

**ORDINANCE NO. 2011- 60**

**AMENDING ORDINANCE NO. 2003-137 REDUCING THE BOUNDARIES OF THE TAX INCREMENT AREA FORMED PURSUANT TO SECTION 5709.40 OF THE OHIO REVISED CODE TO EXCLUDE CERTAIN PROPERTY AND DECLARING AN EMERGENCY.**

WHEREAS, on November 24, 2003, the City Council (the "Council") of the City of Mason, Warren County, Ohio (the "City") adopted an Ordinance declaring to be a public purpose certain public improvements which are necessary for the further development of certain parcels within the City and establishing a tax increment equivalent fund;

WHEREAS, in accordance with the provisions of the aforementioned provision of the Ohio Revised Code, the Council did therein find and declare that the parcels of land described in the various exhibits attached thereto will benefit from such public improvements and thereby exempted from real estate property taxation further improvements occurring after the date of said Ordinance to such parcels; and

WHEREAS, the property identified in Exhibit "A" hereto, in its entirety was included in total as "benefited" parcels; and

WHEREAS, this Council wishes to reduce the boundaries of the property exempted from property taxes granted by that Ordinance from 307 acres to 229 acres as described in Exhibit "B" attached hereto; and

WHEREAS, this Council has caused notice to be given to the Mason City School District Board of Education, of this Council's intention to consider this Ordinance for adoption, and that this Council and the Mason City School District have previously entered into a Tax Incentive Agreement dated June 14, 2004, providing for compensation to the School District for certain property which is and will remain exempted under Section 5709.40 of the Ohio Revised Code, which property does not include the property set forth in Exhibit "A", attached hereto, which agreement is still in effect and will not be altered by this Ordinance. Mason City School District has by Resolution adopted May 31<sup>st</sup>, 2011 approved the amendment to Ordinance No. 2003-137 resulting in a reduction of the boundaries of the property declared exempt as described in Exhibit "B" attached hereto;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mason, Warren County, Ohio, State of Ohio:

SECTION 1. That this Council hereby declares it necessary to reduce the boundaries of the Tax Increment Area as described in Exhibit "A" to Ordinance No. 2003-137 so as to exclude certain property.

SECTION 2. That Exhibit "A" of Ordinance No. 2003-137 which is attached hereto as Exhibit "C", shall be and is hereby amended so that it is as set forth in Exhibit "D" attached hereto.

SECTION 3. That all sections and provisions of Ordinance No. 2003-137 not specifically amended hereby shall remain in full force and effect.

SECTION 4. That the Clerk is hereby directed to forward a copy of this Ordinance to the County Auditor of Warren County.

SECTION 5. Pursuant to Section 5709.40 of the Ohio Revised Code, the Clerk is hereby directed to deliver a copy of Ordinance to the Director of the Department of Development of the State of Ohio within fifteen days after its passage.

SECTION 6. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, 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.

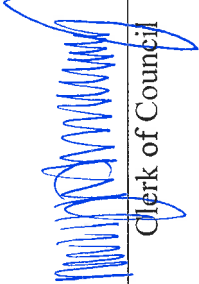
SECTION 7. That this Ordinance is hereby declared to be an emergency measure and shall take effect immediately upon its adoption for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City for the reason that the City must proceed with the construction of certain of the improvements at the earliest possible date.

PASSED: June 13<sup>th</sup>, 2011.



Mayor

Attest:



Clerk of Council


CERTIFICATE

The undersigned hereby certifies that the foregoing is a true and correct copy of Ordinance No. 2011 - 60.

  
Clerk of Council

CERTIFICATE

The undersigned hereby certifies that a copy of the foregoing ordinance was certified this day to the county auditor.

  
Clerk of Council

Dated: June 27, 2011

RECEIPT

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

  
County Auditor

Dated: 6-29-11, 2011