

RESOLUTION 39-2021

A RESOLUTION DECLARING THE AGREEMENT BETWEEN THE SCIOTO TOWNSHIP BOARD OF TRUSTEES AND K-NOVA LLC TO BE ACCEPTABLE TO THE VILLAGE OF COMMERCIAL POINT PER SECTION 24 OF THE TAX INCREMENT FINANCING AGREEMENT BETWEEN THE VILLAGE OF COMMERCIAL POINT AND K-NOVA LLC.

WHEREAS, the Village Council authorized the Mayor of the Village of Commercial Point to enter into a Tax Increment Financing Agreement with K-Nova LLC (“TIF Agreement”) via passage of Ordinance 2019-19, which was adopted on December 2, 2019; and

WHEREAS, the Village of Commercial Point and K-Nova LLC subsequently entered into said TIF Agreement; and

WHEREAS, pursuant to Section 24 of the TIF Agreement, K-Nova LLC agreed to “continue to cooperate in good faith with the Scioto Township Fire Department (the ‘Fire Department’) to support the Fire Department in a manner reasonably acceptable to the Village in connection with the TIF Exemption” relative to the temporary loss of the Fire Department’s portion of the county property tax caused by the creation of the Tax Increment Financing District for the K-Nova LLC property, as defined in the TIF Agreement; and

WHEREAS, the Scioto Township Board of Trustees and K-Nova LLC have entered into an “Agreement Regarding Scioto Township Fire Department” dated August 23, 2021 (“Fire Department Agreement”), attached to this Resolution as Exhibit A and incorporated herein by reference; and

WHEREAS, per Section 24 of the TIF Agreement, the Village Council finds the Fire Department Agreement to be acceptable to the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF COMMERCIAL POINT, PICKAWAY COUNTY, OHIO THAT:

Section 1. Approval of Agreement between Scioto Township Board of Trustees and K-Nova LLC per Section 24 of the TIF Agreement. The Village Council hereby declares that the Agreement between the Scioto Township Board of Trustees and K-Nova LLC, attached as Exhibit A to this Resolution and incorporated herein by reference, is acceptable to the Village per Section 24 of the TIF Agreement between the Village of Commercial Point and K-Nova LLC.

Section 2. Open Meetings Certification. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any other committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3. Effective Date. This Resolution shall go into effect from and after the earliest date allowed by law.

Vote on Suspension of the Readings:

Motion by: Tracy Joiner

2nd: Aaron Grassel

Roll Call:

Yes Jason Thompson

Yes Aaron Grassel

Yes Ryan Mitchem

Yes Nancy Geiger

Yes Tracy Joiner

Yes Laura Wolfe

Vote on Passage of the Resolution:

Motion by: Tracy Joiner

2nd: Aaron Grassel

Roll Call:

Yes Jason Thompson

Yes Aaron Grassel

Yes Ryan Mitchem


Yes Nancy Geiger

Yes Tracy Joiner

Yes Laura Wolfe

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Adopted this 15th day of November, 2021.


Allan D. Goldhardt, Mayor


Wendy L. Hastings, Fiscal Officer

Approved as to Form:


Joshua Cartee, Village Solicitor

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Exhibit A

**Agreement Regarding
Scioto Township Fire Department**

This Agreement Regarding Scioto Township Fire Department (the "Agreement") is made and entered into this 23rd day of August 2021 (the "Effective Date"), by and between K-Nova LLC, an Ohio limited liability company ("K-Nova") and the Pickaway County, Ohio, Scioto Township Board of Township Trustees (the "Trustees").

I. Background

- A. K-Nova is the developer of approximately 1,200 acres of land in Commercial Point, Ohio, located generally north of SR 762 on both the east and west sides of SR 104 (the "Property").
- B. That portion of the Property located on the east side of SR 104 consists of approximately 916 acres of land (the "East Property"). The East Property is zoned Limited Industrial and is currently being developed.
- C. That portion of the Property located on the west side of SR 104 is one parcel that consists of approximately 234 acres of land (the "West Property"). The West Property is zoned Low Density Residential and General Commercial.
- D. On December 8, 2019, K-Nova entered into a Tax Increment Financing Agreement with the Village of Commercial Point (the "TIF Agreement") relative to the Property.
- E. Section 24 of the TIF Agreement requires developer (K-Nova) to continue to cooperate with the Scioto Township Fire Department (the "Department") to provide support for the Department reasonably acceptable to the Village, relative to the temporary loss of the Department's portion of the county property tax caused by the creation of the Tax Increment Financing District for the Property.
- F. The Department and the Trustees agree that K-Nova's compliance with the Terms and Conditions of this Agreement will assure the continued safe and efficient fire and emergency services to the Property and the citizens of Scioto Township.
- G. The Village Council, by its adoption of Resolution _____, acknowledged that this Agreement complies with Section 24 of the TIF Agreement.

NOW THEREFORE, in consideration of the terms and covenants contained herein, K-Nova the Trustees agree as follows:

II. Terms and Conditions

- 1. **Background:** The foregoing Background is incorporated in and made a part of these Terms and Conditions as if fully set forth herein.

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Exhibit A (continued)

2. K-Nova's Contribution to Trustees

- a. Per Square Foot Contribution: K-Nova shall cause each owner of any portion of the Property to pay to the Trustees an amount equal to five cents (5¢) per every square foot of commercial and/or industrial building footprint area, constructed on the Property. The payment shall be due within five (5) days of the issuance of an occupancy permit, issued by the applicable state of Ohio certified building department, for each building constructed. As an example, the building currently under construction on the East Property is _____ s.f. Within five (5) days of that buildings' occupancy permit being issued, Trustees shall be paid _____ (\$ _____) (5¢ x _____); and
- b. End of Year Contribution: K-Nova shall pay to the Trustees, Two Hundred and Fifty Thousand Dollars (\$250,000) on or before December 31, 2021; and
- c. West Property Contribution: In addition to the contribution set forth in Section 2 (a) and (b) above, K-Nova shall pay to the Trustees, Two Hundred and Fifty Thousand Dollars (\$250,000) payable within five (5) days of the issuance of an occupancy permit by the applicable state of Ohio certified building department for the first building constructed on the West Property exceeding one hundred thousand square feet (100,000 s.f.) in building area.

3. Trustee Obligations: Trustees shall be obligated to do the following:

- a. Place all monies received per this Agreement in a separate fund designated for use by the Department for the purchase of safety vehicles and equipment; and
- b. Cooperate with K-Nova in any effort by K-Nova to classify any contributions made per Section 3(b) of this Agreement as a charitable contribution for federal income tax purposes.

4. Acknowledgement: Trustees acknowledge that upon performance of this Agreement by K-Nova, Section 24 of the TIF Agreement will be deemed fully complied with and satisfied.

IN WITNESS WHEREOF, K-Nova and Trustees have executed or caused this contract to be executed on the Effective Date set forth above.

K-Nova, LLC

By: _____

Scioto Township Board of
Township Trustees

By: _____

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Exhibit A (continued)

Print:

Title:

Date:

Print:

Date:

By:

Print:

Date:

By:

Print:

Date:

John Magnood, Trustee

8/20/2021

Ralph W. Wolfe Trustee

Ralph W. Wolfe

8/23/2021

Ronald J. Jahn Trustee

Ronald J. Jahn

8/23/21