24 exemption application to be filed with respect to a specific parcel comprising the Exempted Property, but in no case later than the tax year commencing on January 1, 2014 (for collection beginning no later than in the year 2015), in which an Improvement to such parcel first appears on the tax list and duplicate of real and public utility property and ending on the earlier of (a) the tenth (10th) anniversary after the commencement of the TIF Exemption with respect to such parcel, or (b) the date on which the Public Infrastructure Improvements are paid for in full. After the TIF Exemption becomes effective, such TIF Exemption shall apply with respect to any parcel when the Improvement to such parcel is made and an exemption therefor is claimed in the manner provided for hereinabove.

SECTION 2. Payment of Service Payments. As provided in Ohio Revised Code Section 5709.79, but only after the TIF Exemption is effective, the Owner of a parcel comprising Exempted Property shall be required to, and shall make, service payments in lieu of taxes with respect to the Improvement allocable thereto to the County Treasurer on or before the final due dates for payment of real property taxes. Each service payment in lieu of taxes shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against such parcel as if it were not exempt from taxation pursuant to Section 1 hereof. If any reduction in the levies otherwise applicable to such parcel is made by the County budget commission under Ohio Revised Code Section 5705.31, the amount of the service payment in lieu of taxes shall be calculated as if the reduction in levies had not been made. Any late payments of service payments in lieu of taxes shall be subject to penalty and bear interest at the then current rate established under Ohio Revised Code Sections 323.121(B)(1) and 5703.47, as the same may be amended from time to time, or any successor provisions thereto (the "Penalties and Interest"). Each Owner shall make any other payments in respect of such parcel which are received by the County Treasurer in connection with any reduction required by Ohio Revised Code Section 319.302, as the same may be amended from time to time, or any successor provisions thereto (the "Property Tax Rollback Payments," together with the service payments in lieu of taxes and the "Penalties and Interest," are collectively referred to herein as the "Service Payments"). The Service Payments shall be allocated and distributed in accordance with Section 3 hereof.

SECTION 3. Creation of TIF Fund; Application of Service Payments. This Board of Commissioners hereby establishes, pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.80, a Redevelopment Tax Equivalent Fund. The County Treasurer may create one or more accounts or sub-accounts within such fund as appropriate to distinguish the Service Payments received with respect to the TIF Exemption established pursuant to this Resolution from any tax increment financing programs that may be established by the County in the future and as are necessary to account for payment of the costs of the Public Infrastructure Improvements, including any reimbursement payments for the reimbursement of the costs of the Public Infrastructure Improvements and debt service on, and other expenses relating to the issuance of, any bonds, notes, or other obligations issued to finance the Public Infrastructure Improvements.

As used in this Resolution, "TIF Fund" shall refer to the specific fund or account that receives the Service Payments provided for in this Resolution. The TIF Fund shall be maintained in the custody of the County and shall receive all distributions of Service Payments required to be made to the County. Those Service Payments received by the County with respect to the Exempted Property, shall be used solely for the purposes authorized in Ohio Revised Code Sections 5709.77, 5709.78, 5709.79, and 5709.80, including, but not limited to, paying any costs of the Public Infrastructure Improvements, in a manner that is consistent with this Resolution. For purposes of this Resolution, "costs" of the Public Infrastructure Improvements payable from the TIF Fund shall also include the items of "costs of permanent improvements" set forth in Ohio Revised Code Section 133.15(B), and incurred with respect to the Public Infrastructure Improvements, which "costs" specifically include any reimbursement payments for the reimbursement of the costs of the Public Infrastructure Improvements and debt service on any bonds issued to finance the Public Infrastructure Improvements. The TIF Fund shall remain in existence so long as such Service Payments are collected and used for the aforesaid purposes, after which time said TIF Fund shall be dissolved and any surplus funds remaining therein shall be transferred to the County's General Fund, all in accordance with Ohio Revised Code Section 5709.80. Service Payments received by the County in any year shall be applied to pay the costs of the Public Infrastructure Improvements at the sole discretion of the County.

SECTION 4. Public Infrastructure Improvements. This Board of Commissioners hereby designates the Public Infrastructure Improvements described in Exhibit B attached hereto as "public infrastructure improvements" (as such term is defined in Ohio Revised Code Sections 5709.40(A)(7) and 5709.77(G)) made, to be made, or in the process of being made, and that, once made, will directly benefit the TIF Site.

SECTION 5. Application for Real Property Tax Exemption and Remission. This Board of Commissioners further hereby authorizes and directs the County Administrator, the Director of Economic Development of the County, the County Prosecutor, or other appropriate officers of the County, to sign and execute all documents and make such arrangements as are necessary and proper for collection of said Service Payments from the Owners of real property located in the TIF Site, which are to be deposited into the TIF Fund.

SECTION 6. Further Authorizations. This Board of Commissioners further hereby authorizes and directs each of the County Administrator, the Director of Economic Development of the County, the County Prosecutor, or other appropriate officers of the County, to prepare and sign all agreements, and any amendments thereto such that the character of those changes is not substantially adverse to the County, which shall be established conclusively by their signatures thereon, and to prepare and sign all instruments and to take all other actions as may be necessary and appropriate to implement this Resolution.

SECTION 7. Non-Discriminatory Hiring Policy. In accordance with Ohio Revised Code Section 5709.832, this Board of Commissioners hereby determines that no employer located in the TIF Site shall deny any individual employment based solely on race, religion, sex, disability, color, national origin or ancestry.

SECTION 8. Notices. This Board of Commissioners hereby finds and determines that notice of this proposed Resolution has been delivered to all affected school districts, including the Lebanon City School District and the Warren County Career Center, in accordance with Ohio Revised Code Sections 5709.78(G) and 5709.83, and hereby ratifies the giving of that notice.

Pursuant to Ohio Revised Code Section 5709.78, the Clerk of Board of Commissioners is hereby directed to deliver a copy of this Resolution to the Director of the Department of Development of the State of Ohio within fifteen (15) days after its adoption. On or before March 31 of each year that the exemption set forth in Section 1 hereof remains in effect, the Director of Economic Development of the County or other authorized officer of this County shall prepare and submit to the Director of the Department of Development of the State of Ohio the status report required under Ohio Revised Code Section 5709.78(G).

SECTION 9. Tax Incentive Review Council. The County has created the Warren County Tax Incentive Review Council with the membership of that Council constituted in accordance with Ohio Revised Code Section 5709.85. That Council shall, in accordance with Ohio Revised Code Section 5709.85, review annually all exemptions from taxation resulting from the declarations set forth in this Resolution and any other such matters as may properly come before that Council, all in accordance with Ohio Revised Code Section 5709.85.

SECTION 10. Open Meetings. This Board of Commissioners finds and determines that all formal actions of this Board of Commissioners and any of its committees concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board of Commissioners, and that all deliberations of this Board of Commissioners and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Ohio Revised Code Section 121.22.

SECTION 11. Effective Date. This Resolution shall be effective from and after the earliest period provided by law.

Mr. Ariss moved for adoption of the foregoing resolution, being seconded by Mrs. South. Upon call of the roll, the following vote resulted:

Mr. Young – yea
Mr. Ariss – yea
Mrs. South – yea

Resolution adopted this 9th day of October 2012.

BOARD OF COUNTY COMMISSIONERS


Laura Lander, Deputy Clerk

cc: Auditor _____
Commissioners' file
Warren County Port Authority
Turtlecreek Township (file)
Caleb Bell – Bricker & Eckler

City of Monroe (file)
Lebanon City Schools
Warren County Career Center
Ohio Department of Development (certified)
RPC (file)

EXHIBIT A

Legal Description of TIF Site

The TIF Site includes the real property described below and shown on the attached site map.

Situated in Turtlecreek Township, City of Lebanon, County of Warren, State of Ohio and being part of Warren County Parcel Nos. 11064000140 and 12363000030 and being all of the real property conveyed by the State of Ohio pursuant to Section 6 of Amended and Substituted House Bill 386 enacted by the 129th General Assembly of the State of Ohio, with the following legal description:

Situated in Sections 6 T3E R3N and 36, Township 4 East, Range 3 North MRS, Township of Turtlecreek, County of Warren, State of Ohio, and being part of that real estate conveyed to the State of Ohio by deed recorded in Deed Book 124, Page 110 (all references to deeds, microfiche, plats, surveys, etc. refer to the records of the Warren County, Ohio Recorder's Office, unless noted otherwise) and being more particularly bounded and described as follows:

BEGINNING at the southeast corner of Section 6, also being in the centerline of State Route No. 63;

Thence North 5°33'50" East, leaving the centerline of said State Route No. 63, along the east line of said Section 6 for a distance of 30.00 feet to the existing north right-of-way of State Route No. 63;

Thence leaving the east line of said Section 6 along the existing north right-of-way of State Route No. 63 the following five (5) courses:

- 1) North 84°26'10" West for a distance of 783.45 feet;
- 2) North 5°33'50" East for a distance of 25.00 feet;
- 3) North 84°26'10" West for a distance of 35.61 feet;
- 4) South 5°33'50" West for a distance of 25.00 feet;
- 5) North 84°26'10" West for a distance of 181.51 feet to the west line of said State of Ohio tract also being the east line of a 5.223 acre tract conveyed to HLF Financial LLC by deed recorded in Official Record Volume 4946, Page 341;

Thence leaving the existing north right-of-way of State Route No. 63 along the west line of said State of Ohio tract and east line of said HLF Financial LLC tract the following four (4) courses:

- 1) North 29°34'19" West for a distance of 1062.09 feet;
- 2) North 20°56'35" West for a distance of 234.30 feet;
- 3) North 4°26'35" West for a distance of 270.60 feet;
- 4) North 20°03'25" East for a distance of 702.17 feet;

Thence leaving the west line of said State of Ohio tract along a new division line the following two (2) courses:

- 1) South 84°42'21" East for a distance of 2633.66 feet;

- 2) South 5°17'39" West for a distance of 2063.74 feet to the south line of Section 36, also being in the centerline of said State Route No. 63;

Thence North 84°36'40" West, along the south line of said Section 36 and the centerline of State Route No. 63 for a distance of 1055.66 feet to the place of beginning and containing 120.7273 acres, being 70.9643 acres from Warren County Ohio Auditor's parcel number 11064000140 (Section 6) and being 49.7630 acres, total (49.0360) acres net and 0.7270 acres existing right-of-way State Route No. 63) from Warren County Ohio Auditor's parcel number 12363000030 subject however to all covenants, conditions, reservations or easements of record contained in any instrument of record to the above described tract of land.

Being part of that real estate conveyed to the State of Ohio by deed recorded in Deed Book 124, Page 110 of the Warren County, Ohio Recorder's Office.

This description was prepared from a field survey performed by Woolpert, Inc. under my direction in November of 2011 with bearings based upon the State of Ohio State Plane Coordinate System for the State of Ohio (South Zone).

[Attach Map of TIF Site.]



Turtlecreek TWP

Monroe

63

Warren County, Ohio
 Customized Property Map

0 45 90 180
 FEET

1 inch = 500 feet

EXHIBIT B

Public Infrastructure Improvements

The Public Infrastructure Improvements consist generally of acquiring and constructing the infrastructure described below:

- Construction, reconstruction, extension, opening, improving, widening, grading, draining, curbing or changing of the lines and traffic patterns of roads, highways, streets, bridges (both roadway and pedestrian), traffic calming devices, sidewalks, bikeways, medians and viaducts accessible to and serving the public, and providing lighting systems, signalization, and traffic controls, and all other appurtenances thereto;
- Construction, reconstruction or installation of public utility improvements (including any underground publicly-owned utilities), storm and sanitary sewers (including necessary site grading therefore), police equipment and police station buildings and improvements, fire equipment and fire buildings and improvements, water and fire protection systems, and all other appurtenances thereto;
- Construction, reconstruction or installation of publicly-owned gas, electric, and communication service facilities, and all other appurtenances thereto;
- Construction or reconstruction of one or more public parks, including grading, trees and other park plantings, park accessories and related improvements, and all other appurtenances thereto;
- Construction or installation of streetscape and landscape improvements including trees and shrubs, landscaping mounds and fencing, tree grates, planting beds, signage, curbs, sidewalks, street and sidewalk lighting, trash receptacles, benches, newspaper racks, burial of overhead utility lines and related improvements, and all other appurtenances thereto;
- Construction of one or more public parking facilities, including public surface parking and public parking structures and related improvements, and all other appurtenances thereto;
- Demolition and excavation, including demolition and excavation on private property when determined to be necessary for economic development purposes;
- Acquisition of real estate or interests in real estate (including easements) necessary to accomplish the foregoing improvements;
- Any on-going administrative expenses relating to the Public Infrastructure Improvements and maintaining the TIF revenues, including but not limited to engineering, architectural, legal, and other consulting and professional services; and
- All inspection fees and other governmental fees related to the foregoing.

The Public Infrastructure Improvements specifically include the costs of financing the Public Infrastructure Improvements, including the items of “costs of permanent improvements” set forth in Ohio Revised Code Section 133.15(B), and incurred with respect to the Public Infrastructure Improvements, which “costs” specifically include any reimbursement payments for the reimbursement of the costs of the Public Infrastructure Improvements and the debt service on any bonds or other obligations issued to finance the Public Infrastructure Improvements.

All of the Public Infrastructure Improvements described above are hereby determined to be “public infrastructure improvements” (as defined in Ohio Revised Code Sections 5709.40(A)(7) and 5709.77(G)) and will directly benefit the real property described in Exhibit A.

RECEIPT OF DIRECTOR OF DEVELOPMENT SERVICES OF THE STATE
OF OHIO FOR LEGISLATION DECLARING CERTAIN IMPROVEMENTS
TO REAL PROPERTY TO BE EXEMPT FROM REAL PROPERTY
TAXATION PURSUANT TO OHIO REVISED CODE SECTION 5709.78(A)

The undersigned, ~~the Director~~ of Development Services of the State of Ohio, hereby certifies that a certified copy of a resolution duly adopted by the Board of Commissioners of Warren County, Ohio (the "County") on October 9, 2012, declaring the improvement of certain real property located in the County to be a public purpose and declaring a portion of such property to be exempt from real property taxation pursuant to Ohio Revised Code Section 5709.78(A) was filed in this office on 10/17, 2012.

WITNESS my hand and official seal at Columbus, Ohio this 19th day of October.



Director, Ohio Development Services Agency

**A RESOLUTION TERMINATING A TAX INCENTIVE AGREEMENT AND
REDISTRIBUTING ANY REMAINING FUNDS TO THE COUNTY GENERAL FUND**

WHEREAS, this Board of Commissioners of Warren County, Ohio (the "Board") pursuant to Resolution 05-2005 created a Tax Increment Financing District under Section 5709.78 *et seq.* of the Ohio Revised Code entitled the Greens of Bunnell Hill Incentive District TIF for the purpose of financing certain improvements in the County in order to meet the needs of the area; and

WHEREAS, the Greens of Bunnell Hill Incentive District TIF Fund was created under Section 5709.80 of the Ohio Revised Code; and

WHEREAS, the Greens of Bunnell Hill Incentive District TIF Fund will collect sufficient funds in the Tax Year 2022 collection to fully cover all debts borrowed for the purpose of completing such improvements; and

WHEREAS, all of the certain improvements intended to be provided for the area have been completed and the purposes for which the funds in said Fund could be used will be fulfilled; and

WHEREAS, Section 5709.80(D) allows for the remaining surplus remaining in the account to be transferred to the general fund of the County.

NOW, THEREFORE, BE IT RESOLVED by at least a majority of the Board :

SECTION 1. That this Board hereby finds and declares that certain public improvements in the County, to wit: the purchase of certain streets, the planning, design and construction and/or of public street improvements including pavements, walkways, traffic control devices, landscaping and alterations to existing streets; the planning, design and construction of utilities including but not limited to water facilities, sanitary sewers, gas mains, electric facilities, communication facilities, storm water sewers and retention/detention facilities; the planning, design and construction of public safety facilities; the preparation of plans for land use in the area; the creation or enhancement of buffer areas and open areas necessary for ensuring the compatibility of adjacent land uses; and, the purchase of property rights of way and easements or other rights in property necessary for the completion of the public improvements listed above (the "Public Improvements"), have been completed and that no future revenue is needed to fund said improvements.

SECTION 2. That pursuant to 5709.78 the Board hereby terminates the Greens of Bunnell Hill Incentive District effective December 31, 2022.

SECTION 3. That all parcels exempted as a result of County Resolution #05-

2005 are no longer exempt from taxation nor subject to service payments in lieu of taxes as of December 31, 2022.

SECTION 4. That pursuant to Section 5709.80 of the Ohio Revised Code, the Service Payments were deposited into the Fund throughout the existence of the District in accordance with law.

SECTION 5. That money was borrowed for the purposes of public improvements servicing the area and that repayment of such debt will be fully defeased by service payments made in Calendar Year 2023.

SECTION 6. That pursuant to Section 5709.80 (D) of the Ohio Revised Code, incidental funds remaining after the termination of the Greens of Bunnell Hill Incentive District by this resolution and all expenses, and the debts have been paid shall be transferred to the County General Fund and converted to County general revenue.

SECTION 7. That the Clerk is hereby directed to forward a copy of this Resolution to the County Auditor of Warren County.

SECTION 8. That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 7. That this Resolution shall be effective at the earliest date allowed by law.

moved for adoption of the foregoing resolution, being seconded by Mrs. South. Upon call of the roll, the following vote resulted:

Mrs. Jones –
Mr. Grossmann –
Mr. Young -

Resolution adopted this ____th day of December 2022.

BOARD OF COUNTY COMMISSIONERS

Tina Osborne, Clerk

cc: Engineer (file)
Economic Development (file)
Auditor
RID file

AUTHENTICATION

This is to certify that this Resolution was duly passed by the Board of Commissioners of Warren County, Ohio and filed with the Clerk of the Board of County Commissioners, this th day of December, 2022.

Clerk

CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of a Resolution passed by the Board of Commissioners of Warren County, Ohio, and was certified to the County Auditor of Warren County and the Springboro Community City School District.

Clerk

Dated: _____

RECEIPT

The undersigned hereby acknowledges receipt of a certified copy of the foregoing resolution.

Warren County Auditor

Dated: _____

APPROVE 2023 ANNUAL APPROPRIATIONS

BE IT RESOLVED, to approve 2023 annual appropriations for funds 1101 to 6650 as attached hereto and made a part hereof.

M moved for adoption of the foregoing resolution, being seconded by M . Upon call of the roll, the following vote resulted:

M
M
M

Resolution adopted this 20th day of December 2022.

BOARD OF COUNTY COMMISSIONERS

Tina Osborne, Clerk

/tao

cc: Auditor _____
Budget file
Tina Osborne
Tiffany Zindel
Martin Russell

BUDGET RELATED CONSENT AGENDA

12/20/22

1. Establish budget stabilization account from the unencumbered general fund cash balance
2. Amend pay schedule relative to the Warren County Commissioners' Compensation Plan
3. Approve wage adjustment from non-bargaining employees under the Warren County Board of Commissioners
4. Approve salary adjustment for department heads under the Warren County Board of Commissioners
5. Approve salary increases for County Court Probation Officers
6. Rename and increase on-call pay within Commissioners Departments for non-bargaining unit employees
7. Approve the merge of Warren County Job and Family Services, Human Services Division and Children Services Division to the Warren County Compensation Schedule
8. Approve title change for Miranda Griffith and Darbie Eve from Clerical Specialist I to Administrative Support within Children Services
9. Approve reclassification of Sydney Smith from Protective Services Caseworker I to Protective Services Caseworker II within Children Services
10. Approve title change for Stacey Newdigate from Fiscal Coordinator to Business Manager within Human Services
11. Approve reclassification of Kathy Lundy from Custodial Worker I to Custodial Worker II within Facilities Management
12. Approve end of 365-day probationary period and pay increase for Brook Hill within Building/Zoning Department
13. Approve permanent employment for Alyssa Hardin as EMA Emergency Plans Assistant within Emergency Services
14. Adopt Classification specifications and point factor assignment of Director of Fiscal Operations within Water/Sewer Department and approve title change for Michael Zeiher to said classification
15. Adopt classification specification and point factor assignment of Utility Billing and Customer Care Coordinator and approve title change for Janet Lundy to said classification
16. Approve reclassification of Kimberly McKinney from Administrative Support to Administrative Assistant within Telecommunications

	Project Costs & County Contribution (30/100)	Proposed Solution (40/100)	Applicant Background, Qualifications, & Capabilities (20/100)	Completeness of RFP (10/100)	Final Score
Agile Networks	/30	/40		/20	/10 /100
Altafiber	/30	/40		/20	/10 /100
Bridgewired	/30	/40		/20	/10 /100
Brightspeed	/30	/40		/20	/10 /100
Charter Spectrum	/30	/40		/20	/10 /100
Little Miami Gig	/30	/40		/20	/10 /100