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3
4 CITY OF CUYAHOGA FALLS, OHIO

5
6 RESOLUTION NO. 9 - 2012
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9 A RESOLUTION ESTABLISHING THE STATE ROAD
10 COMMUNITY REINVESTMENT AREA PURSUANT TO
11 SECTIONS 3735.65 THROUGH 3735.70 OF THE OHIO
12 REVISED CODE, DESCRIBING THE BOUNDARIES,
13 THEREOF, DESIGNATING A HOUSING OFFICER, MAKING
14 CERTAIN RELATED FINDINGS, AND DECLARING AN
15 EMERGENCY.
16

17 WHEREAS, this Council desires to pursue all reasonable and legitimate incentive
18 measures to assist and encourage development in specific areas of the City of Cuyahoga
19 Falls that have not enjoyed reinvestment from remodeling or new construction; and
20

21 WHEREAS, this Council has caused a survey of housing within its jurisdiction,
22 including the area of the proposed State Road Community Reinvestment Area, to be
23 prepared by the Community Development Department, which survey has been
24 completed and is tentatively dated February 22, 2012; and
25

26 WHEREAS, the maintenance of existing and construction of new structures in the
27 proposed State Road Community Reinvestment Area would serve to encourage
28 economic stability, maintain real property values, and generate new employment
29 opportunities; and
30

31 WHEREAS, the remodeling of existing structures and the construction of new
32 structures in this Community Reinvestment Area constitutes a public purpose for
33 which real property exemptions may be granted;
34

35 NOW THEREFORE, BE IT RESOLVED by the City of Cuyahoga Falls, County of
36 Summit, Ohio, that:
37

38 Section 1. The State Road Community Reinvestment Area ("State Road CRA") is
39 hereby established within the boundaries described in Exhibit A and as graphically
40 depicted in Exhibit B, both of which are attached hereto and incorporated as if fully
41 rewritten herein.
42

43 Section 2. This Council finds and determines that the findings of the Housing
44 Survey tentatively dated February 22, 2012 are authoritative and such findings are
45 incorporated as if fully rewritten herein.
46

47 Section 3. This Council further finds and determines that the State Road CRA
48 constitutes an area in which housing facilities or structures of historical significance
49 are located, and in which new housing construction and repair of existing facilities or
50 structures has been discouraged. This Council intends to authorize real property tax
51 exemptions for new investment as authorized under Ohio Revised Code ("R.C.")
52 §3735.65 *et seq.*, and as further limited in this Resolution, for the purpose of
53 incentivizing new construction and remodeling in the State Road CRA.
54

55 Section 4. The Director of Community Development is hereby designated the
56 Housing Officer for the State Road CRA. The Housing Officer shall be responsible for
57 verifying that any application for tax exemption under R.C. §3735.67 meets the
58 requirements for the exemption under the Code and this Resolution.
59

60 Section 5. No tax exemption authorized by this Resolution shall be granted for
61 new structures or remodeling that is not consistent with zoning restrictions applicable
62 to the State Road CRA. Only Commercial and Mixed-use developments appropriate in
63 an MU-4 district, as defined in the Development Code (Codified Ordinances Part 11)
64 shall be eligible for tax exemptions under R.C. §3735.67 in the State Road CRA.
65

66 Section 6. All parcels of real property in the State Road CRA are eligible for the
67 tax exemptions authorized in this Resolution, subject to the following. Within the State
68 Road CRA, the percentage of the tax exemption on the increase in the assessed
69 valuation resulting from improvements to commercial and mixed-use real property and
70 the term of those exemptions shall be negotiated on a case-by-case basis in advance of
71 construction or remodeling occurring, subject to the limitations contained in R.C.
72 §3765.67 and hereinafter. Tax exemptions shall be granted for the following types of
73 improvements and for the following periods and exemption percentages:
74

- 75 a. For the remodeling of existing commercial or mixed-use facilities where the cost
76 of remodeling is at least \$25,000: a tax exemption on the amount by which the
77 remodeling increased the assessed value of the structure, not to exceed 12
78 years, and not exceeding 100% of such increase.
79
- 80 b. For new construction of commercial or mixed-use facilities where the cost of
81 construction is at least \$250,000: a tax exemption on the assessed value of the
82 structure, not to exceed 15 years, and not exceeding 100% of such increase.
83

84 Applications for tax exemptions shall be made by the property owner and received by
85 the Housing Officer. Upon completion of the negotiation provided for above, the
86 Housing Officer shall certify the proposed tax exemption for approval by this Council.
87 Each proposed tax exemption approved by the Housing Officer shall be set forth in
88 writing in a tax exemption agreement between the City and the property owner, in the
89 form prescribed in R.C. §3735.671. The agreement shall be effective upon approval of
90 this Council, by ordinance.
91

92 Section 7. All applications for tax exemptions shall comply with the state
93 application fee requirements contained in R.C. §3735.672(C) and each recipient of a tax
94 exemption shall remit to the City the local annual monitoring fee of one percent of the
95 amount of taxes exempted under the agreement, in an amount not less than \$500 and
96 not greater than \$2,500.
97

98 Section 8. Annually, the Tax Incentive Review Council ("TIRC") established
99 under Section 10 of Ord. No. 69-1997 and Section 8 of Ord. No. 95-2004 shall review all
100 agreements granting exemptions from property taxation entered into pursuant to this
101 Resolution. Upon request of the TIRC, the recipient of a tax exemption shall provide the
102 TIRC with any information necessary to perform its review. The TIRC shall determine
103 whether the owner of the exempted property has complied with the agreement, and may
104 take into consideration any fluctuations in the business cycle unique to the owner's
105 business. On or before the first day of September each year, the TIRC shall submit to
106 this Council written recommendations for continuation, modification, or cancellation of
107 each agreement.
108

109 Section 9. There is hereby established a Community Reinvestment Area
110 Housing Council for the State Road CRA ("State Road CRA Housing Council"). The
111 council shall be composed of two members appointed by the mayor, two members
112 appointed by this Council, and one member appointed by the City Planning
113 Commission. The majority of the foregoing members shall then appoint two additional
114 members who shall be residents of the City. Terms of the members of the State Road
115 CRA Housing Council shall be for three years. An unexpired term resulting from a
116 vacancy in the council shall be filled in the same manner as the initial appointment was
117 made.

118 The State Road CRA Housing Council shall make an annual inspection of the properties
119 within the State Road CRA for which an exemption has been granted pursuant to this
120 Resolution. Any person aggrieved by a decision of the Housing Officer made under R.C.
121 §§3735.65 to 3735.69 in relation to a parcel of real property within the State Road CRA
122 may appeal to the State Road CRA Housing Council, which shall have the authority to
123 overrule any decision of the Housing Officer.
124

125 Section 10. This Council reserves the right to re-evaluate the designation of the
126 State Road CRA after December 31, 2015, at which time this Council may rescind the
127 designation or suspend the consideration of any new applications for tax exemptions
128 under R.C. §3735.67, pending further review.
129

130 Section 11. It is found and determined that all formal actions of this Council
131 concerning and relating to the adoption of this resolution were adopted in an open
132 meeting of this Council and that all deliberations of this Council and of any of its
133 committees that resulted in such formal action were in meetings open to the public, in
134 compliance with all legal requirements including Chapter 107 of the Codified
135 Ordinances.
136

137 Section 12. This resolution is hereby declared to be an emergency measure
138 necessary for the preservation of the public peace, health, safety, convenience and
139 welfare of the City of Cuyahoga Falls and the inhabitants thereof and provided it
140 receives the affirmative vote of two-thirds of the members elected or appointed to
141 Council, it shall take effect and be in force immediately upon its passage and approval
142 by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed
143 by law.
144

145 Passed: 3-12-12
146 _____

Mark Mang
President of Council

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Cathleen J. Meacham
Clerk of Council

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155 Approved: 3/13/12
156 _____

Joe Robert
Mayor

Boundary Description: State Road CRA

The extended State Road CRA is bounded as follows:

Beginning at the most southerly intersection of the centerline of State Road with the corporate boundary between the city of Cuyahoga Falls and the City of Akron. This point will henceforth be referred to as the starting point.

Thence "N 89° W" along the southerly line of parcel 0218507 and the southerly corporate boundary of said Cuyahoga Falls approximately 92 feet to the southwesterly property corner of said parcel;

Thence "N 89° W" along the southerly line of parcel 0205322 and the southerly corporate boundary of said Cuyahoga Falls approximately 329 feet to the southwesterly property corner of said parcel;

Thence northwesterly on a curve along said parcel westerly line approximately 292 feet.

Thence "N 61° E" along said parcel northerly line approximately 315 feet to the southwesterly corner of parcel 0210006;

Thence "N 1° W" along the westerly property line of said parcel and parcel 0217898 approximately 337 feet to the centerline of Grant Avenue;

Thence "N 88° E" along the centerline of said Grant approximately 218 feet to the intersection of the centerline of said Grant Avenue with the easterly line of a service court extended;

Thence "N 1° W" along the easterly line of said service court and westerly line of multiple parcels with the southern most parcel being 0219536 and the northern most parcel being 0218047 approximately 1775 feet to the centerline of Sackett Avenue;

Thence "N 86° W" along the centerline of said Sackett Avenue approximately 590 feet to the intersection of the centerline of said Sackett Avenue and the centerline of 23rd street;

Thence "N 75° W" along the centerline of said Sackett Avenue approximately 615 feet to the intersection of the centerline of said Sackett Avenue and the westerly line extended of parcel 0202023;

Thence "N 22° W" along said parcel westerly line approximately 147 feet to the northwesterly corner of said parcel;

Thence "N 69° E" along the northerly line of said parcel and parcel 0214748 approximately 270 feet to the westerly line of parcel 0206116;

Thence "N 6° W" along the westerly line of said parcel and parcels 0206105, 0206107, and 0206101 approximately 503 feet to the northeasterly corner of parcel 0206109;

Thence "N 89° W" along said parcel southerly line approximately 61 feet;

Thence northerly "N 2° W" along said parcel westerly line approximately 96 feet;

Thence "S 89° E" along said parcel and parcels 0206101 and 0206108 northerly line approximately 178 feet;

Thence "N 2° W" along parcel 0206115 westerly line approximately 207 feet to the centerline of Broad Boulevard;

Thence "N 89° E" along the centerline of said Broad Boulevard approximately 508 feet to the centerline intersection of said Broad Boulevard and 23rd street;

Thence "N 2° W" along the centerline of said 23rd street approximately 205 feet;

Thence "N 87° E" along the northerly line of parcel 0216712 approximately 165 feet to the easterly line of a service court;

Thence "N 1° E" along said line and the westerly line of multiple parcels with the southern most parcel being 0215923 and the northern most parcel being 0206289 approximately 448 feet to the centerline of Marcia Boulevard;

Thence "N 87° W" approximately 165 feet to the centerline intersection of said Marcia Boulevard and 23rd Street;

Thence "N 1° W" along the centerline of said 23rd street approximately 631 feet to the centerline intersection of said 23rd street and Shaw Avenue;

Thence "N 87° E" along the centerline of said Shaw Avenue approximately 165 feet to the intersection of said Shaw Avenue with the easterly line of a service court extended;

Thence "N 1° E" along the easterly line of said service court and westerly line of multiple parcels with the southern most parcel being 0200072 and the northern most parcel being 0218277 approximately 2225 feet to the intersection of the easterly line of said service court with the southerly line of parcel 3503189;

Thence "N 89° W" along said parcel and parcels 3500413 and 3502835 southerly line approximately 625 feet to the southwest corner of said parcel 3502835;

Thence "N 2° W" along said parcel line approximately 150 feet to the southerly line of parcel 3503367;

Thence "S 88° W" along said parcel line southerly line approximately 160 feet to the westerly line of said parcel;

Thence "N 1° E" along said parcel 3503367 westerly line approximately 620 feet to the centerline of Portage Trail;

Thence "S 52° W" along the centerline of said Portage Trail approximately 475 feet to the intersection of the centerline of said Portage Trail with the westerly line of parcel 3504014;

Thence "N 1° E" along the westerly line of said parcel approximately 635 feet to the northwesterly corner of said parcel;

Thence "S 89° E" approximately 164 feet along the northerly line to the northeasterly corner of said parcel;

Thence "S 1° E" approximately 76 feet along the easterly line to an intersection with the northwesterly corner of said parcel;

Thence "N 51° E" along said parcel 3504006 northerly line approximately 985 feet to the northwesterly corner of parcel 3503716;

Thence "N 73° E" along said parcel 3503716 northerly line with approximately 71 feet to the intersection with the westerly line of parcel 3503501;

Thence "N 1° E" along said parcel and parcel 3503502 westerly line approximately 303 feet to the northwesterly corner of said parcel 3503502;

Thence "N 87° E" approximately 69 feet along said parcel 3503502 northerly line to an intersection with the southwest corner of parcel 3503714;

Thence "N 1° E" along said parcel westerly line approximately 153 feet to an intersection with the southerly line of parcel 3503190;

Thence westerly on a curve along the southerly line of said parcel 3503190 and parcel 3501226 approximately 447 feet to the southwest corner of parcel 3501226;

Thence northerly on a curve along said parcel approximately 685 feet to the northwesterly corner of parcel 3501226;

Thence "S 89° E" along said parcel northerly line approximately 152 feet to an intersection with the southwest corner of parcel 3502124;

Thence "N 1° E" along said parcel 3502124 westerly line approximately 132 feet to the northwesterly corner of said parcel;

Thence "N 88° E" along said parcel 3502124 northerly line approximately 66 feet to an intersection with the southwest corner of parcel 3502126;

Thence "N 4° W" along parcel 3502126 westerly line approximately 132 feet to an intersection with the southerly line of parcel 3502125;

Thence "N 84° W" along parcel 3502125 southerly line approximately 57 feet to the southwest corner of said parcel;

Thence "N 9° E" along parcel 3502125 westerly line approximately 266 feet to an intersection with the southerly line of parcel 3500540;

Thence easterly on a curve along parcel 3500540 southerly line approximately 547 feet to the centerline of state road;

Thence southerly along a curve approximately 2588 feet along the centerline of State Road to the intersection of said State Road and Schiller Avenue;

Thence "N 89° W" along the centerline of said Schiller Avenue approximately 330 feet to the intersection of said Schiller Avenue and Wright Street;

Thence "S 1° E" along the centerline of said Wright Street approximately 289 feet to the intersection of said Wright Street and Byrd Avenue;

Thence "S 87° W" along the centerline of Said Byrd Avenue approximately 55 feet;

Thence "S 1° W" along the easterly line of parcels 0207832, 0212745, and 0215936 approximately 450 feet to the southeasterly corner of said parcel 0215936;

Thence "N 87° W" along said parcel southerly line approximately 60 feet to the northeast corner of parcel 0213511;

Thence "S 1° E" approximately 150 feet along said parcel 0213511 easterly line to the centerline of Maitland Ave;

Thence "N 89° E" approximately 400 feet along the centerline of said Maitland to its centerline intersection with 21st street;

Thence "S 23° W" approximately 645 feet along the centerline of said 21st street to the intersection of 21st street and Valley Road;

Thence "S 89° W" approximately 170 feet along the centerline of said Valley Road to the westerly line of State Road Alley extended;

Thence "S 1° E" along the westerly line of State Road Alley and the easterly line of multiple parcels with the northerly most parcel being 0216025 and the southerly most parcel being 0216613 approximately 733 feet to the southeasterly corner said parcel 0216613;

Thence "N 89° E" approximately 125 feet to the northeasterly corner of parcel 0214353;

Thence "S 1° E" approximately 145 feet along the easterly line of said parcel 0214353 and parcels 0207653, 0207655, and 0207654 to the centerline of Phelps Avenue;

Thence "N 89° W" approximately 130 feet along the centerline of said Phelps Avenue to the westerly line of State Road Alley extended;

Thence "S 1° W" along the westerly line of said State Road Alley and easterly line of multiple parcels with the northern most parcel being 0207109 approximately 555 feet to a point on said Alley westerly line;

Thence "S 88° E" approximately 120 feet along the northerly line of parcel 0208361 to the northeasterly corner of said parcel;

Thence southerly along a curve approximately 440 feet along said parcel and parcel 0208362, 0207651, 0207652 and 0212277 easterly line to the southeasterly corner of said parcel 0212277;

Thence "N 89° W" approximately 120 feet along said parcel southerly line to the northeasterly corner of parcel 0215581;

Thence "S 1° E" approximately 1725 feet along the easterly line of multiple parcels that front to State Road to the southeasterly corner of parcel 0216789;

Thence "N 86° E" approximately 110 feet along the northerly line of parcel 0202788 to the northeasterly corner of said parcel;

Thence "S 3° E" approximately 142 feet along said parcel easterly line to the centerline of Sackett Avenue;

Thence "N 88° E" along the centerline of said Sackett approximately 110 feet to the centerline intersection of said Sackett Avenue and 20th street;

Thence southerly along a curve approximately 1900 feet along the centerline of said 20th street to the southerly line extended of parcel 0208169;

Thence "S 89° W" approximately 168 feet along said parcel and parcel 0213734 southerly line to the northeasterly corner of parcel 0200121;

Thence "S 1° W" approximately 200 feet along said parcel and parcels 0200120 and 0200122 easterly line to the southeasterly corner of said parcel 0200122;

Thence "S 87° W" approximately 74 feet along said parcel southerly line to the easterly corner of parcel 0200125;

Thence "S 58° W" approximately 12 feet to the northeasterly corner of parcel 0200182;

Thence "S 2° E" approximately 168 feet along said parcel easterly line to the centerline of Highbridge Road;

Thence "N 89° E" approximately 50 feet along the centerline of said Highbridge;

Thence "S 1° E" approximately 175 feet along the easterly line of parcel 0203853 to the southeasterly corner of said parcel; said corner also representing the corporate boundary line between the city of Cuyahoga Falls and the city of Akron;

Thence "N 89° W" approximately 250 feet along said corporate boundary line to the centerline of State Road and the Place of Beginning.

STATE ROAD - PORTAGE TRAIL CRA

