

ORDINANCE NO. 22 - 2025

AN ORDINANCE DECLARING THE IMPROVEMENT OF CERTAIN REAL PROPERTY LOCATED ON RIVER STREET IN THE VILLAGE OF MADISON, THE SAME BEING PERMANENT PARCEL NUMBER 02-A-007-0-00-019-0, TO BE A PUBLIC PURPOSE; DECLARING A PORTION OF SUCH PROPERTY TO BE EXEMPT FROM REAL PROPERTY TAXATION; COMPENSATING THE SCHOOL DISTRICT AND CAREER CENTER FOR REVENUE NOT REALIZED; DESIGNATING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS THAT WILL BENEFIT SUCH PROPERTY; REQUIRING ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND; AND DECLARING AN EMERGENCY

WHEREAS, the development of commercial and industrial properties in the Village of Madison will benefit the Village and its residents by creating economic opportunities, enhancing the property tax base, enhancing income tax revenues, and stimulating collateral development in the Village; and

WHEREAS, by providing Public Infrastructure Improvements (as the phrase is defined in § 5709.40(A)(8) of the Ohio Revised Code ("R.C.")), including road construction and related improvements, the Village may facilitate the development of commercial and industrial properties; and

WHEREAS, R.C. §§ 5709.40, 5709.42 and 5709.43 provide for the use of municipal tax increment financing to finance the construction of Public Infrastructure Improvements which will benefit new commercial and industrial development in the Village; and

WHEREAS, the property owner set forth in Exhibit "A," attached hereto and made a part hereof (the "Property Owner") has made certain Improvements (as defined in R.C. § 5709.40(A)(4) and hereinafter referred to as the "Commercial Improvements") to real property located in the Village, which real property and improvements are identified and described in Exhibit "B" attached hereto and made a part hereof, and that such Commercial Improvements would first appear on the tax list and duplicate of real and public utility property subsequent to the effective date of this Ordinance were it not for the exemptions specified herein; and

WHEREAS, the Village has made, and may make further, Public Infrastructure Improvements as more particularly described in Exhibit "C," attached hereto and made a part hereof, that directly benefit or, once made, will directly benefit the Commercial Improvements; and

WHEREAS, the Village sent notice of this Council's intent to exempt the Commercial Improvements from real property taxes in accordance with the terms of this Ordinance to the Board of Education of the Madison Local School District (the "School District") and the Auburn Vocational School District Board of Education ("Auburn JVSD") in accordance with R.C. §§ 5709.40(D) and 5709.83 in the form attached hereto as Exhibit "D" and which completed certificates of service are on file with the Clerk; and

WHEREAS, because this Ordinance specifies that payments in lieu of taxes be paid to the School District and Auburn JVSD in an amount equal to the amount of taxes that the School District and Auburn JVSD would have received had the Improvement not been exempted from real property taxes pursuant to this Ordinance and R.C. § 5709.40(D)(1), approval of this Ordinance by the School District and Auburn JVSD Boards of Education is not required.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MADISON, LAKE COUNTY, OHIO, THAT:

SECTION 1. It is hereby declared that construction of the Commercial Improvements upon permanent parcel number 02-A-077-0-00-019-0 (and as more particularly described in Exhibit "A") are a public purpose within the meaning of R.C. §§ 5709.40, et al.

SECTION 2. The Commercial Improvements are hereby declared exempt from real property taxation commencing with the tax year in which the Commercial Improvements first appear on the tax list and duplicate of real and public utility property after the effective date of this Ordinance and the exemption period shall end on the thirtieth (30th) anniversary of the date the Commercial Improvements first appeared on the tax list and duplicate of real and public utility property or the date the Public Infrastructure Improvements are paid in full, whichever occurs first. One hundred percent (100%) of the assessed value of the Commercial Improvements shall be exempted from taxation; provided, however, that as to any real property for which real property tax abatement is granted by an ordinance adopted pursuant to R.C. §§ 3735.66 or 5709.63, such exemption shall apply to the effective real property tax payable after application of the abatement, and the exemption granted by this Ordinance shall be subordinate to the abatement as provided in R.C. § 5709.911(A)(2).

SECTION 3. The Village has constructed, or may cause to be constructed, the Public Infrastructure Improvements which will directly benefit the Commercial Improvements. This Council hereby confirms that the Public Infrastructure Improvements are necessary for the public health, safety and welfare and that construction of the Commercial Improvements places additional demand on the public infrastructure of the Village. The cost of such Public Infrastructure Improvements may be paid in part from the proceeds of bonds and/or notes to be issued by the Village and secured in part from revenues received by the Village from service payments made by the Property Owner in lieu of taxes, as set forth herein.

SECTION 4. The Property Owner, and any successors in interest to the Property, or any part thereof or interest therein, is hereby required to make for the property identified in Exhibit "A" semiannual service payments in lieu of taxes with respect to the Commercial Improvements pursuant to and in accordance with the requirements of the Code, and pursuant to the Ordinance and any subsequent amendments or supplements thereto. Any late payments shall be subject to penalty and bear interest at the then current rate established under R.C. §§ 323.121(B)(1) and 5703.47, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time (the payment of penalties and interest are collectively referred to herein with the payments in lieu of taxes as the "Service Payments"). The Property Owner shall make such Service Payments semiannually to the County Treasurer of Lake County, Ohio or to the Treasurer's designated agent for collection of the Service Payments (hereinafter referred to as the "County Treasurer") on or before the date on which real property taxes would otherwise be due and payable for the Commercial Improvements. Each semiannual payment shall be in the same amount as the real property taxes that would have been charged and payable against the Commercial Improvements (after credit for any other available payments received by the Village under R.C. § 319.302 as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time), (herein the "Property Tax Rollback Payments") had an exemption from taxation not been granted, and otherwise shall be in accordance with the requirements of the Ohio Revised Code.

Each Property Owner shall not, under any circumstances, be required for any tax year to pay both real property taxes with respect to the Commercial Improvements and Service Payments in lieu of taxes with respect to the Commercial Improvements, whether pursuant to R.C. § 5709.42, this Ordinance, or any other applicable law.

SECTION 5. There is hereby established within the Village Treasury a municipal public improvement tax increment equivalent fund (the "Tax Increment Fund") into which shall be deposited Service Payments in lieu of taxes received from the Property Owner and distributed to the Village by the County Treasurer. Such Fund may be combined with other funds created by ordinances of this Council authorizing other such projects. Money in the Tax Increment Fund shall be used to finance the Public Infrastructure Improvements and shall, to the extent provided in further ordinances of this Council, be pledged to the repayment of bonds and/or notes issued to finance such improvements.

The Tax Increment Fund shall remain in existence so long as the Service Payments and Property Tax Rollback Payments are collected and used for the above purposes, after which the Tax Increment Fund shall be dissolved in accordance with the Ohio Revised Code. Upon such dissolution, any incidental surplus remaining in the Tax Increment Fund shall be transferred to the general fund of the Village.

SECTION 6. Pursuant to R.C. § 5709.42, the County Treasurer shall pay to the Madison Local School District and Auburn Vocational School District, from a portion of the Service Payments, the amount of the taxes that would have been payable to the Madison Local School District and Auburn Vocational School District if the Commercial Improvements had not been exempted pursuant to this Ordinance for the period commencing on the effective date of this Ordinance and ending on the date of termination of the exemption of the Commercial Improvements as set forth in Section 2 hereof.

SECTION 7. The Village's policy titled "Disclosure of Liabilities Owed to Governmental Entities and Authorization for Inspection" enacted by Resolution No. 22 - 2012 in conformity with R.C. § 9.66(B) is of permanent and general applicability to all recipients of economic development assistance within the Village and its applicability to the exemption created by this Ordinance is hereby re-affirmed and made a condition hereof.

SECTION 8. The Village's "Non-Discriminatory Hiring Policy" enacted by Resolution No. 23 - 2012 in conformity with R.C. § 5709.832 is of permanent and general applicability to all recipients of economic development assistance within the Village and its applicability to the exemption created by this Ordinance is hereby re-affirmed and made a condition hereof.

SECTION 9. This Council further authorizes and directs the Village Administrator and other officers of the Village: (i) to make such arrangements as are necessary and proper for collection of Service Payments from Owners; (ii) to prepare and sign all agreements and instruments as may be necessary to implement this Ordinance; and (iii) to take all other actions as may be appropriate to implement this Ordinance, including, but not limited to, the filing of exemption applications. R.C. § 5709.911 shall govern the priority status of the exemptions provided under this Ordinance.

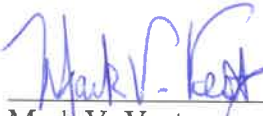
SECTION 10. The Village Administrator is hereby directed to cause a copy of this Ordinance to be delivered to the Director of Development of the State of Ohio within fifteen days after its adoption. On or before March 31 of each year that the exemption from real property taxes granted by this Ordinance remains in effect, the Administration shall prepare and submit, or cause to be prepared and submitted, to the Director of Development of the State of Ohio the status report required under R.C. § 5709.40(I).

SECTION 11. That is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that, except as otherwise provided by R.C. § 121.22 of the Ohio Revised Code, all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Introduced by: Mayor Britton
10/14/2025
1st Reading October 14, 2025
2nd Reading, October 27, 2025
3rd Reading, November 10, 2025

Ordinance No. 22- 2025
Pg. 5 of 5

SECTION 12. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the Village, and for the further reason that the establishment of the exemption hereunder and the creation of the Tax Increment Fund herein described is necessary to provide for timely and full payment of the costs of the Public Infrastructure Improvements, and provided it receives the affirmative vote of at least three-fourths (3/4) of the membership of Council this Ordinance shall take effect and be in force immediately upon its passage by Council; otherwise, it shall take effect and be in force after the earliest period allowed by law.



Mark V. Vest
President of Council

PASSED: 11-10-2025

Attested:



Kristie M. Crockett,
Fiscal Officer/Clerk of Council

Approved:



Sam Britton, Jr.,
Mayor

Introduced by: Mayor Britton
10/14/2025
1st Reading October 14, 2025
2nd Reading, October 27, 2025
3rd Reading, November 10, 2025

Ordinance No. 22 - 2025
Exhibit "A" Pg. 1 of 1

EXHIBIT "A"
Description of the Property, Owner, and Project

OWNER NAME	ADDRESS	PPN:	VALUATION ESTIMATE	TYPE OF PROJECT
Madison Health Realty, LLC Deed Ref. No.: 2024R022271 Lake County Records	443 River Street Madison, Ohio 44057	02-A-007-0-00-019-0	\$18,900,000	construction of a new 99- bed skilled nursing and rehabilitation facility, accessory structures, and site improvements

Introduced by: Mayor Britton
10/14/2025
1st Reading October 14, 2025
2nd Reading, October 27, 2025
3rd Reading, November 10, 2025

Ordinance No. 22 - 2025
Exhibit "B" Pg. 1 of 1

EXHIBIT "B"
Description of the Commercial Improvements

- (i) A 99-bed skilled nursing and rehabilitation facility of approximately 70,000 square feet in area; and
- (ii) Related accessory structures, parking, service drives, and other on-site infrastructure servicing said building.

Introduced by: Mayor Britton
10/14/2025
1st Reading October 14, 2025
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3rd Reading, November 10, 2025

Ordinance No. 22 - 2025
Exhibit "C" Pg. 1 of 1

EXHIBIT "C"
Description of the Public Infrastructure Improvements

Public Infrastructure Improvements consist of the following:

Projects for the SR 528/Interstate 90 Interchange, River Street roadway widening, signalization, and pedestrian (sidewalk) pathways, inclusive of: (1) the widening of the bridge deck and sidewalks, (2) the widening of River Street at S.R. 307 for additional turn lanes, (3) signalization at the intersections of S.R. 307, Great Lakes Way and Water Tower Drive, and (4) construction of sidewalks to the southern Village corporate line; including all necessary demolition, saw cutting, excavation, undercutting, mass and fine grading, earthwork; the costs of extension, installation and or acquisition, relocation of utilities; sidewalks, engineering, legal, project financing, and professional services related costs related thereto which may serve the commercial improvements; construction, reconstruction or installation of public utility improvements, water distribution lines (including necessary site grading therefore), storm and sanitary sewers (including necessary site grading therefore), water and fire protection systems, and all appurtenances thereto; construction, reconstruction or installation of gas, electric and communication and telecommunications service facilities and all appurtenances thereto; construction or installation of streetscape and landscape improvements including trees, tree grates, signage, curbs, sidewalks, street and sidewalk lighting, trash receptacles, benches, burial of overhead utility lines and related improvements, together with all appurtenances thereto; acquisition of real estate or interests in real estate, including easements, necessary to accomplish the foregoing improvements; professional fees, including architectural, engineering, contract administration, legal and other professional costs; all inspection fees and other governmental fees related to the foregoing; any other costs for the aforesaid public infrastructure improvements as permitted by law.

All of the Public Infrastructure Improvements described above are hereby determined to be "public infrastructure improvements" (as defined in R.C. § 5709.40(A)(7)) that will directly benefit the real property described in Exhibit "A."

Introduced by: Mayor Britton
10/14/2025
1st Reading October 14, 2025
2nd Reading, October 27, 2025
3rd Reading, November 10, 2025

Ordinance No. 22- 2025
Exhibit "D" Pg. 1 of 2

NOTICE OF INTENT
R.C. § 5709.40(D)(2)

To the Honorable Members of the Boards of Education of the Madison Local School District and Auburn Vocational School District, the Council of the Village of Madison extends its Greetings.

Pursuant to and in conformity with R.C. § 5709.40(D)(2), please be advised that Notice is hereby given of Council's intent to exempt from taxation improvements to the following parcel within the Village under division (B) of R.C. § 5709.40:

OWNER:	ADDRESS:	PPN:	ACREAGE:	DEED RECORDED INSTRUMENT NO.: (Lake County Record of Deeds)
Madison Health Realty, LLC	443 River Street Madison, Ohio 44057	02-A-007-0-00-019-0	21.82+/-	2024R022271

Estimated true value of the improvements Eighteen Million Nine Hundred
Thousand Dollars (\$18,900,000.00)

Period the improvements will be exempted Thirty (30) Years

Percentage of the improvements that will be exempted ... One Hundred Percent (100%)

The Council intends to adopt the ordinance on October 14, 2025

Respectfully,

Council of the Village of Madison, Ohio

Introduced by: Mayor Britton
10/14/2025
1st Reading October 14, 2025
2nd Reading, October 27, 2025
3rd Reading, November 10, 2025

Ordinance No. 22 - 2025
Exhibit "D" Pg. 1 of 2

CERTIFICATE OF SERVICE

On this 24th day of September, 2025, I delivered the foregoing Notice of Intent to the following:

Board of Education of the Madison Local School District
1956 Red Bird Lane
Madison, Ohio 44057

by hand-delivery to an authorized Board employee at the stated address.



Jason Chapman, Administrator
Village of Madison, Ohio

On this 24th day of September, 2025, I delivered the foregoing Notice of Intent to the following:

Board of Education of the Auburn Vocational School District
8140 Auburn Road
Concord Township, Ohio 44077

by hand-delivery to an authorized Board employee at the stated address.



Jason Chapman, Administrator
Village of Madison, Ohio

Introduced by: Mayor Britton
10/14/2025
1st Reading October 14, 2025
2nd Reading, October 27, 2025
3rd Reading, November 10, 2025

Ordinance No. 22- 2025
ODOD Receipt Pg. 1 of 1

**RECEIPT OF DEPARTMENT OF DEVELOPMENT FOR THE
STATE OF OHIO FOR LEGISLATION DECLARING CERTAIN
IMPROVEMENTS TO REAL PROPERTY TO BE EXEMPT FROM
REAL PROPERTY TAXATION PURSUANT TO § 5709.40 OF THE
OHIO REVISED CODE**

I, _____, the Tax Incentive Specialist of Development for the State of Ohio, hereby certify that a certified copy of an ordinance duly adopted by the Council of the Village of Madison, Ohio (the "Village") on _____, 2025, being Ordinance No. ____ - 2025, declaring the improvement of certain real property located in the Village to be a public purpose and declaring a portion of such property to be exempt from real property taxation pursuant to § 5709.40 of the Revised Code, was filed in this office on _____, 20____.

WITNESS my hand and official seal at Columbus, Ohio this ____ day of _____, 20____.

Ohio Department of Development
Office of Tax Incentives
Economic Development Division