



# CASTLO

11.16.23

## RAIL BRIDGE PAINTING Invoice

### *Summary of Expenses*

Contractor: *Spartan Contracting*

Invoice #1: \$ 217,146.00

Invoice #2: 19,011.48

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**TOTAL: \$ 236,157.48**

### Sources:

Ohio Rail Development Commission Grant: \$91,440.00

Local Share: \$144,717.48

CASTLO Share: 100,000.00

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**Struthers/CASTLO TIF Share: \$ 44,717.48**

*Remit Payment of \$ 44,717.48 to the CASTLO Community Improvement Corporation*

SECOND  
READINGCITY OF STRUTHERS  
OrdinanceNO. 18-0 46

***AN ORDINANCE CREATING THE CASTLO INDUSTRIAL PARK TAX INCREMENT FINANCING AREA OF CERTAIN PARCELS OF REAL PROPERTY; SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT SUCH PARCELS; DECLARING IMPROVEMENTS TO THOSE PARCELS TO BE A PUBLIC PURPOSE AND EXEMPT FROM REAL PROPERTY TAXATION; REQUIRING THE OWNERS OF THOSE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS AND DECLARING AN EMERGENCY.***

**WHEREAS**, §§ 5709.40, 5709.41, 5709.42 and 5709.43 of the Ohio Revised Code (collectively the "TIF Act") authorize the legislative authority of a municipal corporation, by ordinance, to declare the improvement to certain parcels of real property located within the municipal corporation to be a public purpose and exempt from taxation, require the owner of each parcel to make service payments in lieu of taxes, provide for the distribution of such service payments to the city, establish a municipal public improvement tax increment equivalent fund for the deposit of such service payments and specify public infrastructure improvements made, to be made or in the process of being made that directly benefit, or that once made will directly benefit, those parcels;

**WHEREAS**, certain parcels of real property located in the City of Struthers, Ohio (the "City"), a identified and depicted in Exhibit A (Parcel List & Map) attached hereto (with each current or future parcel of such real property referred to herein individually as a "Parcel" and collectively as the "Parcels");

**WHEREAS**, this Council has determined that it is necessary and appropriate and in the best interest of the City to exempt from taxation seventy-five percent (75%) of the improvements to each Parcel as permitted and provided in § 5709.40(B) of the Ohio Revised Code for up to ten (10) years (the "TIF Exemption") and to simultaneously direct and require the current and future owner(s) of each Parcel (each such owner individually, an "Owner", and collectively, the "Owners") to make annual service payments, as defined in Section 2 of this Ordinance, in lieu of real property tax payments, in the same amount as they would have made real property tax payments except for the exemption provided by this Ordinance; provided that the TIF Exemption and the obligation to make service payments are subject and subordinate to any tax exemption applicable to the improvement pursuant to § 140.08 or §§ 5709.12 and 5709.121 or under §§ 3735.65 through 3735.70 or 5709.61 through 5709.69 of the Ohio Revised Code;

**WHEREAS**, pursuant to § 5709.43 of the Ohio Revised Code, this Council has determined to establish a municipal public improvement tax increment equivalent fund in which there shall be deposited the service payments distributed to the City as provided herein;

**WHEREAS**, this Council has determined to provide for the construction of the public infrastructure improvements described in Exhibit B attached hereto (the "Public Infrastructure Improvements"), which Public Infrastructure Improvements, once made, will directly benefit the Parcels; and

**WHEREAS**, notice of this proposed Ordinance has been delivered to the Board of Education in accordance with and within the time periods prescribed in §§ 5709.40 and/or 5709.83 of the Ohio Revised Code.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Struthers, Ohio,  $\frac{3}{4}$ 's of all members elected thereto concurring:

**CITY OF STRUTHERS**  
*Ordinance*

NO. 18-046

**SECTION 1:** Pursuant to and in accordance with the provisions of § 5709.40(B) of the Ohio Revised Code, this Council hereby finds and determines that seventy-five percent (75%) of the increase in assessed value of each Parcel subsequent to the effective date of this Ordinance, which increase in assessed value is hereinafter referred to as the "Improvement", as defined in § 5709.40(A) of the Ohio Revised Code, is hereby declared to be a public purpose and shall be exempt from taxation for a period commencing with the first tax year that begins after the effective date of this Ordinance and in which an Improvement first appears on the tax list and duplicate of real and public utility property and ending on the earlier of (a) ten (10) years after such commencement or (b) the date on which the City can no longer require service payments in lieu of taxes, all in accordance with the requirements of the TIF Act.

The TIF Exemption granted pursuant to this Section 1 and the payment obligations established pursuant to Section 2 of this Ordinance are subject and subordinate to any tax exemption applicable to the Improvement pursuant to § 140.08 or §§ 5709.12 and 5709.121 or under §§ 3735.65 through 3735.70 or 5709.61 through 5709.69 of the Ohio Revised Code.

**SECTION 2:** Subject to any tax exemption applicable to the Improvement pursuant to § 5709.12 or under §§ 3735.65 through 3735.70 or 5709.61 through 5709.69 of the Ohio Revised Code, and pursuant to § 5709.42 of the Ohio Revised Code, this Council hereby directs and requires the Owner of each Parcel to make annual service payments in lieu of taxes with respect to the Improvement allocable thereto to the Mahoning County Treasurer (the "County Treasurer") on or before the final dates for payment of real property taxes. Each service payment in lieu of taxes, including any penalties and interest at the then current rate established under §§ 323.121(B)(1) and 5703.47 of the Ohio Revised Code (collectively, the "Service Payments"), shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the Improvement if it were not exempt from taxation pursuant to Section 1 of this Ordinance. The Service Payments, and any other payments with respect to each Improvement that are received by the County Treasurer in connection with the reduction required by §§ 319.302, 321.24, 323.152 and 323.156 of the Ohio Revised Code, 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 "Property Tax Rollback Payments"), shall be allocated and distributed in accordance with Section 4 of this Ordinance. This Council further hereby authorizes and directs appropriate officers of the City to make such arrangements as are necessary and proper for collection of the Service Payments from the Owners, including the preparation and filing of any necessary exemption applications.

**SECTION 3:** This Council hereby establishes, pursuant to and in accordance with the provisions of § 5709.43 of the Ohio Revised Code, the Castlo Industrial Park Public Improvement Tax Increment Equivalent Fund (the "TIF Fund"), into which the County Treasurer shall deposit the Service Payments collected from the Parcels. The TIF Fund shall be maintained in the custody of the City and shall receive the distributions to be made to the City pursuant to Section 4 of this Ordinance. The Service Payments and Property Tax Rollback Payments received by the City with respect to the Improvement of each Parcel and so deposited pursuant to §§ 5709.42 and 5709.43 of the Ohio Revised Code shall be used solely for the purposes authorized in the TIF Act and this Ordinance. The TIF Fund shall remain in existence so long as such Service Payments and Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time the TIF Fund shall be dissolved and any surplus funds remaining therein transferred to the City's general fund, all in accordance with § 5709.43 of the Ohio Revised Code.

**SECTION 4:** Pursuant to § 5709.42 of the Ohio Revised Code, the County Treasurer shall remit to the City all Service Payments and/or Property Rollback Payments paid in respect of the Public Infrastructure Improvements and received by the County Treasurer for further deposit into the TIF Fund. All distributions required under this Section 4 are requested to be made at the same time and in the same manner as real property tax distributions.

**CITY OF STRUTHERS**  
*Ordinance*

NO. 18-0 46

All of the moneys deposited in the TIF Fund shall be used solely for the following purposes:

- A. To pay any and all planning, engineering, legal, acquisition, construction, installation, financing costs and all other direct or indirect costs of the Public Improvements;
- B. To pay the interest on and principal of bonds or notes, and premiums, if any, including refunding or additional bonds or notes or other obligations issued or loans entered into by the City or other governmental entity to finance costs of Public Improvements until such notes or bonds or other obligations or loans are paid in full, and to pay trustee and other costs related to servicing the obligations and providing and replenishing a reserve fund and to pay any costs charged by the issuer of the obligations, if other than the City; and
- C. To reimburse the City or other governmental entity for any funds used to pay costs of the Public Improvements, or to pay interest, principal, or premium, and related costs on any of the aforesaid notes, loans or other obligations, prior to receipt of Service Payments.

**SECTION 5:** This Council hereby designates the Public Infrastructure Improvements described in Exhibit B attached hereto, and any other public infrastructure improvements hereafter designated by ordinance as public infrastructure improvements, as public infrastructure improvements made, to be made or in the process of being made by the City that directly benefit, or that once made will directly benefit, the Parcels.

**SECTION 6:** To finance all or part of the Public Infrastructure Improvements, this Council may issue general obligation notes or bonds and may issue other obligations of the City to pay for part of the Public Infrastructure Improvements and hereby pledges the Service Payments provided for in Section 2 of this Ordinance to secure payment of any such general obligation bonds or notes or other City obligations, if issued.

**SECTION 7:** This Council ratifies the delivery of the notice of this Ordinance to the Board of Education and directs the Mayor or other appropriate officer of the City to make such arrangements as are necessary and proper for the collection from the Owners of the Service Payments. This Council further authorizes and directs the Mayor or other appropriate officer of the City to take such action and to execute and deliver, on behalf of the Council, such additional instruments, agreements, certificates and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance and the transactions contemplated by the TIF Act. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as the Mayor or other appropriate officer of the City, in their discretion, shall deem necessary or appropriate.

**SECTION 8:** Pursuant to § 5709.40(1) of the Ohio Revised Code, the Clerk of Council is hereby directed to deliver a copy of this Ordinance to the Director of Development Services of the State of Ohio within fifteen (15) days after its adoption. On or before March 31 of each year that the exemption set forth in Section 2 of this Ordinance remains in effect, the Clerk of Council or other authorized officer of the City shall prepare and submit to the Director of Development Services of the State of Ohio the status report required under § 5709.40(1) of the Ohio Revised Code.


**SECTION 9:** It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were passed in an open meeting of this Council and that 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 including § 121.22 of the Ohio Revised Code.

CITY OF STRUTHERS  
Ordinance

NO. 18-046

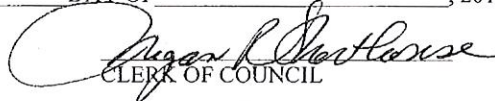
**SECTION 10:** A delay in the effective date of this Ordinance will result in detriment to the economic health, safety and welfare of the Struthers community at large and for the other reasons set forth in the preamble of this Ordinance is required to be immediately effective to allow for the completion of the Project and the construction of the Public Infrastructure Improvements, which are necessary to provide the desired redevelopment in the City. Accordingly, this Ordinance shall be in full force and effect from and immediately upon its passage and approval by the Mayor.

PASSED IN COUNCIL THIS 27th DAY OF June, 2018.

  
CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL

FILED WITH THE MAYOR THIS 27th DAY OF June, 2018.

  
CLERK OF COUNCIL

APPROVED BY THE MAYOR THIS 27th DAY OF June, 2018.

  
MAYOR



THIS IS A CERTIFIED  
COPY OF THE ORIGINAL

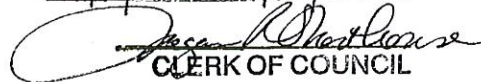
Ordinance No. 18-046

DATE July 11, 2018

  
CLERK OF COUNCIL

PUBLISHED IN THE HOMETOWN JOURNAL

DATE 7/5/2018 - 7/12/2018

  
CLERK OF COUNCIL

FIRST READING JUNE 13, 2018  
SECOND READING JUNE 27, 2018



Legal Description

PAGE SIX  
" Exhibit A "

NO. 18-046



**WRLC, LLC**  
Land Surveyors • Consultants  
1975 E. Western Reserve Rd., Suite A-1  
Poland, OH 44514

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**LEGAL DESCRIPTION**

**Struthers City Lot No. 6920  
Castlo Community Improvement Corporation Plat No. 6**

Situated in the City of Struthers, County of Mahoning, and State of Ohio;

Known as being Struthers City Lot No. 6920 in the Castlo Community Improvement Corporation Plat No. 6 as recorded in Volume 129 at Page 229 of the Mahoning County Record of Plats.

O:\Legal Descriptions\0315.doc  
MBG: June 28, 2016

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Phone (330) 965-2337 • Fax (330) 965-6188

**CITY OF STRUTHERS**  
*Ordinance*

NO. 18-046

EXHIBIT B

PUBLIC INFRASTRUCTURE IMPROVEMENTS

| CASTLO TAX INCREMENT FINANCING (TIF) PROPOSAL - CAPITAL IMPROVEMENT PLAN |               |                |                      |              |                 |  |
|--|---------------|----------------|----------------------|--------------|-----------------|--|
| PROJECT NAME   | YEAR PROPOSED | TOTAL COSTS    | TIF / LOCAL REVENUES | GRANT MATCH  | GRANT SOURCE    |  |
| <b>CASTLO - INFRASTRUCTURE</b>   |               |                |                      |              |                 |  |
| Rail Bridge Painting   | 2018          | \$100,000.00   | \$100,000.00         | \$0.00       |                 |  |
| Roadway Resurfacing  | 2020          | \$150,000.00   | \$90,000.00          | \$60,000.00  | OPWC            |  |
| <b>CITY OF STRUTHERS - INFRASTRUCTURE</b>                                |               |                |                      |              |                 |  |
| Building Demolition  | 2020          | \$200,000.00   | \$100,000.00         | \$100,000.00 | CDBG            |  |
| SR616 Resurfacing  | 2019          | \$1,000,000.00 | \$200,000.00         | \$800,000.00 | ODOT / EASTGATE |  |
| Main Street Public Parking   | 2021          | \$100,000.00   | \$50,000.00          | \$50,000.00  | CDBG            |  |
| State Street Public Parking  | 2021          | \$250,000.00   | \$50,000.00          | \$200,000.00 | FEDERAL TAP     |  |
| Bridge Street / State Street Signal Upgrade                              | 2022          | \$120,000.00   | \$24,000.00          | \$96,000.00  | ODOT / EASTGATE |  |
| Bob Gene Way Resurfacing   | 2020          | \$200,000.00   | \$92,000.00          | \$108,000.00 | OPWC            |  |
| Sanitary and Waterline Extensions - Astro Shapes                         | 2023          | \$1,000,000.00 | \$600,000.00         | \$400,000.00 | OPWC            |  |