

RESOLUTION NO. 119-19

The Board of County Commissioners of Clermont County, Ohio, met in regular session on the 14<sup>th</sup> day of August, 2019, with the following members present:

David L. Painter

Edwin H. Humphrey

Claire B. Corcoran

Mr(s). Humphrey moved for passage of the following Resolution:

**RESOLUTION AUTHORIZING THE EXECUTION OF THE OHIO  
DEPARTMENT OF JOB AND FAMILY SERVICES (ODJFS)  
SUBGRANT AGREEMENT**

**WHEREAS**, Amended Substitute House Bill 166 of the 133<sup>rd</sup> General Assembly, the Biennial Budget Bill, made counties subgrantees awarded to the State of Ohio by the United States Department of Health and Human Services (HHS) and the United States Department of Agriculture (USDA) for subawards which are not for research and development purposes; and

**WHEREAS**, Ohio Revised Code Section 5101.21 requires counties to enter into Subgrant Agreements with the Ohio Department of Job and Family Services (ODJFS); and

**WHEREAS**, Ohio Revised Code Section 5101.21 requires counties to enter into subsequent Subgrant Agreements with the Ohio Department of Job and Family Services (ODJFS) for each successive biennial period (a period of time that begins on the first day of July of an odd-numbered year and ends on the last day of June of the next odd-numbered year); and

**WHEREAS**, the Subgrant Agreement includes language which establishes the terms, conditions and requirements governing the administration and use of the financial assistance received by or used by the Clermont County Department of Job and Family Services (DJFS); and

**WHEREAS**, the total amount of the Subgrant Agreement for State Fiscal Years (SFY) 2020 and 2021 will be provided to the counties in an Addendum to the Subgrant Agreement at the beginning of each SFY, with said funding being provided expressly to perform the Subgrant activities for all Clermont County DJFS duties as set forth in R.C. 329.04, including but not necessarily limited to, public family services duties, public children services duties and all child support enforcement duties.

**NOW, THEREFORE BE IT RESOLVED** by the Board of County Commissioners, Clermont County, Ohio, that the Board will sign the ODJFS Subgrant Agreement.

**NOW, THEREFORE LET IT BE FURTHER RESOLVED** that the Board of County Commissioners hereby finds and determines that all formal actions relative to the passage of this resolution were taken in an open meeting of this Board, and that all deliberations of this Board and its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with all applicable legal requirements including Section 121.22 of the Ohio Revised Code.

Mr(s). Corcoran seconded the Resolution and upon roll call, the vote resulted as follows:

David L. Painter,	<u>yes</u>
Edwin H. Humphrey,	<u>yes</u>
Claire B. Corcoran,	<u>yes</u>

**PASSED:** August 14, 2019

**ATTEST:**  
[Signature]

Judith Kocica, Clerk of the Board  
Board of County Commissioners  
Clermont County, Ohio

This Resolution was approved as to form by the office of the Clermont County Prosecuting Attorney, D. VINCENT FARIS, PROSECUTOR.

**BY:** [Signature]  
Allan L. Edwards  
Assistant Prosecuting Attorney

**DATE:** 7-26-19

Moved by Mr(s). Humphrey, seconded by Mr(s). Corcoran

Recommendation that the Board of County Commissioners adopt Resolution Number 120-19 resolving to approve payment to vendors in the total revised amount of \$1,984,605.03 as set forth in the BCC Approval Invoice Report(s) for **Checks Dated 8/14/2019** and BCC Directed Pre-Paid Invoices Report(s) presented by the County Auditor 8/12/2019, and further authorizing the County Auditor to issue warrants for same pursuant to Section 319.16 of the Ohio Revised Code.

Upon roll call on the foregoing motion, the vote was as follows:

David L. Painter,	<u>Yes</u>
Edwin H. Humphrey,	<u>Aye</u>
Claire B. Corcoran,	<u>Yes</u>

Date Adopted: 8/14/19

David L. Painter  
David L. Painter, President

Edwin H. Humphrey  
Edwin H. Humphrey, Vice-President

Claire B. Corcoran  
Claire B. Corcoran, Member

OR

\_\_\_\_\_  
Thomas J. Eigel, County Administrator

Moved by Mr(s). Corcoran, seconded by Mr(s). Painter,

Recommendation that the Board of County Commissioners adopt Resolution Number 121-19 resolving to approve payment to vendor(s) included on the BCC Approval Invoice Report For Checks Dated August 14, 2019 presented by the County Auditor 8/12/2019 reflected on the Vendor Excerpt Report prepared by OMB, in the amount of \$399.56, and further authorizing the County Auditor to issue warrants for same pursuant to Section 319.16 of the Ohio Revised Code.

Upon roll call on the foregoing motion, the vote was as follows:

David L. Painter,	<u>Yes</u>
Edwin H. Humphrey,	<u>Abstain</u>
Claire B. Corcoran,	<u>Yes</u>

Date Adopted: 8-14-19

David L. Painter  
David L. Painter, President

Abstain  
Edwin H. Humphrey, Vice-President

Claire B. Corcoran  
Claire B. Corcoran, Member

OR

\_\_\_\_\_  
Thomas J. Eigel, County Administrator

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**RESOLUTION NO. ~~XX~~-19**

The Board of County Commissioners, Clermont County, Ohio met in regular session on the ~~14th~~<sup>14th</sup> day of August 2019, with the following members present:

David L. Painter, President  
Edwin H. Humphrey, Vice-President  
Claire B. Corcoran, Member

Mr. Humphrey

moved for the adoption of the following Resolution:

**RESOLUTION IMPLEMENTING SECTIONS 3735.65 THROUGH 3735.70 OF THE OHIO REVISED CODE, ESTABLISHING AND DESCRIBING THE BOUNDARIES OF COMMUNITY REINVESTMENT AREA 1 IN BATAVIA TOWNSHIP, CLERMONT COUNTY, OHIO, DESIGNATING A HOUSING OFFICER TO ADMINISTER THE PROGRAM, AND CREATING A COMMUNITY REINVESTMENT HOUSING COUNCIL AND A TAX INCENTIVE REVIEW COUNCIL.**

**WHEREAS**, the Board of Commissioners of Clermont County, Ohio (hereinafter "Commissioners") desires to pursue all reasonable and legitimate incentive measures to assist and encourage development in specific areas of Batavia Township, Clermont County, Ohio that have not enjoyed reinvestment from remodeling or new construction;

**WHEREAS**, a survey of housing, a copy of which is on file in the office of the Department of Community and Economic Development as required by Ohio Revised Code (ORC) Section 3735.66 has been prepared for the area to be included in the proposed Community Reinvestment Area;

**WHEREAS**, the construction of new structures in such area would serve to encourage economic stability, maintain real property values, and generate new employment opportunities; and

**WHEREAS**, the construction of new structures in this Community Reinvestment Area constitutes a public purpose for which real property exemptions may be granted.

**NOW THEREFORE, BE IT RESOLVED BY CLERMONT COUNTY, OHIO, THAT:**

**Section 1:** The area designated as the Batavia Township Area 1 Community Reinvestment Area constitutes an area in which housing facilities are located, and in which new construction and repair of existing facilities are discouraged.

**Section 2:** Pursuant to ORC Section 3735.66, Batavia Township Area 1 Community Reinvestment Area, is hereby established in the following described area:

Parcel Identification Numbers:

022003C062.

022003C034.

022003C035.

022003C036.

The Community Reinvestment Area is approximately depicted as the highlighted area on the map attached to this Resolution (see Exhibit A) and by this reference incorporated herein.

Only commercial and/or residential properties consistent with the applicable zoning regulations within the designated Community Reinvestment Area will be eligible for exemptions under this Program.

**Section 3:** All properties identified in Exhibit A as being within the designated Community Reinvestment Area are eligible for this incentive. This proposal is a public/private partnership intended to promote and expand conforming uses in the designated area. As part of the project, Batavia Township, Clermont County, Ohio intends to undertake supporting public improvements in the designated area.

**Section 4:** Within the Community Reinvestment Area, the percentage of the tax exemption on the increase in the assessed valuation resulting from improvements to commercial and residential real property and the term of those exemptions shall be negotiated on a case-by-case basis in advance of construction occurring according to the rules outlined in the ORC Section 3765.67. The results of the negotiation as approved by the Commissioners will be set in writing in a Community Reinvestment Area Agreement as outlined in ORC Section 3735.671, and are subject to the following parameters:

- a. Only projects involving construction exceeding \$5,000,000 will be considered.
- b. Up to, and including, fifteen (15) years, and up to, and including, fifty percent ( 50%) for the construction of new commercial or residential facilities, the term and percentage of which shall be negotiated on a case-by-case basis in advance of construction occurring.
- c. The agreement with the affected property owners shall include a provision that affected property owners, and their successors in interest, shall not seek and shall oppose any annexation of any portion of the property included in Batavia Township Area 1 Community Reinvestment Area.

If new construction qualifies for an exemption, during the period of the exemption the exempted percentage of the structure shall not be considered to be an improvement on the land on which it is located for the purpose of real property taxation.

**Section 5:** All commercial and residential projects are required to comply with the state application fee requirements of ORC Section 3735.672 (C) and the local annual monitoring fee of one percent of the amount of taxes exempted under the agreement - a minimum of \$500 up to a maximum of \$2500

annually unless waived.

**Section 6:** To administer and implement the provisions of this Resolution, the Director of the Clermont County Department of Community and Economic Development is designated as the Housing Officer as described in Sections 3735.65 through 3735.70.

**Section 7:** That a "Community Reinvestment Area Housing Council" shall be created, consisting of one member appointed by each member of the Board of County Commissioners and two members appointed by the Planning Commission of Clermont County. The majority of the members shall then appoint two additional members who shall be residents within Clermont County. Terms of the members of the Council shall be for three years. An unexpired term resulting from a vacancy in the Council shall be filled in the same manner as the initial appointment was made.

A Tax Incentive Review Council shall be established pursuant to ORC Section 5709.85 and shall consist of three representatives appointed by the Board of County Commissioners, two representatives of Batavia Township, appointed by the Township Board of Trustees, the county auditor or designee and a representative of each affected Board of Education. At least two members must be residents of Batavia Township, Clermont County, Ohio. The Tax Incentive Review Council shall review annually the compliance of all agreements involving the granting of exemptions for commercial or residential real property improvements under Section 3735.671, of the ORC and make written recommendations to the Commissioners as to continuing, modifying or terminating said agreement based upon the performance of the agreement.

**Section 8:** The Commissioners reserve the right to re-evaluate the designation of the Batavia Township Area 1 Community Reinvestment Area after December 31, 2019, on an annual basis, at which time the Commissioners may direct the Housing Officer not to accept any new applications for exemptions as described in Section 3735.67 of the ORC.

**Section 9:** The Community Reinvestment Area Council shall make an annual inspection of the properties within the district for which an exemption has been granted under Section 3735.67 of the ORC. The Community Reinvestment Area Council shall also hear appeals under 3735.70, of the ORC.

**Section 10:** That this Resolution shall take effect and be enforced from and after the earliest period allowed by law and upon confirmation by the Director of the Ohio Development Services Agency of the findings in this Resolution.

**Section 11:** The President of the Clermont Board of County Commissioners is hereby directed and authorized to petition the Director of the Ohio Development Services Agency to confirm the findings contained within this Resolution.

**Section 12:** The Commissioners hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, that all deliberations of the Commissioners and of its committees, if any, which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements, including Section

121.22 of the ORC.

Ms. Corcoran seconded the Resolution and upon roll call, the vote resulted as follows:

David L. Painter *yes*  
Edwin H. Humphrey *aye*  
Claire B. Corcoran *yes*

ATTEST: *[Signature]*  
~~Judith Kocica, Clerk of the Board~~ Sukie Scheetz, Clerk Pro Tem  
Board of County Commissioners  
Clermont County, Ohio  
DATE ADOPTED: August 14, 2019

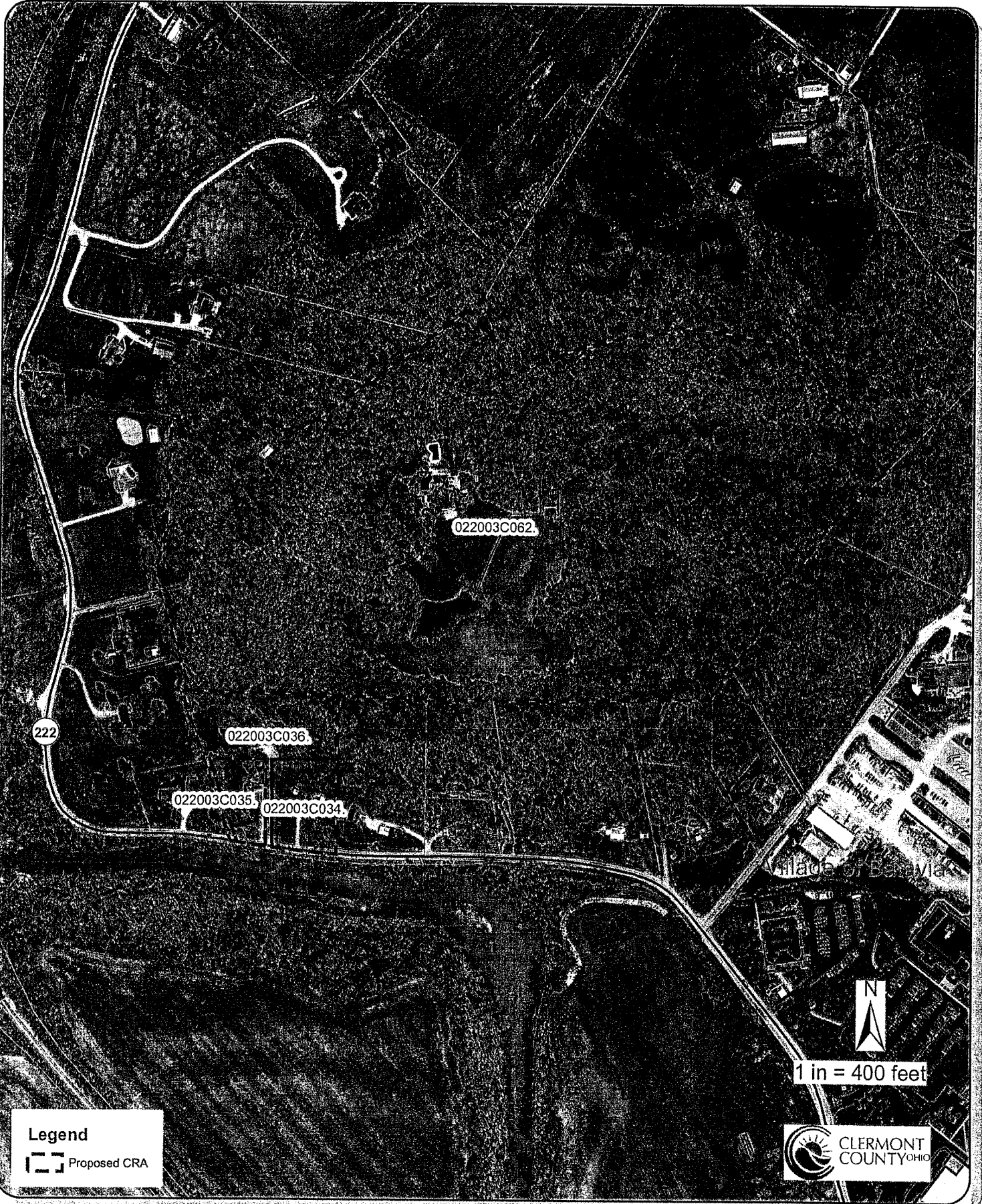
Approved as to Form:  
Jason Fountain  
Assistant Prosecuting Attorney

*[Signature]*  
Date 7/22/19




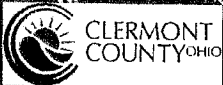
# Batavia Township Community Reinvestment Area

## Exhibit A



**Legend**

 Proposed CRA



RESOLUTION NO. 123-19

The Board of County Commissioners, Clermont County, Ohio met in regular session on the 14th day of August, 2019, with the following members present:

David L. Painter, President  
Edwin H. Humphrey, Vice-President  
Claire B. Corcoran, Member

~~Mr. (S)~~ Humphrey moved for the adoption of the following Resolution:

**RESOLUTION ELIMINATING CLERMONT COUNTY  
TRANSPORTATION CONNECTION ROUTE 1 – FELICITY TO  
EASTGATE VIA AMELIA**

**WHEREAS**, former Clermont Transportation Connection (CTC) Director, John Rayman, appeared before the Board of County Commissioners (Board) on October 31, 2018 and informed the Board of the low ridership of Route 1 and that the resources of Route 1 could be better used for Dial-A-Ride services; and

**WHEREAS**, on April 10<sup>th</sup>, 2019, the Board approved three public hearings to discuss possible route elimination; (1) Wednesday, May 22, 2019 at 11:00 A.M. in the Conference Room located on the Third Floor of the Clermont County Administration Building, 101 East Main Street, Batavia, Ohio 45103, (2) Wednesday, May 29, 2019 at 7:00 P.M. Local Time in the Queen City A Meeting Room at the Union Township Civic Center located at 4350 Aicholtz Rd. Cincinnati, OH 45245, and (3) Friday, May 31, 2019 at 10:00 A.M. Local Time in the Clermont County Library, Felicity Branch located at 209 Prather Road, Felicity, Ohio 45120; and

**WHEREAS**, the notice for the three public hearings was published in the Clermont Sun on April 18, 2019, published on the Clermont County Website, placed on every bus stop sign for Route 1, and was displayed in every CTC Vehicle; and

**WHEREAS**, during the three public hearings, there was no opposition or proponent testimony from the public for the elimination of the Route 1; and

**WHEREAS**, CTC services will still be available to residents through the Dial-A-Ride services.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Clermont County, Ohio with at least two-thirds of its members thereto concurring as follows:

**SECTION I**

That Clermont County Transportation Connection Route 1 – Felicity to Eastgate via Amelia be eliminated effective September 30, 2019.

**SECTION II**

That, upon execution of this Resolution, CTC will provide ongoing notification to the residents in this area of the elimination of the route.

**SECTION III**

That residents in this area can be serviced through the Clermont Transportation Connection Dial-A-Ride Services.

**SECTION IV**

That the Board of County Commissioners hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with all applicable legal requirements including Section 121.22 of the Ohio Revised Code.

Mr(s). Corcoran seconded the motion and on roll call, the vote resulted as follows:

Mrs. Corcoran

yes

Mr. Humphrey

aye

Mr. Painter

yes

This Resolution was duly passed on the 14<sup>th</sup> day of August 2019.

ATTEST:

  
Sukie Scheetz  
~~Judith Kocica, Clerk~~ Clerk Pro Tem  
Board of County Commissioners

This Resolution was prepared and approved as to form by the Office of Prosecuting Attorney of Clermont County, Ohio

By:   
\_\_\_\_\_

Date: 8-5-19

**RESOLUTION NO. 124-19**

The Board of County Commissioners of the County of Clermont, Ohio, met in regular session on the 14<sup>th</sup> day August, 2019, with the following members present:

David L. Painter, President

Edwin H. Humphrey, Vice President

Claire B. Corcoran, Member

Mr. Humphrey introduced the following resolution and moved its passage:

**RESOLUTION OF INTENTION TO ISSUE  
MORTGAGE REVENUE BONDS  
AND AUTHORIZING  
EXECUTION OF PRELIMINARY AGREEMENT**

**WHEREAS**, the County of Clermont, Ohio, a county organized and existing under the laws of the State of Ohio (the "County"), pursuant to the authority of Article VIII, Section 16, of the Constitution of the State of Ohio and Chapter 133 of the Ohio Revised Code, is empowered and authorized and desires to take certain necessary actions toward the issuance of its mortgage revenue bonds (the "Bonds") to finance the costs of the acquisition, construction, installation and equipping of an approximately 60- to 70-unit assisted living facility and approximately 47 independent living units, all for the elderly, which facilities are to be located within Clermont County, Ohio (the "Project"), and which will be owned by AlcoreSenior, LLC, an Ohio limited liability company (the "Borrower"), or a successor or affiliated entity; and

**WHEREAS**, the County has determined that an Agreement between the County and the Borrower in the form attached hereto (the "Agreement"), which is incorporated by reference herein, adequately sets forth the general terms and conditions upon which the County is willing to proceed with the financing of the Project; and

**WHEREAS**, the County and the Borrower anticipate that the Project will create jobs within the County and will assist and provide for housing for residents of the County, and that the Project will improve the economic welfare of the County and its people;

**NOW THEREFORE BE IT RESOLVED** by the Board of County Commissioners of the County that:

Section 1. The County will undertake to authorize and issue its Bonds from time to time, in one or more series, in a principal amount currently estimated not to exceed \$22,000,000 for the purpose of financing the Project, and both the County and its officers will take all further action necessary or desirable for that purpose, all subject, however, to the conditions stated in the Agreement, and upon the terms therein provided.

AGREEMENT

THIS AGREEMENT is entered into as of the 14<sup>th</sup> day of August, 2019, between the County of Clermont, Ohio, a county organized and existing under the laws of the State of Ohio (the "County"), and AlcoreSenior, LLC, an Ohio limited liability company (the "Borrower"), under the following circumstances:

A. The Borrower desires to acquire, construct, install and equip an approximately 60- to 70-unit assisted living facility and approximately 47 independent living units, all for the elderly, which facilities are to be located within Clermont County, Ohio (the "Project").

B. The Borrower has evidenced a desire to have the costs of the Project financed with the proceeds of mortgage revenue bonds (the "Bonds") issued by the County pursuant to the authority of Article VIII, Section 16 of the Constitution of the State of Ohio and Chapter 133 of the Ohio Revised Code, in a principal amount currently estimated not to exceed \$22,000,000.

C. The parties anticipate that the Project will create jobs within the County and will assist and provide for housing for residents of the County, and that the Project will improve the economic welfare of the County and its people.

D. In order to assist and provide for housing for the residents of the County, the County desires to encourage and induce the Borrower to proceed with the Project.

**NOW, THEREFORE**, the County and the Borrower agree as follows:

1. At the request of the Borrower, and subject to fulfillment of the public hearing requirement under Section 147(f) of the Internal Revenue Code of 1986, the County will enact the necessary resolutions to authorize the issuance of the Bonds and execution on its behalf of the Financing Agreement, as hereafter defined, and other necessary documents. The Bonds, the Financing Agreement, the resolutions and other necessary documents shall have such terms as

shall be approved by Dinsmore & Shohl LLP and by the County, the purchaser(s) of the Bonds and the Borrower, and the County will deliver the Bonds to the purchaser(s) thereof and will cooperate to the fullest extent in consummating the transaction.

2. Pending issuance of the Bonds, the Borrower will provide without expense to the County any necessary interim financing for the Project. The Borrower also agrees that upon issuance of the Bonds for the Project it, or a successor or affiliated entity, will enter into an agreement (the "Financing Agreement") with the County providing for the payment by the Borrower of amounts sufficient to pay when due the principal of and premium, if any, and interest on the Bonds. The County shall have no financial responsibility with respect to the Bonds or the Project except from the proceeds of the Bonds or revenues produced pursuant to the Financing Agreement.

3. If the Borrower abandons the Project, it shall notify the County, whereupon this Agreement shall terminate. In addition, this Agreement shall terminate one year after completion of the Project if for any reason the Borrower has not by then requested the County to issue the Bonds. Upon any termination of this Agreement under this paragraph, neither the County nor the Borrower shall have any further rights or obligations hereunder, except that the obligations of the Borrower under paragraph 4 hereof shall survive any such termination.

4. In order to induce the County to execute and deliver this Agreement, the Borrower hereby agrees to defend, indemnify and hold the County and its officials harmless from and against any and all loss, cost, expense, claims or actions arising out of or connected with the execution and delivery of this Agreement and the consummation of the transactions provided for herein and contemplated hereunder, including but not limited to, reasonable

attorneys' fees. The provisions of this paragraph shall be superseded by a similar agreement by the Borrower in the Financing Agreement.

5. The delivery of a signed copy of this Agreement by Facsimile Transmission (fax) or by e-mail transmission in Portable Digital Format (PDF) shall constitute effective execution and delivery of this Agreement as to the parties; and will create a valid and binding obligation of the party executing (or on whose behalf such signature is executed) with the same force and effect as if such fax or pdf signature page were an original agreement. Signatures of the parties to this Agreement transmitted by facsimile or PDF will be deemed to be their original signatures for all purposes.

[Remainder of Page Intentionally Left Blank; Signature Page Follows]



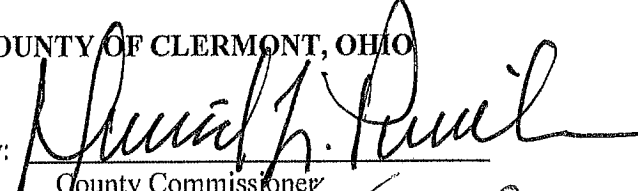
[Signature Page to Agreement]

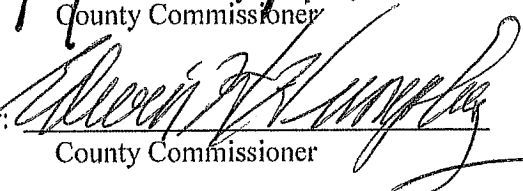
IN WITNESS WHEREOF, this document has been executed by at least two of the County's Commissioners, and the Borrower has caused this Agreement to be duly executed, as of the day and year first above written.

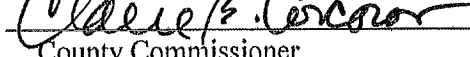
ALCORESENIOR, LLC

By:   
Title: MANAGER

COUNTY OF CLERMONT, OHIO

By:   
County Commissioner

By:   
County Commissioner

By:   
County Commissioner

15057281

Section 2. The County intends that this Resolution, including the Agreement, shall constitute "official action" with respect to the issuance of Bonds to finance the costs of the Project, within the meaning of Treasury Regulations Section 1.150-2.

Section 3. The law firm of Dinsmore & Shohl LLP is appointed as Bond Counsel in connection with the issuance of the Bonds.

Section 4. The Agreement be and is hereby approved and that at least two members of this Board of County Commissioners be and hereby are authorized to execute the Agreement on behalf of the County in the form attached hereto.

Section 5. This resolution was adopted, and all actions and deliberations of the Board of County Commissioners of the County of Clermont, Ohio relating thereto were conducted, in meetings open to the public, in compliance with all applicable legal requirements including Section 121.22 of the Ohio Revised Code.

Section 6. This Resolution shall take effect and be in force upon its adoption.

Mrs. Corcoran seconded the motion and the roll called upon adoption resulted as follows:

David L. Painter	<u>Yes</u>
Edwin H. Humphrey	<u>Aye</u>
Claire B. Corcoran	<u>Yes</u>

CERTIFICATE

I hereby certify that the foregoing is a true and correct excerpt from the minutes of a meeting of the Board of County Commissioners of the County of Clermont, Ohio, held on

August 14, 2019.

ATTEST:

[Signature]  
~~Clerk, Board of County Commissioners,~~ Clerk Pro Tem  
County of Clermont, Ohio Board of County Commissioners

APPROVED AS TO FORM:  
D. VINCENT FARIS, PROSECUTOR  
CLEMONT COUNTY, OHIO

BY: [Signature]  
Assistant Prosecutor

DATE: 8-5-19

**THE BOARD OF COUNTY COMMISSIONERS, CLERMONT COUNTY, OHIO,**  
met in regular session on the 14th day of August, 2019, with the following members present:

David L. Painter, President  
Edwin H. Humphrey, Vice-President  
Claire B. Corcoran, Member

Commissioner Corcoran moved for the adoption of the following Resolution:

**RESOLUTION NO. 125-19**

**A RESOLUTION REPEALING RESOLUTION NO. 265-05  
AND AUTHORIZING THE COUNTY ADMINISTRATOR  
OR HIS DESIGNEE TO TERMINATE, CANCEL AND  
RELEASE OF RECORD THE RELATED DEVELOPMENT  
AGREEMENT DATED AS OF DECEMBER 28, 2005 AND TO  
WITHDRAW THE DTE FORM 24 FILING RELATING TO  
THE AFFECTED PROPERTY**

**WHEREAS**, Section 5709.78 et seq. of the Ohio Revised Code authorizes Counties to participate in a financing technique commonly known as tax increment financing; and

**WHEREAS**, this Board of County Commissioners (the "Board") had intended to use the authority granted pursuant to such Sections in connection with certain improvements in the County to meet the needs of the area, including new development and traffic capacity; and

**WHEREAS**, in furtherance thereof, the Board authorized the County Administrator to execute and deliver that certain Development Agreement dated as of December 28, 2005 (the "Development Agreement") with Hal Homes, Inc. (the "Owner");

**WHEREAS**, pursuant to the terms of the Development Agreement, it was filed for record with the Clermont County Recorder's office on January 27, 2006 in OR Book 1950 at Pages 2197-2220, which Development Agreement contemplated the construction of an approximately 4,000 foot frontage road along Ohio Route 32 and adjacent, in part, to the property that was the subject of the Development Agreement (defined in the Development Agreement as the Public Infrastructure Improvements) to the extent the Statutory Service Payments (as defined in the Development Agreement) generated by the Improvements (as defined in the Development Agreement) were sufficient to construct the Public Infrastructure Improvements); and

**WHEREAS**, further pursuant to the terms of the Development Agreement, an Ohio Department of Taxation Division of Tax Equalization Form 24 ("DTE Form 24") was filed on January 6, 2006 in order to exempt the subject property from taxation pursuant to the above-referenced statutes and on line 6 thereof indicated it was filed without the consent of the Owner; and

**WHEREAS**, the facts and circumstances that were the basis for the parties' entering into the Development Agreement have changed substantially over the past 14 years, including, specifically that the Improvements have not yet been constructed and no Service Payment Agreement (as

defined in the Development Agreement) was ever executed and no Statutory Service Payments have ever been realized, such that the parties wish to terminate and release the documentation relating to that formerly proposed transaction;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Clermont County, State of Ohio:

**SECTION 1.** That this Board hereby finds and declares that the facts and circumstances in existence in December of 2005 have changed substantially so that the project and transaction described in the Development Agreement are no longer being contemplated by the parties.

**SECTION 2.** That the Board agrees with the Developer that the documentation relating to the Development Agreement including said agreement, need to be terminated, cancelled, and otherwise removed from any official records.

**SECTION 3.** That Resolution 265-05 duly adopted by this Board on December 15, 2005 is hereby repealed in its entirety.

**SECTION 4.** That the County Administrator or his designee is hereby authorized and directed to execute and deliver necessary documentation to accomplish the following: (1) terminate and cancel the Development Agreement; (2) release the Development Agreement of record with the Recorder of Clermont County and (3) withdraw the filing of the DTE Form 24 that was originally filed with respect to the real property that is the subject of the Development Agreement.

**SECTION 5.** That the Clerk is hereby directed to forward a copy of this Resolution to the County Auditor of Clermont County.

**SECTION 6.** 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.

Commissioner Humphrey seconded the motion and, upon call of the roll, the vote resulted as follows:

Mr. Painter Yes; Mr. Humphrey Aye, Mrs. Corcoran Yes.

Date: August 14, 2019.

ATTEST:

Sukie Scheetz  
Sukie Scheetz, Clerk Pro Tem  
Board of County Commissioners  
Clermont County, Ohio

RECEIPT

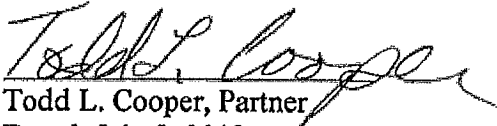
The undersigned County Auditor of Clermont County, Ohio hereby acknowledges receipt of Resolution No. 125-19 Repealing Resolution No. 265-05, passed August 14, 2019, by the Board of County Commissioners of said County.

Date: Aug 16, 2019



Linda L. Fraley  
County Auditor

PREPARED AND APPROVED BY  
LOCKE LORD LLP



Todd L. Cooper, Partner  
Dated: July 8, 2019

**AUTHENTICATION**

This is to certify that this Resolution was duly passed and filed with the Clermont County Clerk, this 14<sup>th</sup> day of August, 2019.  
*Clerk Pro Tem*

*Sukie Scheetz*  
~~Clermont County Clerk~~  
Clerk Pro Tem

**CERTIFICATE**

I hereby certify that the foregoing is a true and correct copy of a Resolution passed by the Board of County Commissioners of Clermont County, Ohio, and was certified to the County Auditor of Clermont County.

*Sukie Scheetz*  
~~Clerk~~  
Clerk Pro Tem

**RECEIPT**

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

*Linda K. Italy*  
Clermont County Auditor

Dated: Aug 16, 2019