

Ordinance No. 1233-2022

By Council Members McCormack, Hairston and Griffin (by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with 1209 Fairfield, LLC, and/or its designee, to assist with the financing of the Driftwood mixed-use development project to be located at 1111 Fairfield Avenue; to provide for payments to the Cleveland Metropolitan School District; and to declare certain improvements to real property to be a public purpose.

WHEREAS, under Section 5709.41 of the Revised Code, improvements to real property may be declared to be a public purpose where fee title to the real property was, at one time, held by the City of Cleveland and the real property is then leased or conveyed by the City; and

WHEREAS, pursuant to Ordinance authority, the City will have duly entered into the chain of title for the Property which is more particularly described in this ordinance (the “Real Property”) pursuant to the requirements of Section 5709.41 of the Revised Code prior to the passage of this ordinance; and

WHEREAS, the Real Property is to be developed in accordance with the Cleveland 2020 Citywide Plan, a copy of which is placed in **File No. 1233-2022-A**; and

WHEREAS, under Section 5709.41 of the Revised Code, the improvements declared to be a public purpose may be exempt from real property taxation; and

WHEREAS, under Section 5709.41 of the Revised Code, the owners of the improvements may be required to make annual service payments in lieu of taxes that would have been paid had the improvement not been exempt; and

WHEREAS, under Section 5709.41 of the Revised Code, the exemption may exceed 75% of the improvements for up to 30 years when a portion of the service payments so collected are distributed to the Cleveland Metropolitan School District (“District”) in an amount equal to the amount the District would have received had the improvement not been exempt; and

WHEREAS, the District has been notified of the intent to enter into the agreement authorized by this ordinance in compliance with Sections 5709.41(C)(4) and 5709.83 of the Revised Code; and

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WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the improvements to be constructed by 1209 Fairfield, LLC, and/or its designee, (“Redeveloper”), are declared to be a public purpose for purposes of Section 5709.41 of the Revised Code (the “Improvements”). The Real Property is more fully described below and as may subsequently be replatted, re-numbered, or revised:

PPN: 004-12-083

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio:
And known as being the Northerly 33 feet of Sublot No. 78, in John G. Jennings' University Heights Subdivision, of part of Original Brooklyn Township Lots Nos. 87 and 71, as shown by the recorded plat in Volume 1 of Maps, page 15, of the Cuyahoga County Records, and being 33 feet front on the Westerly side of West 11th Street (formerly Merchants Avenue), and extending back of equal width 228 feet 5 inches, as appears by said plat, be the same more or less, but subject to all legal highways.

017024 DE-01

Parcel 1 – 0.8771 Acres

PPN: 004-12-128

Situated in the City of Cleveland , County of Cuyahoga, State of Ohio and known as being part of Sublots No. 30, 32, 76 and 77 of the John G. Jennings University Hts. Subdivision as Recorded in Plat Volume 1, Page 15 and part of original Brooklyn Township No. 87; being Parcel 1, of the Lot Consolidation Plat as recorded in plat AFN 202207250058 of the Cuyahoga County Recorder’s Office, containing 0.8771 acres, 38,206 square feet of land and being the same more or less, but subject to all legal highways and easements of record.

Section 2. That one hundred percent (100%) of the Improvements are declared exempt from real property taxation for a period of thirty years, effective and commencing the first year the value of the Improvements are reflected on the tax duplicate; and that in no event shall the exemption period extend beyond 2055. The terms of the agreement, which shall not be materially changed without further legislative action by Council, will be as follows:

<u>Project Name:</u>	Driftwood Mixed-Use Development Project
<u>Project Address:</u>	1111 Fairfield Avenue, Cleveland. OH 44113
<u>Developer:</u>	1209 Fairfield, LLC and/or designee
<u>Project Manager:</u>	Kevin Schmotzer
<u>Ward/Councilperson:</u>	3-Kerry McCormack
<u>City Assistance:</u>	Non-School TIF

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Project Summary and Discussion

1209 Fairfield, LLC and/or designee, (“Developer”) is proposing a mixed-use residential apartment project located at 1111 Fairfield Avenue, Cleveland, OH 44113 (“Project Site”) in the Tremont Neighborhood. In order to assist with the project financing, the Developer has requested the City impose a 5709.41, 30-Year, Non-School TIF. The TIF will support debt service related to the project as an incentive to partially offset \$1.1 million of site preparation costs including but not limited to environmental & geotechnical costs; acquisition & demolition of two dilapidated homes including relocation costs. The project will include approximately 102 residential apartment units and one commercial space. Total project costs are estimated at \$35,456,000.

Proposed City Assistance

- This ordinance will authorize the Director of Economic Development to enter into a 30-year non-school Tax Increment Finance (TIF) agreement with 1209 Fairfield, LLC and / or its designee. The City will have declared certain improvements with respect to the project to be a public purpose and exempt 100% of the improvements from real property taxes.
- The Developer agrees to make certain improvements to the parcel and make payments in lieu of taxes (PILOTs) equal to the taxes that would have been paid for the parcels but for the TIF. A portion of the PILOTs will be paid to the Cleveland Metropolitan School District in the amount the District would have otherwise received but for the TIF by the County (“District Payments”). The balance of the PILOTs will be utilized to fund eligible project costs and project debt. The developer will be responsible for any shortfall of the PILOT payments for the project costs.
- The TIF will become effective on the commercial portion of the property upon project completion throughout the 30-year term and will also become effective on the residential portion after the expiration of the 15-year 100% tax abatement.

Economic Impact

- Creation of approximately 5 new full time W-2 jobs in the City of Cleveland;
- Retention of approximately 0 full time jobs in the City of Cleveland;
- Project estimates \$6,250 in new annual City income tax revenue.

City Requirements

- Subject to Chapter 187: MBE/FBE/CSB requirements
- Subject to Chapter 188: Fannie Lewis Cleveland Residential Employment Law
- Subject to a Workforce Development Agreement for all new jobs
- Subject to a Community Benefits Agreement

Section 3. That, under Section 5709.41 of the Revised Code, Redeveloper, or the owners of the Improvements, shall make service payments for a period of thirty years in lieu of the exempt taxes to the Cuyahoga County Fiscal Officer or Treasurer, or designee; the payments shall be charged and collected in the same manner, and shall be in an amount not less than the taxes that would have been paid had the Improvements not been exempt from taxation.

Section 4. That a portion of the service payments collected under this ordinance shall be distributed by the Cuyahoga County Fiscal Officer or Treasurer, or designee to the Treasurer of the District in the amount of the taxes that would have been payable to the District had the Improvements not been exempt from taxation.

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Section 5. That the Director of Economic Development is authorized to enter into an agreement or agreements with Redeveloper to provide for the exemption and service payments described in this ordinance, including agreements securing the payments described in this ordinance, which agreement or agreements shall contain those terms contained in this ordinance.

Section 6. That when applicable under Section 5709.43 of the Revised Code, there is established an Urban Redevelopment Tax Increment Equivalent Fund into which shall be deposited Service Payments in Lieu of Taxes (“PILOTS” or “Service Payments”) that shall be used for financing the public purpose Improvements including project debt service, bond payments, and reimbursement of project construction costs, or for other economic development purposes as determined by the Director of Economic Development.

Section 7. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in open meetings of this Council, and any of its committees that resulted in formal action were in meetings open to the public in compliance with the law.

Section 8. That the contract or contracts authorized by this ordinance shall be prepared by the Director of Law.

Section 9. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

SMA:nl
11-21-2022
FOR: Director Jackson

