

BOARD OF EDUCATION  
BIG WALNUT LOCAL SCHOOL DISTRICT  
DELAWARE COUNTY, OHIO

The Board of Education (the "*Board*") of the Big Walnut Local School District, Delaware County, Ohio (the "*School District*"), met in special session on \_\_\_\_\_, 2024, at \_\_\_\_:\_\_\_\_.m., at 110 Tippet Court, Sunbury, Ohio 43074, with the following members present:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

M\_\_\_\_. \_\_\_\_\_ introduced the following resolution and moved its adoption:

A RESOLUTION APPROVING CERTAIN REAL PROPERTY TAX  
EXEMPTIONS IN CONNECTION WITH A PROJECT TO BE  
LOCATED WITHIN THE CITY OF SUNBURY, OHIO COMMUNITY  
REINVESTMENT AREA

WHEREAS, the City of Sunbury, Ohio (the "*City*") has heretofore determined to promote and encourage development within the City which is consistent with the City's proposed Limited Industrial District zoning requirements for the mutual benefit of the City and this School District; and

WHEREAS, pursuant to Ohio Revised Code Sections 3735.65 through 3735.70 (collectively, the "*CRA Statute*"), the City is permitted to create a community reinvestment area (a "*CRA*") and offer real property tax exemptions (each an "*Exemption*") to owners of real property located within a CRA; and

WHEREAS, the City adopted Resolution No. 2006-04 on May 3, 2006 to create the "Sunbury Community Reinvestment Area" pursuant to the CRA Statute; and

WHEREAS, in 2023, the City, in anticipation of commercial and industrial growth in the eastern portion of the City, determined to (i) expand the City's CRA and (ii) enter into an agreement with this School District to provide for the approval of certain Exemptions which would otherwise require approval from this Board pursuant to the CRA Statute (*e.g.*, Exemption percentages exceeding 75%); and

WHEREAS, on September 21, 2023, the City and this School District executed a Compensation Agreement (the "*Compensation Agreement*") whereby this School District authorized the City to approve Exemptions within the City's CRA provided that each related project satisfied the following conditions: (i) the project must be consistent with the City's proposed Limited Industrial District zoning requirements, (ii) the City must reasonably estimate that the payroll expected in connection with the project receiving the Exemption will exceed \$1

million per year, (iii) the company receiving the Exemption (or another party acceptable to the School District) will have executed an agreement with this School District wherein that company will have agreed to pay annually to this School District an amount equal to 12.5% of the real property taxes which this School District would have received from the project if the Exemption had not been approved by City, (iv) the income tax sharing requirements of Ohio Revised Code Section 5709.82 will not apply and (v) this School District waives its right to receive any notices or grant any approvals under the CRA Statute or Ohio Revised Code Section 5709.83; and

WHEREAS, following the execution of that Compensation Agreement, the City passed Ordinance 2024.12 on June 5, 2024 to expand the Sunbury Community Reinvestment Area (as expanded, the “*Sunbury CRA*”) pursuant to the CRA Statute; and

WHEREAS, the Board understands that the City has been approached by a company for Exemptions which relate to a proposed project (the “*Project*”) to be constructed within the Sunbury CRA and more specifically, within the area described on **EXHIBIT A** (the “*Project Site*”); and

WHEREAS, the Project will consist of multiple buildings to be constructed at the Project Site and the City desires to approve real property tax exemption for the Project, including without limitation an Exemption for each new building constructed as part of the Project, to incentivize the development of the Project; and

WHEREAS, the City has also notified this Board that the City would like to propose terms relating to the Exemptions for the Project which vary from the terms of the Compensation Agreement; and

WHEREAS, the City has notified this Board of those proposed terms and requested that this Board approve those proposed terms; and

WHEREAS, this Board has determined to consent to the approval of Exemptions for the Project in accordance with the terms of this Resolution;

NOW, THEREFORE be it resolved by the Board of Education of the Big Walnut Local School District, Delaware County, Ohio that:

Section 1. This Board understands that the City has represented the following relating to the terms of the proposed Exemptions which will be approved for the Project:

- (a) the Project will be located within the Project Site,
- (b) the Project will satisfy the City’s Limited Industrial District zoning requirements,
- (c) the City reasonably estimates that the payroll expected to be generated by new employees (as such term is defined in the Ohio Revised Code Section 5709.82 as amended from time to time) employed at the Project Site will exceed \$1 million per year,

- (d) the Project is expected to be situated on the site of a “megaproject” and will be owned and occupied by a “megaproject operator” (as such terms are defined in Ohio Revised Code Section 122.17(A)(12)),
- (e) the City will grant one or more Exemptions for the Project including an Exemption for each building that is constructed as part of the Project,
- (f) the respective Exemptions for the Project will have a 30-year term and allow (i) an 87.5% exemption in years 1 through 15 of each Exemption and (ii) a 75.0% exemption in years 16 through 30 of each Exemption,
- (g) notwithstanding the requirements of the Compensation Agreement, the owner of the Project will not be required to enter into a compensation agreement with this School District or make any direct payments to this School District in order to obtain this School District’s approval of the Exemptions,
- (h) With respect to any Exemptions relating to the Project, this School District hereby waives its right to receive any compensation (*i.e.*, income tax sharing) to which it may hereafter be entitled pursuant to Ohio Revised Code Section 5709.82,
- (i) With respect to any Exemptions relating to the Project, this School District hereby waives all rights to receive any notices or grant any approvals as may be required by the CRA Statute or Ohio Revised Code Section 5709.83, as such statutes are amended from time to time, including without limitation waiver of the School District’s right to approve the Exemptions or the CRA agreement for the Exemptions and to receive notice in connection therewith, and
- (j) The Board shall certify a copy of this Resolution to the Sunbury City Council pursuant to Ohio Revised Code Section 3735.671(A)(3).

Section 2. This Board hereby consents and authorizes the City to grant Exemptions from time to time in connection with the Project which are consistent with Section 1 herein.

Section 3. The President, Treasurer, and the Superintendent are also authorized to execute and deliver any agreements, documents or certificates, and take all other actions necessary to accomplish the purposes of this Resolution.

Section 4. It is hereby found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board 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 Section 121.22 of the Ohio Revised Code.

Section 5. This Resolution shall be in full force and effect from and immediately upon its adoption.

M\_\_\_. \_\_\_\_\_ seconded the motion and, after discussion, a roll call vote was taken and the results were:

Voting Aye: M\_\_\_. \_\_\_\_\_  
M\_\_\_. \_\_\_\_\_  
M\_\_\_. \_\_\_\_\_  
M\_\_\_. \_\_\_\_\_  
M\_\_\_. \_\_\_\_\_

Voting Nay: M\_\_\_. \_\_\_\_\_  
M\_\_\_. \_\_\_\_\_  
M\_\_\_. \_\_\_\_\_  
M\_\_\_. \_\_\_\_\_  
M\_\_\_. \_\_\_\_\_

Adopted: \_\_\_\_\_, 2024

BOARD OF EDUCATION  
BIG WALNUT LOCAL SCHOOL DISTRICT  
DELAWARE COUNTY, OHIO

\_\_\_\_\_  
Stephen Fujii, Board President

Attest: \_\_\_\_\_  
Scott Gooding, Treasurer

#### CERTIFICATE

The undersigned Treasurer of the Board of Education of the Big Walnut Local School District, Delaware County, Ohio, hereby certifies that the foregoing is a true copy of a Resolution duly adopted by said Board on \_\_\_\_\_, 2024.

\_\_\_\_\_  
Scott Gooding, Treasurer  
Board of Education  
Big Walnut Local School District  
Delaware County, Ohio

EXHIBIT A  
PROJECT SITE

