

**RESOLUTION NO. 2025-82**

**A RESOLUTION CONFIRMING THAT CERTAIN REAL PROPERTY OWNED BY RIVERSIDE COMMONS @ RT 2 LLC IS LOCATED IN A CITY-ESTABLISHED COMMUNITY REINVESTMENT AREA, ELIGIBLE FOR A FIVE (5) YEAR TAX EXEMPTION OF ONE HUNDRED PERCENT (100%) AND AUTHORIZING THE MAYOR TO FINALIZE A TAX INCENTIVE FINANCING AGREEMENT WITH THE RIVERSIDE PROPERTY OWNER FOR PUBLIC INFRASTRUCTURE IMPROVEMENTS TO INCLUDE REQUIRED MINIMUM SERVICE PAYMENTS OF FIFTY PERCENT (50%) FOR FIVE (5) YEARS IN ACCORDANCE WITH THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Council of the City of Willoughby created a Community Reinvestment Area by Resolution No. 1984-114, which Resolution was amended by Resolution Nos. 1987-95, 1991-76, 1993-166, 1994-110, 1996-238, and 2004-29 ("CRA"); and

**WHEREAS**, certain properties situated in the CRA are established and granted tax exemptions of one hundred percent (100%) for five (5) years for the construction of every dwelling, commercial, or industrial structure improvements; and

**WHEREAS**, Permanent Parcel Nos. 27B0440000020, 27B0440000130, 27B0440000160, 27B0440000200, and 27B0440000220, in a net aggregate area of 14.8070 acres (collectively, the "Riverside Commons Phase 1 Property") owned by Riverside Commons @ RT 2 LLC (the "Owner") are situated in this CRA tax exemption area and are eligible for a one hundred percent (100%) five (5) year tax exemption; and

**WHEREAS**, Ohio Revised Code Section ("R.C.") 5709.40(B) and 5709.91 (the "TIF Statutes") provide for the City under certain circumstances (i) declare improvements to real property within the City to be a public purpose thereby exempting those improvements from real property taxation, (ii) describe certain public infrastructure improvements to be made that directly benefit the real property, (iii) provide for service payments in lieu of taxes by the Owner and future owners of the real property (collectively, the "Owners"), and (iv) establish a municipal public improvement tax incentive equivalent fund; and

**WHEREAS**, the current and future owners of the Riverside Commons Phase 1 Property now wish to develop this Property with the assistance of the City and appropriate development incentives in support thereof; and

**WHEREAS**, such development of the Riverside Commons Phase 1 Property is in the best interests of the City in part by providing for service payments in lieu of real property taxes ("Service Payments") with respect to this Property; and

**WHEREAS**, in connection with the development of the Riverside Commons Phase 1 Property and its public infrastructure improvements, the City and Owner desire and have mutually agreed to prepare and execute a non-school Tax Incentive Financing Agreement (the "TIF Agreement") which in part will provide for the development of the Riverside Commons Phase 1 Property, the financing of certain public infrastructure improvements, and establish minimum Service Payments from the Owner and the future owners of the Riverside Commons Phase 1 Property to the City in lieu of taxes and equal to fifty percent (50%) of the tax on improvements for an annual period of five (5) years.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILLOUGHBY, THE COUNTY OF LAKE, AND THE STATE OF OHIO:**

**SECTION 1.** Pursuant to and in accordance with the TIF Statutes, this Council hereby determines that it is in the best interests of the City to hereafter finalize and approve a TIF Agreement to thereby provide an exemption from real property taxes of the public improvements made to Riverside Commons Phase 1 Property at one hundred percent (100%) of the applicable increase in true value of this property for a period of five (5) years and subject to the Owner Service Payments to the City of fifty percent (50%) of the real property taxes that would have been charged and payable against the improvement had an exemption from taxation not been granted for a period of five (5) years, and otherwise subject with the requirements of the TIF Statutes and R.C. Code.

**SECTION 2.** The Mayor is hereby authorized and directed to prepare a TIF Agreement with the Owner on behalf of the City for review and approval by Council, including provision regarding the development of the Riverside Commons Phase 1 Property and its public infrastructure improvements and the Owner Service Payments in lieu of taxes with respect to the Riverside Commons Phase 1 Property as outlined by this Resolution to thereby ensure sufficient funds to finance the public improvements during the period of exemption, all as consistent with the provisions of this Resolution and the TIF Statutes.

**SECTION 3.** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such actions were conducted in meetings open to the public in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby.

**SECTION 4.** That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the inhabitants of the community; and for the further reason to prepare, finalize and approve by Council the TIF Agreement for the Riverside Commons Phase 1 Property and thereby commence its development and public infrastructure improvements in a timely manner necessary for the economic development in the City; and provided that it receives the affirmative vote of two-thirds of the members elected to Council, it shall be in full force and take effect immediately upon its adoption by Council and approval by the Mayor; otherwise, it shall be in full force and take effect from and after the earliest period allowed by law.

Adopted: July 8, 2025   
President of Council

Attest:   
Clerk of Council

Date: 07.07.25 Approved:   
Mayor

Submitted to the Mayor for his approval on this 9<sup>th</sup> day of July, 2025

  
Clerk of Council