

ORDINANCE CONDITIONALLY REPEALING
ORDINANCE 12-2022

Whereas, on May 2, 2022, Village Council passed Ordinance 12-2022, seeking tax increment financing on Stark County parcels 10013533, 10013534, 10013535, 10013536, and 10013537, and on March 2, 2023, the Department of Taxation conditionally approved such with respect to parcels 10013534 and 10013537, and

Whereas, previously on February 1, 2021, Village Council passed Ordinance 2-2021, seeking non-school tax increment financing on Stark County parcels 10013533, 10013534, 10013535, 10013536, and 10013537, and entered into a binding TIF agreement with Stark Board of Trade, LLC, and

Whereas, Ordinance 12-2022 specifically provided on its first page that it “will be subordinate to that ordinance [Ord. 2-2021] as to allocation of TIF funds,” indicating that Ordinance 2-2021 was intended to take priority over Ordinance 12-2022, and

Whereas, the General Assembly enacted a new section of law, Ohio Revised Code, Sec. 5709.916, effective July 18, 2022, purporting to retroactively provide that any TIF ordinance passed after March 1, 2022 with respect to a parcel that is already subject to a TIF ordinance, and would effectively cause the second ordinance to act as a repeal and replacement of the first TIF ordinance, and

Whereas, it is in the best interest of the Village not to jeopardize Ordinance 2-2021, as the assistance of Stark Board of Trade is required to develop the remainder of Prospect Park and as the Village desires to honor the TIF agreement, and

Whereas, the Department of Taxation is currently holding the TIF applications of Stark County parcels 10013533 and 10013537, and meeting on April 18, 2023, to determine what further action, if any, should be taken with respect to them, and

Whereas, Village Council intends to pursue, in the near future and provided such is allowable, amendment of Ordinance 2-2021 that would not affect the current TIF status of the five above named parcels but would permit the Village to recoup funds in the future for maintenance of the improvements that are the subject of Ordinance 2-2021.

Now Therefore, Village Council Ordains as follows:

Section 1 – Ordinance 12-2022 is repealed, to the extent that not repealing it would jeopardize the TIF status of Stark County parcels 10013533, 10013534, 10013535, 10013536, and 10013537 provided for under Ordinance 2-2021.

Section 2 – The Solicitor is authorized to communicate such with the Ohio Department of Taxation, to procure vacation of TIF status under Ordinance 12-2022 for Stark County parcels 10013534 and 10013537, and withdraw the application under Ordinance 12-2022 with respect to such parcels. Further, the Solicitor is instructed not to submit applications under Ordinance 12-2022, with respect to Stark County parcels 10013533, 10013535, and 10013536.

Section 3 – This Ordinance is deemed an emergency as Department of Taxation is meeting April 18, 2023, to determine the further TIF status of parcels 10013533 and 10013537, and thus should be passed with sufficient votes to obviate the requirement of three readings before passage.

Passed and effective – April 3, 2023

APPROVED: Robert L. Benson 4/3/2023
MAYOR Robert L. Benson DATE

Attest: Kim L. Meek-Obed
FISCAL OFFICER Kim L. Meek-Obed

I, Kim L. Meek-Obed, Fiscal Officer for the Village of Navarre, Ohio, do hereby certify that the forgoing is a true copy of Ordinance 7-2023 duly passed and adopted by the Council of the Village of Navarre on the 3rd day of April, 2023 as compared by me with the original on file in my office.

Kim L. Meek-Obed

I, Kim L. Meek-Obed, Fiscal Officer for the Village of Navarre, Ohio, do hereby certify that there is no newspaper in said Village and that publication of the above Ordinance was duly made by posting one copy thereof at the Village of Navarre's website, the Navarre Post Office and the Village Clean Laundromat and that said Ordinance will remain posted for at least fifteen days thereafter.

Kim L. Meek-Obed