



**City Council  
Legislative Session**

**Agenda**

**June 23, 2025  
7:30 PM**

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**COMMITTEE MEETINGS**

Mount Vernon City Council  
Committee Meeting Schedule  
June 23, 2025

|                |                                            |                                      |
|----------------|--------------------------------------------|--------------------------------------|
| 6:00-6:10 p.m. | Exec Sess: Pending/imminent ct<br>action   | Employee & Community Relations Woods |
| 6:10-6:40 p.m. | Exec Sess: Purchase/sale of property       | Streets & Public Buildings Severns   |
| 6:40-7:00 p.m. | New Community Authority                    | Land Use & Development Keener        |
| 7:00-7:15 p.m. | Public Hearing: Adding territory to<br>NCA | Land Use & Development Keener        |

**MEETING WILL RECESS UNTIL 7:30 P.M.**

**CALL TO ORDER**

**INVOCATION**

Pastor Ross Slaughter, First Presbyterian Church of Mount Vernon

**PLEDGE OF ALLEGIANCE**

**ACCEPTANCE OF MINUTES**

- City Council - Legislative Session - Jun 9, 2025 7:30 PM

**RECEIVE PETITIONS AND COMMUNICATIONS**

None.

**RECEIVE COMMITTEE REPORTS**

None.

**LIQUOR CONTROL LICENSE**

None.

**PROCLAMATION**

None.

**PERSONS SPEAKING ON MATTERS OF CITY CONCERN**

None.

**RESOLUTIONS FOR THIRD READING**

None.

**RESOLUTIONS FOR SECOND READING**

None.

**RESOLUTIONS FOR FIRST READING****RESOLUTION NO. 2025-65**

A RESOLUTION OPPOSING OHIO HOUSE BILL 335 AND URGING THE OHIO GENERAL ASSEMBLY TO REJECT LEGISLATION THAT ELIMINATES INSIDE MILLAGE AND TRANSFERS LOCAL BUDGETARY AUTHORITY TO COUNTY BUDGET COMMISSIONS.

*Finance and Budget: Seavolt, Woods*

**RESOLUTION NO. 2025-66**

A RESOLUTION ADOPTING THE ESTIMATED TAX BUDGET OF THE CITY OF MOUNT VERNON, MOUNT VERNON, OHIO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2026, AND SUBMITTING THE SAME TO THE AUDITOR OF KNOX COUNTY, OHIO.

*Finance and Budget: Seavolt, Woods*

**RESOLUTION NO. 2025-67**

A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF MOUNT VERNON TO MAKE SUPPLEMENTAL APPROPRIATIONS.

*Finance and Budget: Seavolt, Woods*

**ORDINANCES FOR THIRD READING****ORDINANCE NO. 2025-14**

ORDINANCE DECLARING THE IMPROVEMENT OF CERTAIN REAL PROPERTY LOCATED IN THE CITY OF MOUNT VERNON, OHIO TO BE A PUBLIC PURPOSE; CREATING THE LIBERTY CROSSING INCENTIVE DISTRICT; DECLARING THE IMPROVEMENTS TO REAL PROPERTY WITHIN THE INCENTIVE DISTRICT TO BE A PUBLIC PURPOSE; DECLARING SUCH PROPERTY WITHIN THE INCENTIVE DISTRICT TO BE EXEMPT FROM REAL PROPERTY TAXATION; DESCRIBING THE

PUBLIC INFRASTRUCTURE IMPROVEMENTS MADE OR TO BE MADE TO DIRECTLY BENEFIT OR SERVE THE PARCELS FOR WHICH IMPROVEMENTS ARE DECLARED TO BE A PUBLIC PURPOSE; REQUIRING ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES DURING THE PERIODS OF EXEMPTION; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS; AUTHORIZING THE EXECUTION OF A TAX INCREMENT FINANCING AGREEMENT; AND APPROVING RELATED MATTERS.

*Land Use and Development: Keener, Mahan*

ORDINANCE NO. 2025-15

AN ORDINANCE DECLARING THE IMPROVEMENT OF CERTAIN REAL PROPERTY LOCATED IN THE CITY OF MOUNT VERNON, OHIO TO BE A PUBLIC PURPOSE; DECLARING SUCH PROPERTY TO BE EXEMPT FROM REAL PROPERTY TAXATION; DESIGNATING PUBLIC IMPROVEMENTS TO BE MADE THAT WILL BENEFIT SUCH PROPERTY; REQUIRING ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES; AND ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND; AND AUTHORIZING THE EXECUTION OF A TAX INCREMENT FINANCING AGREEMENT.

*Land Use and Development: Keener, Mahan*

**ORDINANCES FOR SECOND READING**

None.

**ORDINANCES FOR FIRST READING**

ORDINANCE NO. 2025-17

AN ORDINANCE TO CREATE THE CODE ENFORCEMENT DEPARTMENT AND TO AMEND SECTION 129.02 OF THE CODIFIED ORDINANCES OF THE CITY OF MOUNT VERNON; AND DECLARING AN EMERGENCY.

*Employee and Community Rel.: Woods, Keener*

ORDINANCE NO. 2025-18

AN ORDINANCE CONSENTING TO THE DECLARATION OF COVENANTS AND RESTRICTIONS FOR THE MOUNT VERNON NEW COMMUNITY AUTHORITY AND PROVIDING RELATED AUTHORIZATIONS; AND DECLARING AN EMERGENCY.

*Land Use and Development: Keener, Mahan*

ORDINANCE NO. 2025-19

AN ORDINANCE CONSENTING TO THE FIRST SUPPLEMENTAL DECLARATION OF COVENANTS AND RESTRICTIONS FOR THE MOUNT

VERNON NEW COMMUNITY AUTHORITY AND PROVIDING RELATED AUTHORIZATIONS; AND DECLARING AN EMERGENCY.

*Land Use and Development: Keener, Mahan*

ORDINANCE NO. 2025-20

AN ORDINANCE APPROVING THE APPLICATION TO ADD CERTAIN REAL PROPERTY TO THE MOUNT VERNON NEW COMMUNITY AUTHORITY DISTRICT AND TO AMEND THE PETITION FOR ESTABLISHMENT OF THE MOUNT VERNON NEW COMMUNITY AUTHORITY AS A NEW COMMUNITY AUTHORITY UNDER CHAPTER 349 OF THE OHIO REVISED CODE; AND DECLARING AN EMERGENCY.

*Land Use and Development: Keener, Mahan*

ORDINANCE NO. 2025-21

AN ORDINANCE AMENDING CHAPTER 755 OF THE CODIFIED ORDINANCES OF THE CITY OF MOUNT VERNON REGULATING WASTE HAULERS, REQUIRING RECYCLING PERMITS, MANDATING ANNUAL REPORTS, ENSURING SECURE HAULING, AND ESTABLISHING AN APPEALS PROCESS; AND DECLARING AN EMERGENCY.

*Utilities: Ruckman, Miller*

**REMARKS FROM THE ADMINISTRATION**

**REMARKS FROM COUNCIL**

**ADJOURN AT THE CALL OF THE PRESIDENT**





City Council  
City of Mount Vernon  
Mount Vernon, OH 43050

SCHEDULED

RESOLUTION 2025-65

Meeting: 06/23/25 7:30 PM  
Dept: Finance and Budget  
Seavolt, Woods  
Category: Finance  
Prepared By: Todd Hill  
Initiator: Todd Hill  
DOC ID: 4250

**A RESOLUTION OPPOSING OHIO HOUSE BILL 335 AND URGING THE OHIO GENERAL ASSEMBLY TO REJECT LEGISLATION THAT ELIMINATES INSIDE MILLAGE AND TRANSFERS LOCAL BUDGETARY AUTHORITY TO COUNTY BUDGET COMMISSIONS.**

WHEREAS, Ohio House Bill 335 (HB 335), introduced in the Ohio House of Representatives as the "Property Tax Relief Now Act," proposes sweeping changes to the property tax system in Ohio, including the elimination of unvoted inside millage for counties, municipalities and school districts beginning in tax year 2025; and

WHEREAS, inside millage is a longstanding and vital source of revenue that supports the provision of essential local services such as Police and Fire protection, mandatory contributions to the Ohio Police & Fire Pension Fund, infrastructure maintenance, and parks and recreation without the need for voter approval; and

WHEREAS, HB 335 would centralize fiscal oversight by granting county budget commissions new authority to limit local property tax rates, review and revise municipal budgets, and reduce levies based on their determination of carryover balances -- despite these commissions being largely unknown to the public and unelected by the residents they would impact; and

WHEREAS, the provisions of HB 335 would undermine the principle of local control by allowing a county-level body to override the budgetary decisions of locally elected officials and reduce revenues approved by voters or budgeted based on local priorities; and

WHEREAS, this legislation would create fiscal uncertainty for cities and villages across Ohio, many of which have responsibly managed their finances and rely on inside millage to fund operations without asking voters for additional taxes; and

WHEREAS, HB 335 imposes these changes without providing revenue replace by the state for municipalities, potentially threatening the delivery of basic public services and shifting the burden to income or sales taxes; and

WHEREAS, the City of Mount Vernon supports meaningful, collaborative property tax reform, but believes HB 335's approach is unbalanced and detrimental to the financial health and self-determination of Ohio's local governments;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Mount Vernon, Ohio, that:

SECTION 1: The City Council hereby expresses its strong opposition to House Bill 335 and urges the Ohio General Assembly to reject this legislation in its current form.

SECTION 2: The City Council specifically opposes provisions in HB 335 that:

- (a) Eliminate municipalities' authority to levy inside millage; and
  - (b) Transfer budgetary authority from locally elected officials to unelected budget commissions.
- county

SECTION 3: The Clerk of Council is hereby directed to forward a certified copy of this resolution to members of the Ohio General Assembly representing the City of Mount Vernon, Ohio Governor Mike DeWine, and local media outlets.

SECTION 4: This Resolution shall take effect and be in force from and after the earliest period allowed by law.



City Council  
City of Mount Vernon  
Mount Vernon, OH 43050

SCHEDULED

RESOLUTION 2025-66

Meeting: 06/23/25 7:30 PM  
Dept: Finance and Budget  
Seavolt, Woods  
Category: Finance  
Prepared By: Todd Hill  
Initiator: Todd Hill  
DOC ID: 4251

**A RESOLUTION ADOPTING THE ESTIMATED TAX BUDGET OF THE CITY OF MOUNT VERNON, MOUNT VERNON, OHIO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2026, AND SUBMITTING THE SAME TO THE AUDITOR OF KNOX COUNTY, OHIO.**

WHEREAS, the Knox County Budget Commission has waived the requirement that the taxing authority of a subdivision or other taxing unit adopt a tax budget as provided under Section 5705.28 of the Revised Code.

WHEREAS, the City of Mount Vernon will be required to furnish an estimated budget only for those funds that receive tax levied taxes.

NOW THEREFORE, BE IT RESOLVED by the City of Mount Vernon, State of Ohio:

SECTION 1: That the estimated tax budget of the City of Mount Vernon for the fiscal year beginning January 1, 2026 heretofore prepared by the Auditor is hereby adopted as the estimated tax budget of the City of Mount Vernon for the fiscal year beginning January 1, 2026.

SECTION 2: This Resolution provides for appropriations for the coming year's expenses of the City, and therefore, pursuant to Revised Code Section 731.30, it shall become effective upon the date of its passage and approval by the Mayor.



City Council  
City of Mount Vernon  
Mount Vernon, OH 43050

SCHEDULED

RESOLUTION 2025-67

Meeting: 06/23/25 7:30 PM  
Dept: Finance and Budget  
Seavolt, Woods  
Category: Finance  
Prepared By: Rob Broeren  
Initiator: Todd Hill  
DOC ID: 4256

**A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF MOUNT VERNON TO MAKE SUPPLEMENTAL APPROPRIATIONS.**

NOW, THEREFORE, BE IT RESOLVED by the City of Mount Vernon, State of Ohio:

SECTION 1: That the Auditor for the City of Mount Vernon be, and he herewith is, authorized and directed to make supplemental appropriations as follows:

1. To account 603.2400.41901, Bonds Posted, in the amount of \$24,000.00 (Previously unappropriated street opening bonds from 2018 to present).
2. To account 407.3600.55514, Municipal Facilities Improvement Fund - Facilities, in the amount of \$500,000.00 (Transfer from Park Money Market Account 4037).
3. To account 101.2300.54111, Safety-Service Director - Services Received, in the amount of \$50,000.00 (Transfer from Park Money Market Account 4037).

SECTION 2: This Resolution provides for appropriations for the current expenses of the City, and therefore, pursuant to Revised Code Section 731.20, it shall become effective upon its date of passage and approval by the Mayor.



City Council  
City of Mount Vernon  
Mount Vernon, OH 43050

SCHEDULED

ORDINANCE 2025-14

Meeting: 06/23/25 7:30 PM  
Dept: Land Use and Development  
Keener, Mahan  
Category: Planning and Zoning  
Prepared By: Rob Broeren  
Initiator: Todd Hill  
DOC ID: 4233

**ORDINANCE DECLARING THE IMPROVEMENT OF CERTAIN REAL PROPERTY LOCATED IN THE CITY OF MOUNT VERNON, OHIO TO BE A PUBLIC PURPOSE; CREATING THE LIBERTY CROSSING INCENTIVE DISTRICT; DECLARING THE IMPROVEMENTS TO REAL PROPERTY WITHIN THE INCENTIVE DISTRICT TO BE A PUBLIC PURPOSE; DECLARING SUCH PROPERTY WITHIN THE INCENTIVE DISTRICT TO BE EXEMPT FROM REAL PROPERTY TAXATION; DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS MADE OR TO BE MADE TO DIRECTLY BENEFIT OR SERVE THE PARCELS FOR WHICH IMPROVEMENTS ARE DECLARED TO BE A PUBLIC PURPOSE; REQUIRING ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES DURING THE PERIODS OF EXEMPTION; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS; AUTHORIZING THE EXECUTION OF A TAX INCREMENT FINANCING AGREEMENT; AND APPROVING RELATED MATTERS.**

WHEREAS, Section 5709.40(C) of the Ohio Revised Code (“R.C.”) authorizes the legislative authority of a municipal corporation, by ordinance, to create an incentive district and to declare the increase in the assessed value of any real property within the incentive district that would first appear on the tax list and duplicate of real and public utility property after the effective date of an ordinance adopted under R.C. Section 5709.40 were it not for the exemption granted by that ordinance (with such increase in assessed value being referred to in this Ordinance, as in R.C. Section 5709.40(A)(4), as the “Incentive District Improvements,” and together with the Public Infrastructure Improvements as defined below, as the “Improvements”) to real property located within the incentive district and the municipal corporation to be a public purpose and exempt from taxation; and

WHEREAS, the City intends to create an incentive district constituting the real property located in the State of Ohio (the “State”), County of Knox (the “County”), and the City as described more particularly on Exhibit A attached to and incorporated into this Ordinance (the “Liberty Crossing Incentive District”), with each parcel within the Liberty Crossing Incentive District referred to herein as a “Parcel,” whether as presently appearing on County tax duplicates or as subdivided or combined and appearing on future tax duplicates; and

WHEREAS, RJM Land Development LTD. (the “Developer”), along with the current and future owners of the Liberty Crossing Incentive District (each an “Owner” and collectively the “Owners”), wish to develop the Liberty Crossing Incentive District by constructing an estimated 93 single-family homes, 42 patio homes, and 112 townhomes and related improvements thereon and otherwise improving the Liberty Crossing Incentive District (such improvements being the “Public Infrastructure Improvements”), provided that the appropriate development incentives are available to support this development; and

WHEREAS, the City intends to (i) declare the increase in assessed value to the Liberty Crossing Incentive District as a result of the Public Infrastructure Improvements as a public purpose, (ii) exempt one hundred percent (100%) of the increase in the assessed value of the real property located within the TIF Districts for a period of 30 years, and (iii) identify the public infrastructure improvements to be made on or in support of the Liberty Crossing Incentive District by the Developer (the “TIF Public Infrastructure Improvements”), which TIF Public Infrastructure Improvements are set forth in Exhibit B hereto and incorporated herein by reference; and

WHEREAS, as required by R.C. Section 5709.40(A)(5)(f), the City Engineer has certified to this Council that (i) the Liberty Crossing Incentive District is less than 300 acres in size, (ii) the Liberty Crossing Incentive District is enclosed by continuous boundaries, and (iii) the public infrastructure serving the Liberty Crossing Incentive District is inadequate to meet the development needs of the Liberty Crossing Incentive District; and

WHEREAS, notice of the proposed adoption of the exemption authorized under R.C. Section 5709.40(C) by this Ordinance has been delivered by first-class mail to every real property owner whose property is located within the boundaries of the proposed Incentive District not later than 30 days prior to June 23, 2025, and on June 23, 2025, this Council conducted a public hearing on this Ordinance; and

WHEREAS, the overlay (within the meaning of R.C. Section 5709.40(A)(6)) for the Incentive District provided in the notice delivered to the owners of real property to be included in the Incentive District included all of the real property included in the Incentive District, and therefore no owners of real property were entitled to submit written responses under R.C. 5709.40(C) and this Council has not received any written responses; and

WHEREAS, this Council has determined to provide for the execution and delivery of an agreement between the City and the Developer (the “TIF Agreement”) by which the Developer shall construct or cause to be constructed certain public infrastructure improvements within the Liberty Crossing Incentive District; and

WHEREAS, pursuant to R.C. Section 5709.42, the City intends to require the Owner or Owners of each Parcel of real property within the Liberty Crossing Incentive District to make annual service payments in lieu of taxes to the Treasurer of Knox County, Ohio (“County Treasurer”) on or before the final dates for payment of real property taxes, and the annual service payments in lieu of taxes are to 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 Improvements with respect to each Parcel if it were not exempt from taxation; and

WHEREAS, pursuant to R.C. Section 5709.43(A), this Council intends to establish a municipal public improvement tax increment equivalent fund for the exemption authorized by this Ordinance into which service payments in lieu of taxes distributed to the City shall be deposited, and which, from the date of this Ordinance, shall be used as provided in this Ordinance; and

WHEREAS, the City has caused notice of the proposed passage of this Ordinance, including a copy of this Ordinance, to be delivered to both the Board of Education of the Mount Vernon City School District (the “School District”) and the Board of Education of the Knox County Career Center (the “JVSD”) in accordance with R.C. Sections 5709.40 and 5709.83, or such notice has been waived;

NOW, THEREFORE, Be It Ordained by the Council of the City of Mount Vernon, Ohio that:

**SECTION 1:** In accordance with R.C. Section 5709.40(C), the City hereby designates and establishes the Liberty Crossing Incentive District identified on Exhibit A, attached to and incorporated into this Ordinance, as exempt from taxation under the terms set forth below and further declares that the Improvements to the Parcels within the Liberty Crossing Incentive District subsequent to the effective date of this Ordinance are a public purpose. This Council hereby finds and determines, in accordance with R.C. Section 5709.40(C)(3)(b), that the Improvements attributable to the Liberty Crossing Incentive District are expected to result from the construction of an estimated 93 single-family homes, 42 patio homes, and 112 townhomes, which development this Council hereby finds and determines will place additional demand on the Public Infrastructure Improvements designated in Section VI of this Ordinance.

**SECTION 2:** Pursuant to R.C. Section 5709.40(C), the City hereby recognizes that the TIF Public Infrastructure Improvements are a public purpose and benefit or serve, or will benefit or serve, the parcels within the Liberty Crossing Incentive District, and the City hereby exempts 100% of the increase in the assessed value of each parcel of real property located within the Liberty Crossing Incentive District from taxation for a period of 30 years, commencing on the first day of the first tax year in which there is an Improvement attributable to a structure on the parcels (as they may be subdivided or combined) that appears on the tax list and duplicate of real and public utility property, and ending on the earlier of (a) thirty (30) 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 R.C. Sections 5709.40, 5709.42 and 5709.43 and this Ordinance (the “TIF Exemptions”). The life of the Liberty Crossing Incentive District shall be coextensive with the term of the TIF Exemption.

**SECTION 3:** Pursuant to R.C. Section 5709.42, during the period when the exemption granted by this Ordinance is in effect the Owner or Owners are hereby required to make, and shall make, service payments in lieu of taxes with respect to the Improvements to the County Treasurer on or before the final dates for payment of real property taxes. Each service payment in lieu of taxes 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 Improvements on each Parcel as if it were not exempt from taxation pursuant to Section 2 of this Ordinance. Any late payments shall be subject to penalty and bear interest at the then current rate established under Ohio Revised Code Sections 323.121(B)(1) and 5703.47, 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 payment of penalties and interest are collectively referred to herein with the payments in lieu of taxes as the “Service Payments”). The Service Payments, and any other payments in connection with the Improvement which are received by the City Fiscal Officer (the “Fiscal

Officer”) in connection with any reduction required by R.C. Section 319.302, 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 deposited in accordance with Section IV.

SECTION 4: At the same times and in the same manner as real property tax distributions, the County Treasurer shall distribute the Service Payments and the Property Tax Rollback Payments as follows: (i) first, a portion of the Service Payments paid with respect to the TIF Exemption to the School Districts in the amount of the taxes that would have been payable to the School Districts if the Improvements had not been exempted from taxation, (ii) second, a portion of the Service Payments paid with respect to the TIF Exemptions to various taxing agencies for certain protected tax levies in accordance with R.C. Section 5709.40(F), and (iii) third, to the City, all remaining amounts for further deposit into the TIF Fund (as hereinafter defined) for payment of costs of the Public Infrastructure Improvements, as defined in Section VI of this Ordinance. The City shall then distribute the Service Payments and any Property Tax Rollback Payments in the TIF Fund after each semiannual settlement of real property taxes and in the following order of priority: first, to pay or finance the costs associated with the Public Infrastructure constructed by or on behalf of the Developer or by or on behalf of the City (including payment of interest and payment of any bonds, notes, or any other obligations issued to pay such costs), as further described in the TIF Agreement; and second, after the Developer and the City have been fully reimbursed as provided in the TIF Agreement, to the City for any other public infrastructure constructed by or on behalf of the City or for any lawful purpose under R.C. Sections 5709.40, 5709.42, 5709.43, and this Ordinance.

The TIF Fund, as hereinafter defined, shall remain in existence so long as the Service Payments and Property Tax Rollback Payments are collected and used for the above purposes, after which the TIF Fund shall be dissolved in accordance with R.C. Sections 5709.40, 5709.42, and 5709.43. Upon such dissolution, any incidental surplus remaining in the TIF Fund shall be transferred to the general fund of the City.

SECTION 5: This Council, pursuant to and in accordance with the provisions of R.C. Section 5709.43, determines to and hereby does establish the Liberty Crossing Incentive District TIF Fund (the “TIF Fund”) in the custody of the City and shall receive all distributions of Service Payments required to be made to the City pursuant to this Ordinance. The Service Payments and any Property Tax Rollback Payments received by the City shall be deposited into the TIF Fund pursuant to R.C. Section 5709.43 and distributed pursuant to R.C. Section 5709.42 and this Ordinance. The Service Payments and any Property Tax Rollback Payments received by the City shall be used solely for the purposes authorized in R.C. Sections 5709.40, 5709.42, 5709.43, and 5709.82, including, but not limited to, paying the costs of the Public Infrastructure Improvements (as defined in Section 6 of this Ordinance), including payment of interest and payment of any bonds, notes, or any other obligations issued to pay such costs, in a manner which is consistent with this Ordinance. The City shall use all Service Payments and any Property Tax Rollback Payments received and deposited into the TIF Funds as provided in this Ordinance. For all purposes of this Ordinance, “costs” of the Public Infrastructure Improvements payable from the TIF Fund also shall include the items of “costs of permanent improvements” set forth in R.C. Section 133.15(B), and incurred with respect to the Public



Infrastructure Improvements located within the Liberty Crossing Incentive District, as applicable. The TIF Fund shall remain in existence so long as such Service Payments and any 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 distributed as set forth in Section IV of this Ordinance.

SECTION 6: The City hereby designates the Public Infrastructure Improvements set forth in Exhibit B for the Liberty Crossing Incentive District, attached to and incorporated into this ordinance by this reference, as the “public infrastructure improvements,” as that term is defined in R.C. Section 5709.40(A)(8), which are made, are to be made, or are in the process of being made, by or on behalf of the City, that benefit or serve, or, once made, will benefit or serve the Parcels, as set forth in R.C. Section 5709.40(C)(3)(a).

The City further determines that all of the Public Infrastructure Improvements set forth in Exhibit B attached hereto, within the Liberty Crossing Incentive District, are general in nature, and all of the Public Infrastructure Improvements are supportive of and beneficial to the development of the Liberty Crossing Incentive District.

SECTION 7: This Council further authorizes and directs the Mayor, the City Law Director, the City Auditor, or other appropriate officers of the City: (i) to make such arrangements as are necessary and proper for collection of Service Payments from Owners; (ii) to make payment of the Service Payments to the City to be deposited into the TIF Fund; and (iii) to take all other actions as may be appropriate to implement this Ordinance. R.C. Section 5709.911 shall govern the priority status of the exemptions provided under this Ordinance. Under R.C. Sections 5709.40(C) and 5709.911, the City intends to apply for the exemption from real property taxation under this Ordinance. Not later than 30 days prior to June 23, 2025, this Council delivered notice, by first-class mail, of a public hearing regarding this Ordinance (the “Residential Notice”). The Residential Notice included an overlay, within the meaning of R.C. Section 5709.40(A)(6), of the Liberty Crossing Incentive District, which included all of the real property within the Liberty Crossing Incentive District. On June 23, 2025, this Council conducted a public hearing regarding this Ordinance. No written responses to the Residential Notice were received under R.C. Section 5709.40(C).

SECTION 8: This Council hereby approves the TIF Agreement and authorizes the City to execute, deliver, and perform the TIF Agreement, including without limitation, by applying moneys on deposit in the TIF Fund for the purposes identified in the TIF Agreement. The Mayor is hereby authorized and directed, for and on behalf of the City, to execute and deliver the TIF Agreement, substantially in the form now on file with this Council, with such modifications to the form of the TIF Agreement as shall be approved by the Mayor, shall not be materially adverse to the City, and shall be consistent with this Ordinance, all of which shall be conclusively evidenced by the Mayor's signature on the TIF Agreement. The Mayor is further hereby authorized to execute and deliver any additional agreements or instruments as the Mayor shall deem necessary to carry out the purposes of this Ordinance and the TIF Agreement, and the City is hereby authorized to perform its obligations under any of those agreements or instruments

**SECTION 9:** Pursuant to R.C. Section 5709.40(I), the Clerk of Council is hereby directed to deliver a copy of this Ordinance to the Director of the Ohio Department of Development (“ODOD”) within 15 days after its adoption. On or before March 31st of each year that an exemption set forth in Section 2 of this Ordinance remains in effect, the officer or officers authorized by Section 9 of this Ordinance to take actions necessary to implement this Ordinance shall prepare and submit to the Director of ODOD the status report required under R.C. Section 5709.40(I).

**SECTION 10:** The City hereby maintains the City of Mount Vernon Tax Incentive Review Council, the membership of which is and shall remain constituted in accordance with R.C. Section 5709.85. In accordance with R.C. Section 5709.85, the City of Mount Vernon Tax Incentive Review Council reviews and shall continue to review annually all exemptions from taxation resulting from the declarations set forth in this Ordinance and any other such matters as may properly come before it, all in accordance with R.C. Section 5709.85.

**SECTION 11:** This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including R.C. Section 121.22.

**HISTORY:**

05/12/25            City Council            **FIRST READING**

Ordinance No. 2025-14 was given a first reading.

05/27/25            City Council            **SECOND READING**

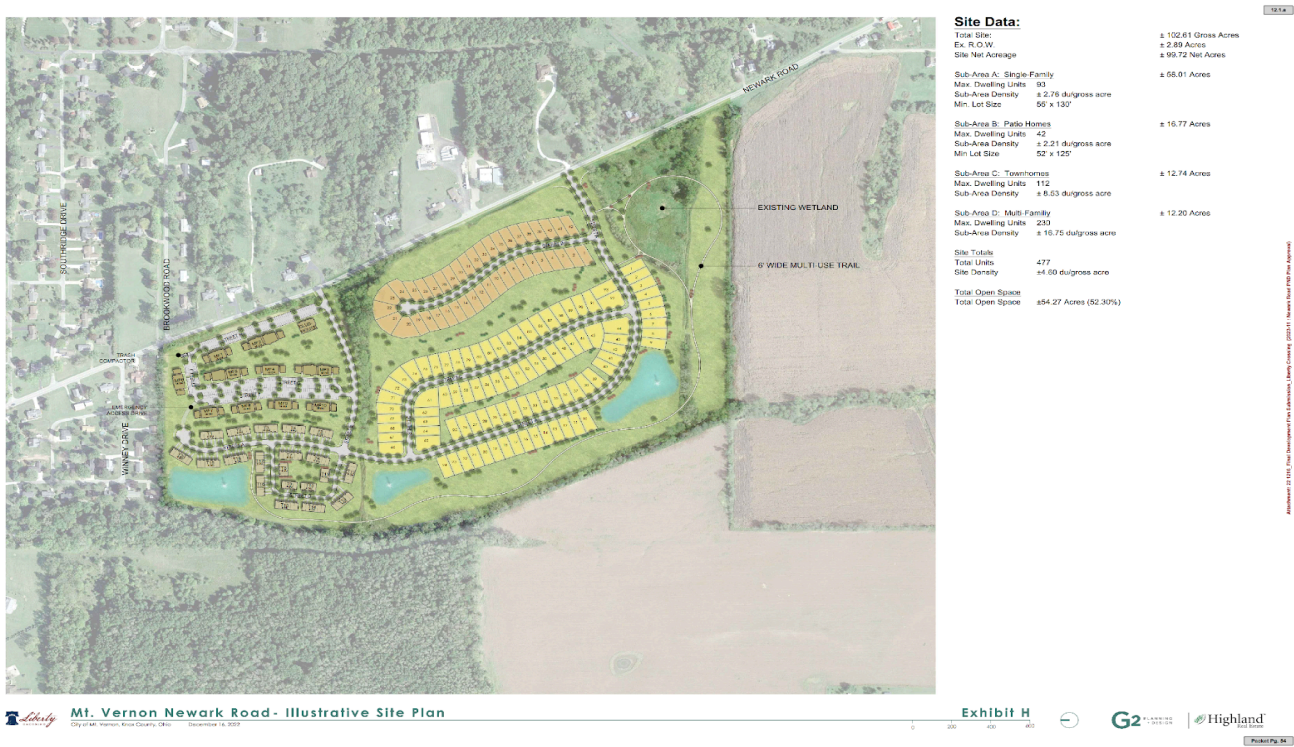
Ordinance No. 2025-14 was given a second reading.

06/09/25            City Council            **POSTPONED TO A CERTAIN TIME**

Keener made a motion to postpone the third reading of Ordinance No. 2025-14 to June 23, 2025, to accommodate the public hearing on the legislation, which is scheduled for June 23. Woods seconded the motion, which was passed by a roll-call vote of 6-0.

**EXHIBIT A**  
**DESCRIPTION OF THE SITE**

The Site includes portions of Knox County Auditor parcel identification number 66-00501.000, as subsequently subdivided and combined, and includes approximately 228 multi-family units.



Attachment: Ex A - Highland Site Plan (2025-14 : Highland Residential TIF)

## EXHIBIT B

### DESCRIPTION OF PUBLIC INFRASTRUCTURE IMPROVEMENTS

The Public Infrastructure Improvements shall include the infrastructure improvements listed below:

- Construction, reconstruction, extension, opening, improving, widening, grading, draining, curbing or changing of the lines and traffic patterns of, highways, streets, intersections, bridges (both roadway and pedestrian), sidewalks, bikeways, medians and viaducts accessible to and serving the public, and providing signage (including traffic signage and informational/promotional signage), lighting systems, signalization, and traffic controls, and all other appurtenances thereto.
- Signage, artwork, sculpture and other related items that enhance, compliment and beautify the Property and the Public Infrastructure Improvements located in the public right-of-way or within public easements.
- Construction, reconstruction, extension, opening, improving, widening, grading, draining or curbing of walking and/or multipurpose paths.
- Construction, reconstruction or installation of public utility improvements (including any underground municipally owned utilities), storm and sanitary sewers (including necessary site grading therefor), water and fire protection systems, including, but not limited to, tap, capacity and connection improvements for accessing the water, storm and sanitary sewers, or fire protection systems, and all appurtenances thereto.
- Construction, reconstruction or installation of gas, electric and communication service facilities (including any underground lines or other facilities), and all appurtenances thereto.
- Construction, reconstruction and installation of stormwater and flood remediation projects and facilities, including such projects and facilities on private property when determined to be necessary for public health, safety and welfare.
- Continued and ongoing maintenance, paving, repaving, striping, grading and related work on roads, highways, streets, water and sewer lines constructed as part of the Public Infrastructure Improvements.
- Construction or installation of streetscape and landscape improvements including trees, tree grates, signage, curbs, sidewalks, scenic fencing, street and sidewalk lighting, trash receptacles, benches, newspaper racks, burial of overhead utility lines and related improvements, together with all appurtenances thereto, including, but not limited to streetscape improvements in conjunction with and along the roadway improvements described above.

- Acquisition of real estate or interests in real estate (including easements) (a) necessary to accomplish any of the foregoing Public Infrastructure Improvements or (b) in aid of industry, commerce, distribution or research, including, but not limited to, any acquisition of land in connection with the City's taking title to any Public Infrastructure Improvements.
- The items of "costs of permanent improvements" set forth in Ohio Revised Code Section 133.15(B), and incurred with respect to the Public Infrastructure Improvements, which "costs" specifically include any reimbursement payments for the reimbursement of the costs of the Public Infrastructure Improvements and the debt service on, and other expenses relating to the issuance of, any bonds, notes, or other obligations issued to finance the Public Infrastructure Improvements.
- Any other public infrastructure improvements constructed or maintained by or on behalf of the City that are determined by the City Council to benefit or serve the Property.



City Council  
City of Mount Vernon  
Mount Vernon, OH 43050

SCHEDULED

ORDINANCE 2025-15

Meeting: 06/23/25 7:30 PM  
Dept: Land Use and Development  
Keener, Mahan  
Category: Planning and Zoning  
Prepared By: Rob Broeren  
Initiator: Todd Hill  
DOC ID: 4234

**AN ORDINANCE DECLARING THE IMPROVEMENT OF CERTAIN REAL PROPERTY LOCATED IN THE CITY OF MOUNT VERNON, OHIO TO BE A PUBLIC PURPOSE; DECLARING SUCH PROPERTY TO BE EXEMPT FROM REAL PROPERTY TAXATION; DESIGNATING PUBLIC IMPROVEMENTS TO BE MADE THAT WILL BENEFIT SUCH PROPERTY; REQUIRING ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES; AND ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND; AND AUTHORIZING THE EXECUTION OF A TAX INCREMENT FINANCING AGREEMENT.**

WHEREAS, MGD, LLC and MTV332, LLC (the “Developer”) have acquired certain real property which is located within the jurisdiction of the City of Mount Vernon (the “City”), consisting of 104.577+/- acres known as parcels 66-00501.000, 66-00501.006 and 66-00501.007 in the records of the Office of the Auditor of Knox County, Ohio (the “Auditor”) (the “Property”), and a depiction and description of the Property is attached hereto and incorporated herein by reference as Exhibit A; and

WHEREAS, Developer plans to develop the Property by constructing an estimated 228 multi-family housing units and related improvements thereon (the “Project”); and

WHEREAS, the development of the Property in the City will benefit the City and its residents by creating jobs, enlarging the property tax base, enhancing income tax revenues and stimulating collateral development in the City; and

WHEREAS, in order to provide for the orderly development of the Property, it is necessary to construct or to cause to be constructed certain public infrastructure improvements as described in Exhibit B attached hereto and incorporated herein by reference, which City and Developer agree will benefit and serve the Property; and

WHEREAS, the City has determined to provide for the execution and delivery of a Tax Increment Financing Agreement or similar cooperative agreement with the Developer (the “TIF Agreement”); and

WHEREAS, pursuant to Ohio Revised Code Sections 5709.40, 5709.42, and 5709.43 (together with related provisions of the Ohio Revised Code, the “TIF Act”), the City may, among other things, (i) declare the increase in assessed value of real property located in the City to be a public purpose, thereby exempting such increase from real property taxation for a period of time; (ii) specify public infrastructure improvements, made, to be made, or in the process of being made, that directly benefit such real property; (iii) provide for the making of service payments in lieu of taxes by the owners of such real property; (iv) establish a public improvement tax increment equivalent fund into which such service payments shall be deposited; (v) provide for

the use of such service payments to pay the costs of such public infrastructure improvements (which costs may include, without limitation, the payment for or reimbursement of costs of the public infrastructure improvements incurred by the City, or any other public or private party in cooperation with the City); and

WHEREAS, the current owners of certain parcels of real property located in the City (the “Owners” including any future owners of said real property, the “Owners”), as further described in Exhibit A attached hereto and made a part hereof (the “Site,” with each parcel comprising the Site, as currently existing on the Knox County Auditor’s tax duplicate or as subsequently subdivided or combined and appearing on a future tax duplicate, referred to herein as a “Parcel”) wish to construct or cause to be constructed certain new commercial improvements (including, but not limited to, multi-family housing); and

WHEREAS, the City has caused notice of the proposed passage of this Ordinance, including a copy of this Ordinance, to be delivered to both the Board of Education of the Mount Vernon City School District (the “School District”) and the Board of Education of the Knox County Career Center (the “JVSD”) in accordance with Ohio Revised Code Sections 5709.40 and 5709.83, or such notice has been waived;

NOW, THEREFORE, Be It Ordained by the Council of the City of Mount Vernon, Ohio that:

**SECTION 1:** Pursuant to and in accordance with the TIF Act, this City Council (“Council”) hereby finds and determines that one hundred percent (100%) of the increase in the assessed value of each Parcel comprising the Site subsequent to the effective date of this Ordinance (the increase hereinafter referred to as an “Improvement,” as further defined in Section 5709.40 of the Ohio Revised Code) is a public purpose and is exempt from taxation for a period commencing on the first day of the first tax year in which there is an Improvement with respect to the Parcel (as it may be subdivided or combined) attributable to a structure on the Parcel that appears on the tax list and duplicate of real and public utility property, and ending on the earlier of (a) thirty years after the 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 and this Ordinance (the “TIF Exemption”).

**SECTION 2:** Council hereby designates the public infrastructure improvements described in Exhibit B attached hereto (the “Public Infrastructure Improvements”) and any other public infrastructure improvements hereafter designated by ordinance as public infrastructure improvements made, to be made, or in the process of being made that directly benefit, or that once made will directly benefit, the Site.

**SECTION 3:** As provided in Ohio Revised Code Section 5709.42, but only after the TIF Exemption is effective, the Owner of a parcel comprising the Site shall be required to, and shall make, service payments in lieu of taxes with respect to the Improvement allocable thereto to the Knox County Treasurer (“County Treasurer”) on or before the final due dates for payment of real property taxes. Each service payment in lieu of taxes 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 such parcel as if it were not exempt from taxation pursuant to Section 1 hereof. Any late payments of service payments in lieu of taxes shall be subject to penalty and bear interest at the then current rate established under Ohio Revised Code Sections 323.121(B)(1) and 5703.47, as the same may be amended from time to time, or any successor provisions thereto (the "Penalties and Interest"). Each Owner shall make any other payments in respect of such parcel which are received by the County Treasurer in connection with any reduction required by Ohio Revised Code Section 319.302, as the same may be amended from time to time, or any successor provisions thereto (the "Property Tax Rollback Payments," together with the service payments in lieu of taxes and the "Penalties and Interest," are collectively referred to herein as the "Service Payments").

**SECTION 4:** At the same times and in the same manner as real property tax distributions, the County Treasurer shall distribute the Service Payments and the Property Tax Rollback Payments as follows: (i) first, a portion of the Service Payments paid with respect to the TIF Exemption to the School Districts in the amount of the taxes that would have been payable to the School Districts if the Improvements had not been exempted from taxation and (ii) second, to the City, all remaining amounts for further deposit into the Tax Increment Fund (as hereinafter defined) for payment of costs of the Public Infrastructure Improvements, as defined in Section II of this Ordinance. The City shall then distribute the Service Payments and any Property Tax Rollback Payments in the Tax Increment Fund after each semiannual settlement of real property taxes and in the following order of priority: first, to pay or reimburse the City for any administrative expenses in connection with the TIF Exemption; and second, to pay or finance the costs associated with the Public Infrastructure constructed by or on behalf of the Developer or by or on behalf of the City (including payment of interest and payment of any bonds, notes, or any other obligations issued to pay such costs), as further described in the TIF Agreement; and third, after the Developer and the City have been fully paid or reimbursed as provided in the TIF Agreement, to the City for any other public infrastructure constructed by or on behalf of the City or for any lawful purpose under Ohio Revised Code Sections 5709.40, 5709.42, 5709.43, and this Ordinance.

The Tax Increment Fund, as hereinafter defined, shall remain in existence so long as the Service Payments and Property Tax Rollback Payments are collected and used for the above purposes, after which the Tax Increment Fund shall be dissolved in accordance with Ohio Revised Code Sections 5709.40, 5709.42, and 5709.43. Upon such dissolution, any incidental surplus remaining in the Tax Increment Fund shall be transferred to the general fund of the City.

**SECTION 5:** This Council hereby establishes, pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.43, within the City Treasury a municipal public improvement tax increment equivalent fund (the "Tax Increment Fund"), which may, at the option of the Finance Director, be established as an account within an existing tax increment equivalent fund of the City, into which shall be deposited the Service Payments distributed to the City by the County Treasurer. Such Fund may be combined with other funds created by ordinances of this Council authorizing other such projects. Money in the Tax Increment Fund shall be used to finance the Public Infrastructure Improvements, and shall, to the extent provided in further ordinances of this Council, be pledged to the payment of debt service on any bonds, notes or other obligations issued to finance such Public Infrastructure Improvements as well as



any reimbursement payments for reimbursement of any costs of the Public Infrastructure Improvements. The Tax Increment Fund shall be maintained in the custody of the City and shall receive all distributions of Service Payments required to be made to the City. Those Service Payments received by the City with respect to the Site, shall be used solely for the purposes authorized in the TIF Act, including, but not limited to, paying any costs of the Public Infrastructure Improvements, in a manner that is consistent with this Ordinance. For purposes of this Ordinance, “costs” of the Public Infrastructure Improvements payable from the Tax Increment Fund shall also include the items of “costs of permanent improvements” set forth in Ohio Revised Code Section 133.15(B), and incurred with respect to the Public Infrastructure Improvements, which “costs” specifically include any reimbursement payments for the reimbursement of the costs of the Public Infrastructure Improvements, and debt service on, and any administrative or other expenses relating to the issuance of, any bonds, notes, or other obligations issued to finance the Public Infrastructure Improvements. The Tax Increment Fund shall remain in existence so long as such Service Payments are collected and used for the aforesaid purposes, after which time the Tax Increment Fund shall be dissolved and any surplus funds remaining therein shall be transferred to the City’s General Fund, all in accordance with Ohio Revised Code Section 5709.43.

SECTION 6: This Council hereby approves the TIF Agreement and authorizes the City to execute, deliver, and perform the TIF Agreement. The Mayor is hereby authorized and directed, for and on behalf of the City, to execute and deliver the TIF Agreement, substantially in the form now on file with this Council, with such modifications to the form of the TIF Agreement as shall be approved by the Mayor, shall not be materially adverse to the City, and shall be consistent with this Ordinance, all of which shall be conclusively evidenced by the Mayor's signature on the TIF Agreement. The Mayor is further hereby authorized to execute and deliver any additional agreements or instruments as the Mayor shall deem necessary to carry out the purposes of this Ordinance and the TIF Agreement, and the City is hereby authorized to perform its obligations under any of those agreements or instruments.

SECTION 7: The City hereby finds and determines that notice of this proposed Ordinance has been delivered to the School District and JVSD in accordance with Ohio Revised Code Sections 5709.40 and 5709.83, and hereby ratifies the giving of that notice.

SECTION 8: The Clerk of this Council is hereby directed to deliver, not later than fifteen (15) days after the effective date of this Ordinance, a copy thereof to the Director of the Ohio Department of Development and to further deliver to such Director, not later than March 31st of each year during which the TIF Exemption remains in effect, a status report outlining the progress of the project herein described.

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 Section 121.22 of the Ohio Revised Code.

**HISTORY:**

05/12/25            City Council                      **FIRST READING**

Ordinance No. 2025-15 was given a first reading.

05/27/25            City Council                      **SECOND READING**

Ordinance No. 2025-15 was given a second reading.

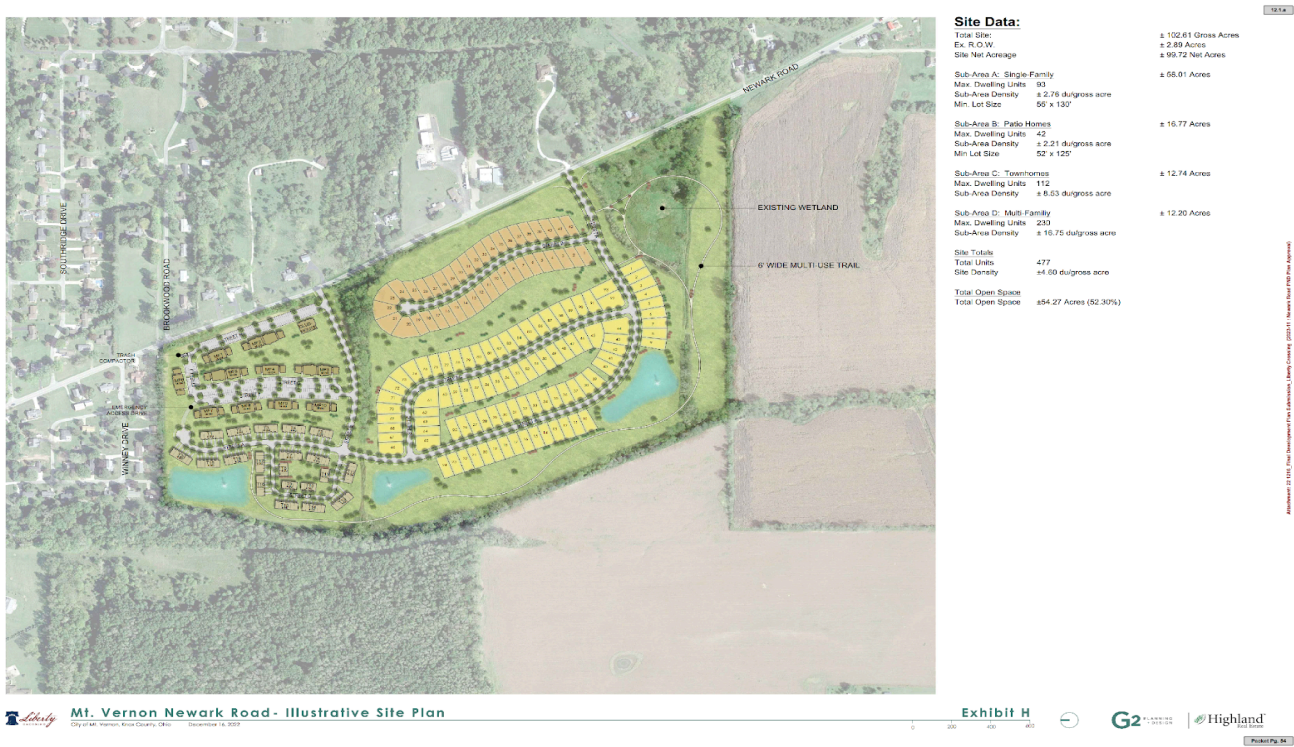
06/09/25            City Council                      **POSTPONED TO A CERTAIN TIME**

Keener made a motion to postpone the third reading of Ordinance No. 2025-15 to June 23, 2025, to accommodate the public hearing on the legislation, which is scheduled for June 23. Woods seconded the motion, which was passed by a roll-call vote of 6-0.

**EXHIBIT A**

**DESCRIPTION OF THE SITE**

The Site includes portions of Knox County Auditor parcel identification number 66-00501.000, as subsequently subdivided and combined, and includes approximately 228 multi-family units.



Attachment: Ex A - Highland Site Plan (2025-15 : Highland Commercial TIF)

## EXHIBIT B

### DESCRIPTION OF PUBLIC INFRASTRUCTURE IMPROVEMENTS

The Public Infrastructure Improvements shall include the infrastructure improvements listed below:

- Construction, reconstruction, extension, opening, improving, widening, grading, draining, curbing or changing of the lines and traffic patterns of, highways, streets, intersections, bridges (both roadway and pedestrian), sidewalks, bikeways, medians and viaducts accessible to and serving the public, and providing signage (including traffic signage and informational/promotional signage), lighting systems, signalization, and traffic controls, and all other appurtenances thereto.
- Signage, artwork, sculpture and other related items that enhance, compliment and beautify the Property and the Public Infrastructure Improvements located in the public right-of-way or within public easements.
- Construction, reconstruction, extension, opening, improving, widening, grading, draining or curbing of walking and/or multipurpose paths.
- Construction, reconstruction or installation of public utility improvements (including any underground municipally owned utilities), storm and sanitary sewers (including necessary site grading therefor), water and fire protection systems, including, but not limited to, tap, capacity and connection improvements for accessing the water, storm and sanitary sewers, or fire protection systems, and all appurtenances thereto.
- Construction, reconstruction or installation of gas, electric and communication service facilities (including any underground lines or other facilities), and all appurtenances thereto.
- Construction, reconstruction and installation of stormwater and flood remediation projects and facilities, including such projects and facilities on private property when determined to be necessary for public health, safety and welfare.
- Continued and ongoing maintenance, paving, repaving, striping, grading and related work on roads, highways, streets, water and sewer lines constructed as part of the Public Infrastructure Improvements.
- Construction or installation of streetscape and landscape improvements including trees, tree grates, signage, curbs, sidewalks, scenic fencing, street and sidewalk lighting, trash receptacles, benches, newspaper racks, burial of overhead utility lines and related improvements, together with all appurtenances thereto, including, but not limited to streetscape improvements in conjunction with and along the roadway improvements described above.

- Acquisition of real estate or interests in real estate (including easements) (a) necessary to accomplish any of the foregoing Public Infrastructure Improvements or (b) in aid of industry, commerce, distribution or research, including, but not limited to, any acquisition of land in connection with the City's taking title to any Public Infrastructure Improvements.
- The items of "costs of permanent improvements" set forth in Ohio Revised Code Section 133.15(B), and incurred with respect to the Public Infrastructure Improvements, which "costs" specifically include any reimbursement payments for the reimbursement of the costs of the Public Infrastructure Improvements and the debt service on, and other expenses relating to the issuance of, any bonds, notes, or other obligations issued to finance the Public Infrastructure Improvements.
- Any other public infrastructure improvements constructed or maintained by or on behalf of the City that are determined by the City Council to benefit or serve the Property.



City Council  
City of Mount Vernon  
Mount Vernon, OH 43050

SCHEDULED

ORDINANCE 2025-17

Meeting: 06/23/25 7:30 PM  
Dept: Employee and Community Rel.  
Woods, Keener  
Category: Planning and Zoning  
Prepared By: Rob Broeren  
Initiator: Todd Hill  
DOC ID: 4249

**AN ORDINANCE TO CREATE THE CODE ENFORCEMENT DEPARTMENT AND TO AMEND SECTION 129.02 OF THE CODIFIED ORDINANCES OF THE CITY OF MOUNT VERNON; AND DECLARING AN EMERGENCY.**

BE IT ORDAINED by the Council of the City of Mount Vernon, State of Ohio:

**SECTION 1:** That the City creates a Code Enforcement Department, which is a subdepartment within the Department of Public Safety and Service. The Department shall be composed of the City Inspector, Property Maintenance Enforcement Officer/Assistant City Inspector and such other employees as Council may authorize.

**SECTION 2:** That Section 129.02 of the Codified Ordinances be amended to read as follows:

The following subdepartments are created within the Department of Public Safety and Service:

- (a) Police Department;
- (b) Fire Department;
- (c) Building Department;
- (d) Engineer Department;
- (e) Street Department;
- (f) Water Department;
- (g) Sewer Department; ~~and~~
- (h) Cemetery Department; **and**
- (i) **Code Enforcement Department.**

**SECTION 3:** This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and for the further reason to properly place the duties of code enforcement within the various City departments, and therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.



City Council  
City of Mount Vernon  
Mount Vernon, OH 43050

SCHEDULED

**ORDINANCE 2025-18**

Meeting: 06/23/25 7:30 PM  
Dept: Land Use and Development  
Keener, Mahan  
Category: Planning and Zoning  
Prepared By: Todd Hill  
Initiator: Todd Hill  
**DOC ID: 4252**

**AN ORDINANCE CONSENTING TO THE DECLARATION OF COVENANTS AND RESTRICTIONS FOR THE MOUNT VERNON NEW COMMUNITY AUTHORITY AND PROVIDING RELATED AUTHORIZATIONS; AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Mount Vernon, Ohio (the "City") established the Mount Vernon New Community Authority (the "Authority") pursuant to Ordinance No. 2023-31, adopted by City Council on August 14, 2023; and

WHEREAS, the City, as the statutory developer of the Authority as that term is defined in Ohio Revised Code Section 349.01(E), has submitted to the City Council (the "Council") a Declaration of Covenants and Restrictions for the Mount Vernon New Community Authority (the "Declaration") attached hereto as Exhibit A, incorporated by reference, specifically relating to a particular parcel of real property within the boundaries of the Authority, and located in the City; and

WHEREAS, in accordance with the terms of the Declaration and Ohio Revised Code Chapter 349, it is necessary for the City to consent to the Declaration and authorize its execution and recordation in the land records of the Knox County Recorder, in order to perfect certain "Community Development Charges" for the benefit and use of the Authority to cover all or part of the cost of the acquisition, construction, operation and maintenance of land, land development and community facilities, the debt service thereof and any other cost incurred by the authority in the exercise of the powers granted by Chapter 349 of the Ohio Revised Code.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mount Vernon that:

**SECTION 1:** The Declaration, substantially in the form attached hereto as Exhibit A, is hereby approved and its execution is authorized with changes or amendments thereto not inconsistent with this Ordinance and not substantially adverse to the City, as determined by the Mayor, or his or her designee executing the Declaration, and any other documents necessary to implement the Declaration, on behalf of the City. The Mayor, or his or her designee, is authorized to implement the Declaration on behalf of the City.

**SECTION 2:** This Council hereby finds and determines that all formal actions taken relative to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code and the rules of Council.

SECTION 3: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason to allow the expansion of the City's New Community Authority to aid the construction of infrastructure for new development without delay, and said Ordinance shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to this Council; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.



**EXHIBIT A****Declaration Of Covenants And Restrictions  
For The Mount Vernon New Community Authority**

[See Attached]

Attachment: Ordinance No. 2025-18 Exhibit A (2025-18 : NCA Covenants and Restrictions)

DECLARATION  
OF  
COVENANTS AND RESTRICTIONS  
  
FOR THE  
  
MOUNT VERNON NEW COMMUNITY AUTHORITY  
CITY OF MOUNT VERNON, OHIO  
  
[ ], 2025

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DECLARATION OF COVENANTS AND RESTRICTIONS  
FOR THE MOUNT VERNON NEW COMMUNITY AUTHORITY

This DECLARATION OF COVENANTS AND RESTRICTIONS FOR THE MOUNT VERNON NEW COMMUNITY AUTHORITY is made on this [ ] day of [ ], 2025, by the City of Mount Vernon, Ohio, a municipal corporation authorized and existing under the laws of the State of Ohio (the "State") (the "Developer") (with all terms used herein with initial capitalization when the rules of grammar would not so require and not otherwise defined herein having the meanings given to them in Article II hereof).

The Developer owns or controls certain real estate particularly described in Exhibit A attached hereto and incorporated herein by reference (the "Initial Property") and may from time to time, pursuant to Article III hereof, subject other real estate in the vicinity of the Initial Property (the "Additional Property" and, collectively with the Initial Property, the "Property") to this Declaration. The Developer makes this Declaration for the purposes hereinafter set forth (the Initial Property being all of the Property unless and until any such other real estate is so added).

The Developer hereby declares that the Property shall be improved, held, sold, conveyed, encumbered, leased, occupied or otherwise transferred subject to the Restrictions which shall constitute covenants running with the Property and shall be binding upon all parties now or hereafter having any right, title or interest in the Property or any part thereof, and all such persons, including their respective heirs, personal and legal representatives and successors and assigns in acquiring any right, title or interest therein, and as a part of the consideration therefor, agree that their right, title and interest in the Property or any part therein shall be improved, held, sold, conveyed, encumbered, leased, occupied or otherwise transferred subject to the Restrictions.

ARTICLE I  
PURPOSE AND INTENT

The Property comprises a new community district that has been formed in accordance with Chapter 349 of the Revised Code ("Chapter 349"). The District and the Authority (both as defined hereinbelow) have been established for the purposes of encouraging the orderly development of a well-planned, diversified and economically sound New Community of approximately 33.171 acres in the area described in Exhibit A and depicted on Exhibit B through the implementation of a New Community Development Program (as defined hereinbelow), the development of additional real property as may be added to such New Community from time to time, and other Authorized Purposes. The Developer anticipates that the costs of implementing the New Community Development Program and any other Authorized Purposes, including the provision of services under Chapter 349, paying Debt Service on Obligations (as defined hereinbelow) and any other cost incurred by the Authority in the exercise of its powers under Chapter 349, will be covered by the payment of the Charge by each Owner of a Chargeable Parcel (each as defined hereinbelow).

In order to provide for the District, the implementation of the Authority's New Community Development Program, and for the establishment and payment of the Charge, this Declaration is made for the purpose of creating covenants running with the land pursuant to which all persons now or hereafter having any right, title or interest in the Property or any part thereof (including, without limitation, any Tenants), including their respective heirs, personal and legal



representatives and their respective successors and assigns, shall acquire and hold such right, title or interest subject to the restrictions, including, but not limited to, the obligation of the Owner and the Tenant of each Chargeable Parcel to pay the Charge applicable thereto. All Owners, Tenants, successors and assigns to any of the Property shall take such Property subject to the Restrictions for so long as such Restrictions are in effect. The Restrictions and this Declaration are imposed for the benefit of the District and the Authority.

## ARTICLE II DEFINITIONS

In addition to the terms defined elsewhere in this Declaration and unless the context otherwise requires, the following words, as used in this Declaration, including the preambles, shall mean respectively:

“Additional Property” means real property and interests in real property added to and included in the District, pursuant to Section 349.03(B) of the Revised Code and in accordance with Article III hereof, and subjected to this Declaration and the Restrictions after the date that this Declaration is initially Recorded.

“Administrative Expenses” means any or all of the costs and expenses set forth below: (1) the fees and reasonable expenses of any Bond Trustees and any Administrators employed by the Authority; the expenses of the Authority in carrying out its duties under one or more Trust Agreements with respect to any Obligations, including, but not limited to, imposing and collecting the Charge, complying with arbitrage rebate requirements, and obligated persons disclosure requirements associated with applicable federal and state securities law, including the costs and fees of any professionals retained by the Authority to provide services for such purposes; (2) all other costs and expenses of any Bond Trustees or any Administrators incurred in connection with the discharge of their respective duties herein or under one or more Trust Agreements with respect to any Obligations or otherwise, including legal expenses associated with such duties; (3) all costs and expenses of the Authority incurred in connection with the discharge of its duties herein, including legal expenses associated with such duties; (4) all costs and expenses of the Authority or the City in any way related to the administration of the District and the Authority including, but not limited to, bonds for Trustees, insurance, costs of audits, legal expenses, and compensation of Trustees and professionals retained by the Authority or the City in furtherance of such duties; and (5) all other costs and expenses of the Authority or the City including, but not limited to, any costs of any Authorized Purposes.

“Administrator” means any designee of the Authority for purposes of (i) calculating the Charge to be imposed on and collected from each Chargeable Parcel, (ii) administering revenues in connection with the issuance or servicing of any Obligations, and (iii) providing other services as designated by the Authority in an agreement or one or more Trust Agreements.

“Assessed Valuation” means, as to any Chargeable Parcel with respect to any year’s budget for which the Charge is levied, an amount equal to the assessed valuation thereof (including the buildings, structures and improvements thereon) listed on the tax duplicate prepared by the Auditor for the preceding year and disregarding any reductions pursuant to any applicable law for the



purpose of reducing real estate taxes for certain persons in the State of Ohio (including but not limited to reductions for persons sixty-five (65) years of age or older pursuant to Section 2, of Article XII, Ohio Constitution, as the same may be amended from time to time) other than those reductions specifically set forth in Section 5.05 below. If by reason of any change of law, rate or common level of assessment the assessed valuation for purposes of the tax duplicate is to be determined as an amount which is less or more than thirty-five percent (35%) of the true value of the real property assessed, then upon determination of the Board, and with City Council approval, Assessed Valuation shall mean the assessed valuation shown on the tax duplicate adjusted to equal thirty-five percent (35%) of the fair market value. If the true value listed on the tax duplicate for the preceding year does not reflect either of the following values: (i) the most recent purchase price for the Chargeable Parcel, or (ii) the value of the Chargeable Parcel plus the amount stated on a building permit issued by any governmental authority for improvements to that Chargeable Parcel, then, solely at the Board's discretion, Assessed Valuation shall mean thirty-five percent (35%) of the greater of (A) the true value listed on the tax duplicate, (B) the most recent purchase price for any Chargeable Parcel, or (C) if the buildings, structures, and improvements being constructed on such Chargeable Parcel are "substantially completed" as determined in the reasonable discretion of the Board, the true value of the Chargeable Parcel plus the cost of the buildings, structures and improvements stated on the building permit for such Chargeable Parcel.

If the Auditor and all officials authorized by Ohio law to assess real estate in the County shall ever cease to assess real estate, or if an assessed valuation has not yet been listed on the tax duplicate of the Auditor for the preceding year for a Parcel, or if there is no longer a tax duplicate, Assessed Valuation shall mean, as to any Chargeable Parcel for each year thereafter, the Assessed Valuation determined by the Board in its sole and absolute discretion using such criteria as the Board may establish from time to time subject to any applicable determinations to be made under subsection (A) of this definition of Assessed Valuation.

If any Chargeable Parcel is not separately listed on the Auditor's tax duplicate with respect to any year, Assessed Valuation shall be determined by the Board equitably apportioning to such Chargeable Parcel a portion of the Assessed Valuation of the Parcel or Parcels from which such Chargeable Parcel was subdivided or created.

"Auditor" means the Knox County Auditor.

"Authority" means the Mount Vernon New Community Authority, a body corporate and politic established for the District as a new community authority pursuant to Chapter 349.

"Authorized Purposes" means Community Land Acquisition; Community Land Development; acquisition, construction, operation, and maintenance of Community Facilities; governmental, residential, industrial, commercial, distribution, research, recreational, educational, health, social, vocational, cultural, beautification, and amusement activities and related services primarily for Residents of the District or as may be authorized under Chapter 349 from time to time; purposes or activities authorized under agreements entered into by the Authority under Sections 349.06(I), 349.06(M), 349.06(S), and 349.13 of the Revised Code; purposes or activities authorized under agreements with the Developer in furtherance of the New Community Development Program, including reimbursement of advances or expenditures made to or by the



Developer or any Owner or Tenant for such purposes or activities; and services provided by the Authority or by the City on behalf of the Authority under Chapter 349; and any other purposes or activities of the Authority authorized under Chapter 349 from time to time.

“Board” means the Board of Trustees of the Authority.

“Bond Trustees” means any one or more trustees, fiscal agents, or paying agents appointed by the Authority for the District to carry out the duties of such trustees, fiscal agents, or paying agents specified in any Trust Agreement and includes any financial institutions appointed by the Authority to manage disbursement of Charges for Administrative Expenses and transfers of Charges to other Bond Trustees with respect to any Obligations.

“Budget” shall mean the annual financial budget of the Authority determined in accordance with Section 5.02 hereof, as approved by the Board pursuant to the requirements of Chapter 349 and this Declaration.

“Chapter 349” means Chapter 349 of the Revised Code.

“Charge” means the community development charge established in accordance with Chapter 349 and Articles IV and V herein, including all applicable penalties, interest and costs pertaining to any unpaid amount and imposed in accordance with Section 5.02 hereof.

“Chargeable Parcel” means a Parcel, any portion of which constitutes Chargeable Property, including all buildings, structures, and improvements thereon.

“Chargeable Property” means all or any portion of the Property, together with all buildings, structures and improvements thereon for which the Completion Date has occurred, with the exception of the following:

(a) All lands, buildings, structures and improvements owned by, or leased to one of the following governmental entities: (i) the United States of America, (ii) the State, (iii) the Authority, or (iv) all other political subdivisions or governmental instrumentalities of the State; provided, that such governmental entity’s use of the land, building, structure, or improvement owned or leased is exempt from real estate taxation under the laws of the State; and

(b) All lands, buildings, structures and improvements exempt from real estate taxation under Ohio law, provided that such exemption from the Community Development Charge has been determined by the Board to be consistent with the Authorized Purposes and needs of the Authority and not inconsistent with any commitments made with respect to any obligations of the Authority.

“City” means the City of Mount Vernon, Ohio.

“Community Development Charge” means a Charge determined and applied in accordance with Articles IV and V hereof.



“Community Facilities” has the meaning given to such term in Section 349.01 of the Revised Code and includes all real property, buildings, structures, or other facilities, including related fixtures, equipment, and furnishings, to be owned, operated, financed, constructed, and maintained under Revised Code Chapter 349 or in furtherance of community activities, whether within or without the new community district, including public, community, City, neighborhood, or town buildings, centers and plazas, auditoriums, day care centers, recreation halls, educational facilities, health care facilities including hospital facilities as defined in Section 140.01 of the Revised Code, telecommunications facilities including all facilities necessary to provide telecommunications service as defined in Section 4927.01 of the Revised Code, recreational facilities, natural resource facilities including parks and other open space land, lakes and streams, cultural facilities, community streets and off-street parking facilities, pathway and bikeway systems, pedestrian underpasses and overpasses, lighting facilities, design amenities, or other community facilities, and buildings needed in connection with water supply or sewage disposal installations, or energy facilities including those for renewable or sustainable energy sources, and steam, gas, or electric lines or installation; provided, however, that without the prior written consent of the City and the Developer, the Authority shall have no authority to own, operate, finance, construct, or maintain any Community Facility other than the Initial Community Facilities.

“Community Land Acquisition” means the acquisition of real property and interests in real property as part of the New Community Development Program of the Authority.

“Community Land Development” means the process of clearing and grading land, making, installing or constructing water distribution systems, sewers, sewage collection systems, steam, gas and electric lines, roads including by-pass highways, streets, curbs, gutters, sidewalks, bikeways and other riding trails, common fencing and monuments, storm drainage facilities and other installations or work whether within or without the District, and the acquisition, construction, operation, and maintenance of Community Facilities and any facilities subject to agreements entered into by the Authority under Sections 349.06(I), 349.06(M), 349.06(S), and 349.13 of the Revised Code, and the acquiring of real estate and interests in real estate for those purposes.

“Completion Date” means, with respect to a building located on a Parcel, the earliest of:

- (a) the date that a certificate of occupancy is issued for such building; or
- (b) the date when the Owner of such Parcel requests, in writing, that the Authority impose the Charge at a level consistent with the development of such Parcel.

“County” means the County of Knox, Ohio.

“Debt Service” means the principal, accreted amount, interest, any redemption premium, deposits into sinking funds and reserve funds, any scheduled Administrative Expenses related to any Obligations, and any other periodic costs payable on any Obligations.

“Declaration” means this Declaration of Covenants and Restrictions for the Mount Vernon New Community Authority, as the same may from time to time be amended or supplemented in the manner prescribed in Articles III, VIII or IX.

“Delinquent Charge” means a Charge that has been certified to the Auditor for collection in accordance with Section 5.03 hereof and, subsequently, has not been paid on or before the dates for payment of real property taxes prescribed by Chapter 323 of the Revised Code.

“Developer” means the City, in its capacity as the Developer, and its successors in interest. A person or entity shall be deemed a successor in interest of the Developer only if specifically so designated in a duly recorded, written instrument as a successor in interest or assign of the Developer under this Declaration and/or under a supplemental Declaration and shall be deemed a successor in interest of the Developer only as to the particular rights or interests of the Developer under this Declaration or under such supplemental Declaration which are specifically designated in the recorded, written instrument.

“District” means the Mount Vernon New Community Authority District, a new community district created pursuant to Chapter 349.

“District Map” means the map attached hereto as Exhibit B, as the same may be amended, from time to time, through the expansion of the District pursuant to Section 349.03(B) of the Revised Code and in accordance with Article III hereof, generally identifying the areas and boundaries of the District, as the same may be amended, from time to time, to reflect the addition of Additional Property.

“Fiscal Meeting” means the annual meeting of the Board described in Article VI.

“Initial Community Facilities” means the Community Facilities identified in Exhibit C hereto.

“Initial Property” means the real property described in Exhibit A hereto at the time this Declaration is initially Recorded.

“Late Payment Rate” means (i) the “federal short-term rate” determined pursuant to Section 5703.47(A) of the Revised Code, rounded to the nearest whole number percent, plus (ii) three percent (3%).

“New Community” has the meaning given to such term in Section 349.01 of the Revised Code.

“New Community Development Program” has the meaning given to such term in Section 349.01 of the Revised Code.

“Obligations” means any bonds, notes, loans, obligations or other debt, including refunding bonds, whether in one or more series, issued or incurred by the Authority, or another governmental issuer of bonds under a contract or cooperative agreement with the Authority to pay the costs of any Authorized Purposes, including any such Obligations issued for the purpose of financing the Community Facilities.

“Owner” means, with respect to any Chargeable Parcel, the owner of record from time to time, whether one or more persons or entities, of an interest in: (i) fee simple, (ii) reversion, (iii)



remainder, (iv) life estate, or (v) leasehold estate of seventy-five (75) years or more, but shall not include the Authority.

“Parcel” means each such parcel of the Property which has a separate listing on the tax duplicate prepared by the Auditor, or on the records of any other official authorized by State law to assess real estate in the County. Should each unit of a condominium not have a separate listing on the tax duplicate as provided above, then until such time, each condominium unit chargeable by its owners’ association for such unit’s share of that parcel’s real property taxes shall also be considered a “Parcel.”

“Petition” means the petition filed by the Developer with the City on June 12, 2023 to organize the Authority pursuant to Section 349.03 of the Revised Code, and any amendments thereto.

“Place of Business” means any location on the Property on or in which an Owner or Tenant (including any subsidiary or other entity controlled directly or indirectly by such Owner or Tenant) is conducting a professional, commercial or industrial activity or any other activity permitted by law and conducted for profit or by a non-profit organization. A contractor who is an Owner or Tenant shall have a Place of Business at each of his construction or work sites on the Property. Each landlord of any Parcel or any part thereof or interest therein, including each sublandlord and each assignee of such landlord, shall have a Place of Business at the Parcel.

“Place of Residence” means the place on the Property in which a person’s habitation is fixed, and to which, whenever he or she is absent, he or she has the intention of returning. A person shall not be considered to have lost his or her Place of Residence by leaving it temporarily with the intention of returning.

“Property” means the Initial Property plus Additional Property, if any.

“Recorded” means filed for record in the office of the Recorder of the County, or in such other office as may be provided by law for the recordation of instruments conveying lands in the County.

“Resident” means any person who has a Place of Residence or any person or entity who has a Place of Business, including, without limitation, a partnership or limited liability company taxed as a partnership for federal tax purposes, each within the meaning of section 7701 and subchapter K of the Internal Revenue Code of 1986, as amended, or an S corporation within the meaning of subchapter S of the Internal Revenue Code of 1986, as amended.

“Restrictions” means all covenants, conditions, restrictions, charges, liens and other obligations provided for in this Declaration.

“Revised Code” means the Ohio Revised Code.

“Secretary” means the person or entity serving as the secretary of the Board, or any other person or entity designated by the Board in the Secretary’s place to receive service of process.

“State” means the State of Ohio.

“Tenant” means any person or entity occupying any Parcel (including any part thereof and any structure or any part of any structure thereon) (a) pursuant to a written or oral lease, rental or license agreement with the Owner, (b) by permission of the Owner or by permission of or with any other person or entity claiming under the Owner, or (c) under a tenancy at will or sufferance.

“Trust Agreement” means any trust agreement, indenture, or fiscal agent agreement relating to any Obligations, as modified, amended, or supplemented from time to time.

“Trustee” means a member of the Board of Trustees of the Authority.

### ARTICLE III EXPANSION

The Developer may, from time to time, subject Additional Property to this Declaration and the Restrictions by causing to be Recorded a supplemental Declaration, or a series of successive supplemental Declarations, describing such Additional Property and subjecting it to the Restrictions and this Declaration. Each such supplemental Declaration shall be filed by the Developer and shall not require the consent of the Owners or compliance with the provisions of Article IX hereof. Any such expansion shall be effective upon such supplemental Declaration being Recorded unless otherwise provided therein, and any expansion may be accomplished in stages by successive supplemental Declarations or in one supplemental Declaration.

### ARTICLE IV COVENANT FOR THE CHARGE

4.01. The Charge Covenant. The Developer hereby covenants, and each subsequent Owner of any Parcel, by acceptance of a deed or other instrument or conveyance therefor, shall covenant and be deemed to covenant, to pay or secure the payment of the Charge applicable to the Owner’s Chargeable Parcel to the Authority as provided in Articles IV and V hereof. Each Owner agrees that every purchase agreement for a Chargeable Parcel entered into after this Declaration is Recorded shall, in compliance with Section 349.07 of the Revised Code, specifically refer to the Charge and identify the volume and number of the deed records in which this Declaration is Recorded, but no failure to include such reference shall affect the validity or legal effect of this Declaration.

4.02. Purpose of the Charge. The Charge is established for the benefit and use of the Authority to cover all or part of the cost of any Authorized Purposes, Administrative Expenses, Debt Service, and all other costs or expenses incurred by the Authority in the exercise of its powers pursuant to Chapter 349 (including, without limitation, the reimbursement of advances or expenditures made to or by the Developer or any Owner or Tenant for such purposes), and shall not be used for any other purposes. Notwithstanding any other provision of this Declaration to the contrary, unless the contract of purchase and sale expressly states otherwise, the Charge shall not constitute an “assessment” for purposes of determining any prepayment of assessments that may be required in the contract of purchase and sale of all or any part of the Property.



4.03. Creation of Lien and Personal Obligation of the Charge. The Charge shall be a charge and continuing lien on each Chargeable Parcel and, subject to and only to the extent provided in Section 5.06 hereof, shall also be the personal obligation of the Owner of each Chargeable Parcel and any Tenants, all to the extent and for the period provided in Article V.

4.04. Collection of the Charge and Enforcement of Lien. A Charge due pursuant to Section 5.03 hereof shall be certified to the Auditor not later than the second Monday in September of each year (or by such other date as may be authorized for the preparation of the general tax list by the Auditor), to be collected in the same manner and paid by the Owner at the same time as real property taxes, in accordance with Chapter 323 of the Revised Code, including any delinquency procedures, penalties, and interest provided for therein. The Authority may cause the collection of any Charge by certifying that Charge to the Auditor for collection on the tax duplicate or by some other manner as agreed to by the Auditor and the Authority.

If the Owner fails to pay the amount of the Charge when due, then the Authority, at the Authority's option and in the Authority's sole discretion, upon notice to the Owner, may make such appearances, disburse such sums and take such action as is necessary to protect the Authority's interest in the Chargeable Parcel, including, but not limited to, disbursement of reasonable attorneys' fees and entry upon the Chargeable Parcel to make repairs. Any amounts disbursed by the Authority pursuant to this Section 4.04, with interest thereon, shall be recoverable by the Authority as additional amounts under the Delinquent Charge. Nothing contained in this Section 4.04 shall require the Authority to incur any expense or do any act hereunder.

Any costs of the Auditor charged in connection with the collection of a Delinquent Charge shall be in addition to the amount of the Charge and shall not reduce the amount of the Charge otherwise paid to the Authority. In addition to any enforcement of a Delinquent Charge pursued by the County, any Charge or lien established under this Declaration may be enforced by the Authority, or by a third-party appointed by the Authority to act for and on behalf of the Authority, in the same manner and to the same extent and subject to the same procedures as in the case of foreclosure of a real property mortgage under the laws of the State. In any such enforcement proceeding, the amount that may be recovered by the Authority shall include all costs of such proceeding, including reasonable attorneys' fees.

In connection with any such enforcement proceeding, the Authority shall be entitled as a matter of right without notice and without giving bond, to apply for the appointment of a receiver to take control of the Chargeable Parcel and to collect rents, issues, and income in the same manner and with the same authority as a county treasurer under Sections 323.49 and 323.50 of the Revised Code. The receiver shall be entitled to (i) collect the rents, issues, and income of any kind, (ii) manage the Chargeable Parcel so to prevent waste, (iii) pay all expenses for normal maintenance of the Chargeable Parcel, (iv) apply the rents, issues, income and profits to the costs and expenses of the receivership, including actual attorneys' fees, to the operation, maintenance, upkeep and repair of the Chargeable Parcel, and to premiums of insurance on the Chargeable Parcel, (v) satisfy the taxes and assessments upon the Chargeable Parcel, including the Delinquent Charge, and (vi) take other actions as permitted by law. The Developer, as the Owner of the Initial Property, does



hereby irrevocably consent to such appointment, and such consent shall be binding on any future Owner of any Chargeable Parcel.

In any foreclosure sale resulting from any enforcement proceeding, the Authority or its designee may become the purchaser of the Chargeable Parcel and shall be entitled to apply all or any part of Delinquent Charge as a credit against the purchase price. No remedy conferred upon or reserved to the Authority by this Declaration is intended to be exclusive of any other remedy. Each remedy shall be cumulative and shall be in addition to every other remedy given hereunder or otherwise to the Authority or now or hereafter existing.

## ARTICLE V THE CHARGE

5.01. Establishment of the Charge; Effective Date and Duration. There is hereby established for the benefit of the Authority, as a uniform charge on each Chargeable Parcel, a Community Development Charge in the amount of the number of mills (one mill equals 1/10 of 1%) as determined in Section 5.02 hereof multiplied by each dollar of the Assessed Valuation thereof as determined in accordance with Section 5.02 below. Such Community Development Charge shall be paid to the Authority by the Owner of each such Chargeable Parcel in the manner provided in this Article. For the avoidance of doubt, and due to the status of the Owner of the Initial Property as a municipal corporation, none of the Initial Property, as of the date hereof, is considered a Chargeable Parcel.

The Community Development Charges shall become effective with respect to a Parcel at the time that such Parcel becomes Chargeable Property and shall be due and payable as provided in Section 5.03 hereof and shall continue until such time as the Authority, with the consent of the City, shall terminate the restrictions hereunder.

5.02. Amount of the Charge; Allocation of the Charge. Subject to waiver, reduction, increase, or termination of the Charge as provided in Sections 6.03 and 6.04 herein, and as more fully provided herein, the Board shall annually impose and collect the Charge in the amount of four (4) mills multiplied by each dollar of Assessed Valuation.

Except as expressly prohibited by this Article V, the Community Development Charge may exceed such levels stated in Section 5.02 if so requested by the Owner of such real property and agreed to by the City. The amount of the Community Development Charge collected pursuant to a resolution of the Board levying such Charge shall be allocated and applied as determined by the Authority with approval of the City.

In addition, Additional Properties may be subject to additional or increased Community Development Charges upon request of the affected property and approval of the City with respect to the same.

5.03. Payment. The Community Development Charge for each Chargeable Parcel shall be due for all purposes of this Declaration and Section 349.07 of the Revised Code beginning on



the first day of the month immediately after the applicable Completion Date and each January 1<sup>st</sup> thereafter, and shall be payable on the date or dates (in case of installment payments) as determined by the Board; provided that the first payment date shall occur no later than six (6) months after the due date; provided, further, that payments due in the year of the applicable Completion Date shall be pro-rated based on the number of months occurring after the Completion Date (by way of illustration, if the Completion Date occurs on March 31<sup>st</sup> of a year, nine-twelfths of the annual Community Development Charge will be levied on the property, due on April 1<sup>st</sup> of that year and payable as determined by the Board. Thereafter, the full Community Development Charge will be collected annually).

The Community Development Charge shall be certified to and collected by the Auditor and paid by the Owner as provided in Section 4.04 hereof on due dates coinciding with the collection of real property taxes in the County, or as otherwise determined by the Board; provided that, if permitted by law, the Board may provide for or require such payment to be made on other dates so as to permit the certification of a Community Development Charge not paid when due to the Auditor in accordance with Section 4.04 hereof. Each installment shall be paid within the time prescribed by the Board. With respect to the Community Development Charge, no Owner shall be required to prepay any installment to the Authority, but nothing herein shall preclude an Owner from agreeing with the Authority to prepay all or any part of the semiannual installments on a monthly or other basis. If Chapter 349 shall hereafter be amended to allow the payment of the Charge at more frequent intervals, the Board shall have the power to increase the frequency of such installments accordingly.

Notwithstanding the foregoing, (a) the Authority may enter into an agreement with any mortgage lender for the escrowing of Community Development Charge installments with such lender with respect to any Chargeable Parcel and for the periodic payment of the escrowed installments to the Authority, and (b) so long as such agreement continues, the Owner of any Chargeable Parcel on which such lender holds a mortgage shall, if such Owner so consents, pay the Community Development Charge installments with respect thereto directly to the lender; provided, however, that the obligation to pay the Community Development Charge shall remain that of the Owner and is not satisfied until and unless full payment of the Community Development Charge is received by the Authority, and provided further that no such agreement with a mortgage lender shall adversely affect the Authority's ability to enforce the payment of the Community Development Charge.

5.04. Penalty and Interest. For each Chargeable Parcel as to which any installment of the Charge becomes a Delinquent Charge, there shall be added to the installment (A) a penalty of ten percent (10%) thereof (imposed at the same time that penalties for delinquent real property taxes are imposed pursuant to Chapter 323 of the Revised Code), (B) interest at the greater of (i) the Late Payment Rate or (ii) eighteen percent (18%) per year (or the maximum rate permitted under Ohio's usury laws, whichever is lower), on the sum of the amount of such installment plus the interest that has accrued thereon for more than six (6) months plus the penalty until paid (imposed at the same time that interest on delinquent real property taxes is imposed pursuant to Chapter 323 of the Revised Code), and (C) any costs of the Authority incurred in connection with the enforcement of the Charge, including reasonable attorneys' fees. To the extent any of such



penalties, interest and costs are not collected by the Auditor, the Authority shall add such amounts to the amount of the Charge imposed with respect to such Chargeable Parcel in the following year. Any payments of less than the full amount shall be credited first against the penalty and second against the interest accrued to the date of payment. The applicable penalties, interest, and costs are part of the Charge. Notwithstanding anything contained herein to the contrary, no Owner shall be permitted to enter into an agreement pursuant to Section 323.31 of the Revised Code with respect to a Delinquent Charge without the prior written consent of the Authority.

5.05. Refund and Reduced Assessed Valuation. If the official valuation of any Chargeable Parcel (by which the Assessed Valuation thereof is determined pursuant to the terms hereof) is reduced for any year pursuant to Revised Code Sections 5715.11 through 5715.16, upon application of the Owner to the Board, the Assessed Valuation shall be reduced in the same amount, and the Charge for such year shall be proportionately reduced. If any installment of such Charge has been paid before the date of such reduction, the Board shall credit the same against any other amounts due or to become due and owed to the Authority with respect to the Chargeable Parcel, and the Owner shall not be entitled to any other refund of any overpayment.

5.06. Personal Obligation. Each Owner shall be and remain personally obligated for the payment with respect to his or her Chargeable Parcel of the Charge that becomes due and owed during the period of that Owner's ownership thereof, including any penalties, interest thereon, and costs associated therewith.

5.07. Charge Lien. The Charge with respect to each Chargeable Parcel, including any penalty, and interest thereon, and costs thereof, shall constitute a continuing lien in favor of the Authority on such Chargeable Parcel. If an installment or any part of an installment of the Charge on any Chargeable Parcel is not paid when due, the lien with respect to such delinquent installment or part thereof shall be enforceable in any manner provided in Section 4.04 herein. Such lien shall be prior to all other liens and encumbrances thereon whatsoever, excepting real estate taxes and assessments and liens of the United States of America, the State and all other political subdivisions or governmental instrumentalities of the State to the extent that such liens, taxes, or assessments are made equal or superior to the Charge lien by the laws of the State.

5.08. Evidence of Payment. Upon the request of the Owner or any mortgagee or lessee of any Chargeable Parcel or any prospective purchaser, mortgagee or lessee thereof, the Authority shall furnish written evidence of the amount of the Charge with respect thereto for the current year and the amount of any unpaid Charge including any penalty and interest owed for the current or any previous year. Such evidence may be conclusively relied upon by any such party and by anyone furnishing any title evidence or opinion with respect to such Chargeable Parcel.

#### ARTICLE VI PROCEDURE FOR WAIVER, REDUCTION, INCREASE OR TERMINATION OF THE CHARGE

6.01. Fiscal Meeting. Annually, the Board may hold a Fiscal Meeting to determine whether any of the Charge should be waived, reduced, increased or terminated (but only as



provided herein) and to make any other findings and determinations which may be required by this Declaration, which meeting may occur at any Board meeting. Any Fiscal Meeting shall be held on such date as the Board shall determine.

6.02. Notice of Meeting. Notice of the Fiscal Meeting shall be given by the Board in compliance with Section 121.22 of the Revised Code. Such notice shall specify the place, date, and hour of the meeting and state that it is the Fiscal Meeting required by this Article VI.

6.03. Waiver, Reduction, Increase, or Termination. Subject to Section 5.02 hereof, at any Fiscal Meeting the Board may waive, reduce, or terminate all or a portion of the Charge for one or more years or to a stated date provided that, except upon dissolution of the Authority under Section 8.03 hereof, the Charge may not be less than an amount sufficient to pay the costs of the Administrative Expenses of the Authority, and an amount sufficient to meet Debt Service and the obligations of the Authority under the terms of any outstanding Obligations. The reduction or waiver of a portion of the Charge authorized by this Section 6.03 may include, but is not limited to, an additional reduction or waiver, separate and distinct from any other reduction or waiver, for the early payment of the Charge by an Owner. Notwithstanding any other provision of this Declaration, no waiver, reduction or termination of the Charge shall be effective if it is inconsistent with this Section 6.03 or the express obligations of the Authority under the terms of any outstanding Obligations or would otherwise adversely affect the ability of the Authority to pay principal of and interest on any Obligations, any Administrative Expenses of the Authority, and any other expenses required to be paid under any Trust Agreement.

Except as otherwise provided in this Declaration: (a) every action taken by the Board pursuant to this Article VI shall be governed by, and taken with reference to, the fiscal requirements of the Authority for the year for which the Charge is to be collected as reflected in the budget for that year adopted by the Board, which budget may provide for reasonable reserves and the development of funds for future uses and contingencies; and (b) any action taken by the Board relating to the waiver, reduction or termination of all or any portion of the Charge shall be taken only after the Board has determined that the Charge to be waived, reduced or terminated is not needed for any of the purposes for which the Charge has been established as set forth in Section 4.02 hereof.

6.04. Discretion of the Board. Subject to the provisions of this Declaration and all applicable provisions of valid agreements of the Authority, the decision to waive, reduce, increase or terminate the Charge as provided herein shall be solely within the discretion of the Board; provided that, the Board shall not so waive, reduce, increase or terminate the Charge without written consent of the Developer and the City.

## ARTICLE VII COMMUNITY FACILITIES

7.01. Rights of Enjoyment in Community Facilities and Community Land Development. Each Owner (and any Owner's Tenants) shall have the same rights of use and enjoyment of the Community Facilities and Community Land Development within the District as do members of



the general public, and such rights shall be appurtenant to, and shall pass with the title of, the Owner's Parcel. Each Resident shall have a nontransferable privilege to use and enjoy the Community Facilities. Such rights and privileges, and any other use thereof, shall be subject, however, to the following:

(a) The right of the Board to issue or incur Obligations, including, without limitation, issuing bonds or assigning Charges to pay debt service on bonds issued for Community Facilities, Community Land Acquisition, and Community Land Development, taking out loans under Section 349.06(J) of the Revised Code, maintaining capital and operating reserves under Section 349.06(L) of the Revised Code, or otherwise borrowing for any Authorized Purposes and in aid thereof to mortgage or to otherwise encumber the Community Facilities, Community Land Acquisition, and Community Land Development.

(b) The right to adopt, modify and enforce, and from time to time amend, reasonable rules and regulations pertaining to the use of the Community Facilities and Community Land Development that it owns including but not limited to regulations requiring use and regarding the mode of use, and limiting the number of guests of Owners and Residents who may use the Community Facilities and Community Land Development, and prescribed changes, conditions and requirements with respect to the Community Facilities and Community Land Development.

(c) The right to charge reasonable admission, use and other fees for the use or availability of any of the Community Facilities that it owns and Community Land Development, including the right of the Board to fix, alter, impose, collect and receive reasonable service and user fees, rentals and other charges (including deposits, penalties and interest). In establishing any such fee, the Board may establish reasonable classifications. Each fee must be uniform within each class but need not be uniform between classes.

(d) The right of the Board to suspend (i) for a reasonable period of time, the right of any Owner or the privilege of any Resident to use the Community Facilities and Community Land Development for any infraction of the rules and regulations relating to the Community Facilities and Community Land Development, and (ii) the right of any Owner and the privilege of each Resident claiming through such Owner to use the Community Facilities and Community Land Development for any period during which the Charge against such Owner's Parcel or other user fees, rentals or other charges payable by such Owner or by the Resident remains unpaid and delinquent; provided that each such right of suspension shall not, in itself, prevent ingress to or egress from such Owner's or Resident's Place of Residence or Place of Business or threaten the life, safety or health of a Resident.

(e) Such rights as the Board may have to grant easements in or rights-of-way over Property owned by the Authority, Community Facilities or Community Land Development to any public utility corporation or public agency.

(f) Such rights as the Board may have to convey or lease all or any part of the Community Facilities and Community Land Development.



(g) All applicable provisions of valid agreements of the Authority relating to the Community Facilities and Community Land Development including, without limitation, any agreements entered into by the Authority under Sections 349.06(I), 349.06(M), 349.06(S), and 349.13 of the Revised Code.

The foregoing rights of the Board stated in clauses (a) through (g) are hereby established as part of the authority of the Board and, through it, of the Authority and are in addition to any other authority they may exercise.

7.02. Subordination to Mortgage or Other Lien Granted by Authority. The rights and privileges provided in this Article shall be subordinate to any mortgage or other lien given by the Authority for the purposes of acquiring, improving or maintaining the Community Facilities or Community Land Development.

## ARTICLE VIII DURATION, AMENDMENT AND TERMINATION

8.01. Effective Date. The Restrictions shall be effective and shall be and be deemed covenants running with the land when this Declaration is recorded; provided, however, that no Charge shall be collected and the Authority shall have no rights or obligations hereunder until the Authority executes and there is recorded an instrument by which the Authority joins in this Declaration for the purposes of accepting the duties, responsibilities and benefits imposed and conferred on it by the Restrictions. Resolution No. 2025-[ ] of the Authority, approved by the Board on [ ], 2025, and by which the Authority joins in this Declaration for the purposes of accepting the duties, responsibilities and benefits imposed and conferred on it by the Restrictions, is attached hereto as Exhibit D and is incorporated herein by this reference.

8.02. Duration and Effect. The Restrictions (a) shall be, and shall be construed as, covenants running with the land; (b) shall be binding upon the Developer, the Authority, and each Owner, Tenant, and Resident; and (c) shall inure to the benefit of and be enforceable by (i) the Authority or the Developer (regardless of whether or not any such beneficiary owns an interest in any Parcel), (ii) each Owner, and (iii) all Residents. Unless amended or terminated as provided in this Article, the Restrictions shall continue in full force and effect, without reduction of the Charge other than as provided in Article VI hereof, until the later of (A) the date when any Obligations plus any interest thereon and any expenses and Administrative Expenses related thereto are paid in full; or (B) the date mutually agreed upon by the Developer and the City in a recorded written instrument.

8.03. Termination of Restrictions. The Restrictions shall terminate and shall be null and void automatically on the later of (a) if and on the date when there occurs a dissolution of the Authority pursuant to Chapter 349 or (b) on such date that is six (6) months following the payment in full of all principal of and interest on any Obligations unless, prior to such date, the Board determines to continue its existence for a defined period and the City and the Owners of all Parcels approve, in writing, to such continuation. Notwithstanding any other provision of this Declaration, no waiver, reduction or termination of the Charge shall be effective if it is inconsistent with Section



6.03 herein or the express obligations of the Authority under the terms of any outstanding Obligations or would otherwise adversely affect the ability of the Authority to pay principal of and interest on any Obligations, any Administrative Expenses of the Authority, and any other expenses required to be paid under any Trust Agreement.

If a final judicial adjudication is rendered or lawful executive or legislative action is taken by the government of the State that effectively enjoins or prevents the Authority from (i) implementing or collecting the Charge or (ii) carrying out any other substantial or important duty or responsibility imposed on it under this Declaration or receiving or accepting any other substantial or important benefit granted to it by this Declaration, the Authority and the Developer shall, within thirty (30) days after the rendition of such adjudication or the taking of such action (or such longer period that they may agree upon) attempt to agree upon a course of action that will remedy any defect identified in such adjudication or created by such action, and if within such thirty (30) day (or extended) period no course of action is agreed upon by the Authority and the Developer, subject to any applicable restrictions pertaining to outstanding Obligations, the Restrictions may be terminated on such date as shall be designated in a written declaration of termination signed by the Developer and the Authority.

If the Restrictions are required or permitted to be terminated pursuant to this Section 8.03, such termination shall become effective when a certificate or other document stating the authority for such termination and signed by the person or entity or entities empowered to effect such termination is Recorded. If the Restrictions terminate automatically, the Authority shall promptly cause a certificate or other document to be Recorded which shall state the authority for such termination and the effective date thereof.

All rights and obligations which had accrued under the Restrictions prior to the date of termination shall survive such termination, including without limitation, all personal obligations and liens established under the Declaration.

## ARTICLE IX AMENDMENTS AND SUPPLEMENTS

9.01. Amendments or Supplements Not Requiring Consent of Owners. Without the consent of or notice to any of the Owners, the Authority may amend or supplement this Declaration (i) to cure any ambiguity, inconsistency or formal defect or omission or eliminate any typographical or other inadvertent error; (ii) to make or accommodate adjustments in the manner or method for billing and collecting the Charge; (iii) to conform this Declaration to any amendment permitted by Section 349.03 of the Revised Code to the Petition; or (iv) to make any other amendment which, in the judgment of the Authority, is not to the prejudice of the Owners.

Additionally, without the consent of or notice to any of the Owners, the Developer may amend or supplement this Declaration as provided in Article III with respect to Additional Property. Further, any Owner or Owners may, without the consent of the other Owners, but with the approval of the Authority and the City, supplement the Declaration solely with respect to the Parcels then owned by such Owner or Owners, to increase the amount of the Charge or to add an

additional Charge with respect to the applicable Parcels; provided that no such amendment shall reduce or eliminate any existing Charge with respect to such Parcels under the Declaration.

9.02. Amendments or Supplements Requiring Consent of Owners. Except as provided in and subject to Article III and Sections 6.03, 8.03, 9.01 or 9.03 herein, no provision of this Declaration may be amended or supplemented in whole or in part or terminated without the written consent of not less than sixty-six percent (66%) of the number of Owners of all Parcels (provided that, for purposes of this calculation, there shall be deemed to be only one Owner with respect to a Parcel).

For the purposes of this Section 9.02, "Parcel" shall mean such Chargeable Parcel which has a separate listing on the tax duplicate of the Auditor or on the records of any other official authorized by State law to assess real estate in the County, and all Owners of a Parcel shall be deemed to constitute one Owner and together shall have only one consent for the Parcel.

In connection with any Obligations authorized by the Authority under Chapter 349, the Authority may agree that no amendment may be made to this Declaration and no waiver, reduction or termination of the Charge may be made without the consent of or on behalf of the holders of such Obligations or without the consent of any provider of a "credit facility" as defined in Section 9.98(G) of the Revised Code.

The Secretary shall determine (a) whether the City has consented to any amendment or supplement of this Declaration (as provided in Section 9.04 below), (b) whether the Owners have consented to any amendment or supplement of this Declaration, if necessary, and (c) whether, if their consent is necessary, the Developer, the holders of any outstanding Obligations, or a provider of a "credit facility" as defined in Section 9.98(G) of the Revised Code have consented to any such amendment or supplement of this Declaration. Such determinations of the Secretary shall be conclusive against all Owners.

9.03. Reserved.

9.04. Consent of City for Certain Amendments. Notwithstanding anything herein to the contrary, without the prior written consent of the City, the Authority shall not amend or supplement this Declaration in any way that affects (a) the addition or removal of Property from the District, (b) the methodology for imposing or collecting the Charge, or (c) the Community Facilities to be acquired, constructed, installed, or improved, without the prior written consent of the City.

9.05. Recording of Amendments. Promptly after any amendment or supplement of this Declaration, the Secretary shall cause to be Recorded a written instrument certified by the Secretary setting forth such amendment or supplement and stating that any required written consents were obtained.



## ARTICLE X MISCELLANEOUS

10.01. Priority. The Restrictions contained in this Declaration shall take priority over all other covenants, conditions, restrictions or easements applicable to any Parcel whatsoever, to the extent permitted by law and except as otherwise provided herein.

10.02. No Reverter. No covenant, condition, restriction, or reservation contained in this Declaration is intended to create, or shall be construed as creating, a possibility of reverter.

10.03. Severability. In case any section or provision of this Declaration, or any Restriction, agreement, obligation, act or action, or part thereof, made, assumed, entered into, done or taken under this Declaration or a Restriction, or any application thereof, is held to be illegal or invalid for any reason, or is inoperable at any time, that illegality, invalidity or inoperability shall not affect the remainder of this Declaration or any other section or provision of this Declaration or any other Restriction, agreement, obligation, act or action, or part thereof, made, assumed, entered into, done or taken under this Declaration, all of which shall be construed and enforced at the time as if the illegal, invalid or inoperable portion were not contained therein. Any illegality, invalidity or inoperability shall not affect any legal, valid and operable section, provision, Restriction, agreement, obligation, act, action, part, or application, all of which shall be deemed to be effective, operative, made, assumed, entered into, done or taken in the manner and to the fullest extent permitted by law from time to time.

10.04. Construction. The Board, where specifically authorized herein to act, shall have the right to construe the provisions of this Declaration, and, in the absence of an adjudication by a court of competent jurisdiction to the contrary, such construction shall be final and binding as to all persons and entities benefited or bound by the provisions of this Declaration.

10.05. Governing Law. This Declaration shall be governed by, construed under and enforced in accordance with the laws of the State of Ohio. The venue for any disputes arising under the Declaration will be the Knox County Common Pleas Court.

10.06. Headings. The headings of the Articles and Sections are for convenience only and shall not affect the meaning or construction of the contents of this Declaration.

10.07. Interpretation and References. Any reference in this Declaration to a section or provision of the Revised Code or to the laws of the State shall include that section or provision and those laws as from time to time amended, modified, revised, supplemented or superseded. However, no such amendment, modification, revision, supplementation or supersession, or further action by the General Assembly, shall alter the obligation to pay the Charge in the amount and manner, and at the times provided in this Declaration, or otherwise impair the application of the Restrictions, except to the extent that the Restrictions cannot be sustained by reason of such amendment, modification, revision, supplementation or supersession.

Unless the context otherwise indicates, the masculine gender shall be deemed to include the feminine and neuter, and the singular shall be deemed to include the plural, and vice versa.

References in this Declaration to sections and articles, unless otherwise stated, are to sections and articles of this Declaration. The terms “hereof,” “herein,” “hereby,” “hereto,” and “hereunder,” and similar terms, mean and refer to this Declaration.

[Balance of Page Intentionally Left Blank]





City Council  
City of Mount Vernon  
Mount Vernon, OH 43050

SCHEDULED

**ORDINANCE 2025-19**

Meeting: 06/23/25 7:30 PM  
Dept: Land Use and Development  
Keener, Mahan  
Category: Planning and Zoning  
Prepared By: Todd Hill  
Initiator: Todd Hill  
**DOC ID: 4253**

**AN ORDINANCE CONSENTING TO THE FIRST SUPPLEMENTAL DECLARATION OF COVENANTS AND RESTRICTIONS FOR THE MOUNT VERNON NEW COMMUNITY AUTHORITY AND PROVIDING RELATED AUTHORIZATIONS; AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Mount Vernon, Ohio (the "City") established the Mount Vernon New Community Authority (the "Authority") pursuant to Ordinance 2023-31, adopted by City Council on August 14, 2023; and

WHEREAS, the City, as the statutory developer of the Authority as that term is defined in Ohio Revised Code Section 349.01(E), submitted to the City Council (the "Council"), a Declaration of Covenants and Restrictions for the Mount Vernon New Community Authority (the "Declaration"), and Council approved the City's execution of the Declaration pursuant to Ordinance No. 2025-18, approved by Council on June 23, 2025; and

WHEREAS, the City has submitted to Council a First Supplemental Declaration of Covenants and Restrictions for the Mount Vernon New Community Authority (the "First Supplement") attached hereto as Exhibit A, incorporated by reference, specifically relating to particular parcels of real property consisting of the Liberty Crossing development site within the boundaries of the Authority, and located in the City (the "Additional Property"); and

WHEREAS, in accordance with the terms of the Declaration and Ohio Revised Code Chapter 349, it is necessary for the City to consent to the First Supplement and authorize its execution and recordation in the land records of the Knox County Recorder, in order to perfect certain "Community Development Charges" for the benefit and use of the Authority to cover all or part of the cost of the acquisition, construction, operation and maintenance of land, land development and community facilities, the debt service thereof and any other cost incurred by the authority in the exercise of the powers granted by Chapter 349 of the Ohio Revised Code.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mount Vernon that:

**SECTION 1:** The First Supplement, substantially in the form attached hereto as Exhibit A, is hereby approved and its execution is authorized with changes or amendments thereto not inconsistent with this Ordinance and not substantially adverse to the City, as determined by the Mayor, or his or her designee executing the Declaration, and any other documents necessary to implement the First Supplement, on behalf of the City. The Mayor, or his or her designee, is authorized to implement the First Supplement on behalf of the City.

SECTION 2: This Council hereby finds and determines that all formal actions taken relative to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code and the rules of Council.

SECTION 3: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason to allow the expansion of the City's New Community Authority to aid the construction of infrastructure for new development without delay, and said Ordinance shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to this Council; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

**FIRST SUPPLEMENTAL DECLARATION TO  
THE DECLARATION OF COVENANTS AND RESTRICTIONS  
FOR THE MOUNT VERNON NEW COMMUNITY AUTHORITY  
KNOX COUNTY, OHIO**

WHEREAS, the City of Mount Vernon, Ohio (the “Developer”), an Ohio municipal corporation, as developer pursuant to Section 349.01 of the Ohio Revised Code, caused the execution of the Declaration of Covenants and Restrictions (the “Declaration”) (capitalized terms not herein defined having the meanings provided to them in the Declaration) for the Mount Vernon New Community Authority (the “Authority”) recorded on \_\_\_\_\_, 2025, as Instrument # \_\_\_\_\_ in the Official Records of the Recorder’s Office, Knox County, Ohio;

WHEREAS, by virtue of a certain Limited Warranty Deed dated as of March 14, 2025, and recorded March 14, 2025, as Instrument # 202500001547 in the Official Records of the Recorder’s Office, Knox County, Ohio, MTV322 LLC, an Ohio limited liability company, claims an interest in certain real property as more particularly described in Exhibit A attached hereto and, by virtue of a certain Limited Warranty Deed dated as of January 15, 2025, and recorded January 27, 2025, as Instrument # 202500000509 in the Official Records of the Recorder’s Office, Knox County, Ohio, Liberty Crossing MDG LLC, an Ohio limited liability company, claims an interest in certain real property as more particularly described in Exhibit A attached hereto (collectively, the “Additional Property”); and

WHEREAS, the petition, as amended by the City Council of the Developer by Ordinance No. 2025-\_\_ on June 23, 2025 and the Application as defined therein, authorizes the levy by the Authority of Community Development Charges consisting of a Charge, in an amount of six (6) mills, and a CRA Abatement Replacement Charge; and

WHEREAS, the City Council of the Developer adopted its Ordinance No. 2025-\_\_ on June 23, 2025 determining that adding the Additional Property to the Authority would be conducive to the public safety, convenience, and welfare of the Developer; and

WHEREAS, pursuant to Section 5.02 of the Declaration, the Community Development Charges applicable to the Additional Property will be modified in this supplemental declaration (the “First Supplemental Declaration”) as requested by MTV322 LLC and Liberty Crossing MDG LLC (collectively, the “Property Owner”), and agreed upon by the Board of Trustees of the Authority, and the Developer; and

WHEREAS, the Developer and Property Owner have caused the execution of this First Supplemental Declaration; and

WHEREAS, the Authority has joined this First Supplemental Declaration pursuant to Resolution No. 2025-03 adopted by the Board of Trustees of the Authority on \_\_\_\_\_, 2025, a copy of which is attached hereto as Exhibit B.

NOW, THEREFORE, pursuant to the Declaration, the Developer, and Property Owner, do hereby submit the Additional Property to the provisions set forth in the Declaration and do hereby consent to the application of the Restrictions as set forth in the Declaration to the Additional Property.

Section 1. The Additional Property is hereby made subject to the Restrictions as set forth in the Declaration applicable to Chargeable Property, subject to the provisions of this First Supplemental Declaration. For the avoidance of any doubt, this First Supplemental Declaration is intended to amend and supplement the terms of the Declaration with respect to the Additional Property; however, to the extent that any terms of this First Supplemental Declaration are inconsistent with the terms of the Declaration, this First Supplemental Declaration shall control.

Section 2. Notwithstanding Section 8.02 of the Declaration, unless amended or terminated as provided in Article VIII of the Declaration, the Restrictions shall continue in full force and effect with respect to each parcel in the Additional Property, without reduction of the Community Development Charges other than as provided in Article VI of the Declaration, until the later of (a) the date when any Obligations plus any interest thereon and any expenses and Administrative Expenses related thereto are paid in full; or (b) the date mutually agreed upon by the Developer and the Authority in a recorded written instrument, each as defined in the Declaration.

Section 3. Pursuant to Section 5.02 of the Declaration, the Developer and Property Owner acknowledge and agree that the Community Development Charges with respect to the Additional Property shall be equal to: (a) the CRA Abatement Replacement Charge, if applicable, and (b) the Charge, in an amount of six (6) mills. The revenues of the community of which Community Development Charges described in items (a) through (b) above, inclusive, shall be allocated and applied as provided in Section 5.02 of the Declaration.

Section 4. The Developer consents to the amendment of the Restrictions of the Declaration that are contained in this Supplemental Declaration applicable to the Additional Property as provided in Section 9.01 of the Declaration.

[Signature Page Follows]



IN WITNESS WHEREOF, the Developer and Property Owner have caused the execution of this First Supplemental Declaration to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

CITY OF MOUNT VERNON, OHIO,  
as the Developer

By: \_\_\_\_\_

Name: Matthew T. Starr

Title: Mayor

Approved as to form and correctness:

\_\_\_\_\_  
P. Robert Broeren, Jr., Director of Law

STATE OF OHIO :  
COUNTY OF KNOX : ss

Before me, a Notary Public in and for said County, personally came Matthew T. Starr, the Mayor of the CITY OF MOUNT VERNON, OHIO, a municipal corporation, who signed such Declaration as Authorized Representative of the CITY OF MOUNT VERNON, OHIO, the Developer, and that such Declaration is his free act and deed as such officer and the free act and deed of the CITY OF MOUNT VERNON, OHIO.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal at \_\_\_\_\_, Ohio this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Notary Public

[Signature Page to Mount Vernon NCA First Supplemental Declaration]

IN WITNESS WHEREOF, the Developer and Property Owner have caused the execution of this First Supplemental Declaration to be executed this \_\_\_\_ day of \_\_\_\_\_, 2025.

MTV322 LLC, an Ohio limited liability company

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) SS:  
 COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_ 2025 by \_\_\_\_\_, the duly authorized \_\_\_\_\_ of MTV322 LLC, an Ohio limited liability company, who represented to me to be said person.

\_\_\_\_\_  
 Notary Public \_\_\_\_\_  
 My commission expires: \_\_\_\_\_

[Property Owner Signature Page to First Supplemental Declaration to the Declaration of Covenants and Restrictions for the Mount Vernon New Community Authority]

IN WITNESS WHEREOF, the Developer and Property Owner have caused the execution of this First Supplemental Declaration to be executed this \_\_\_\_ day of \_\_\_\_\_, 2025.

Liberty Crossing MDG LLC, an Ohio limited liability company

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) SS:  
 COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_ 2025 by \_\_\_\_\_, the duly authorized \_\_\_\_\_ of Liberty Crossing MDG LLC, an Ohio limited liability company, who represented to me to be said person.

\_\_\_\_\_  
 Notary Public  
 My commission expires: \_\_\_\_\_

This instrument prepared by: J. Caleb Bell, Esq.  
 Bricker Graydon LLP  
 100 South Third Street  
 Columbus, Ohio 43215  
 (614) 227-2384

[Property Owner Signature Page to First Supplemental Declaration to the Declaration of Covenants and Restrictions for the Mount Vernon New Community Authority]

IN WITNESS WHEREOF, the undersigned Secretary of the Authority hereby confirms pursuant to Section 9.02 of the Declaration the receipt of all necessary consents with respect to this Supplemental Declaration.

MOUNT VERNON NEW COMMUNITY AUTHORITY

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: Secretary  
Mount Vernon New Community Authority

Attachment: Ordinance No. 2025-19 Exhibit A (2025-19 : NCA Covenants and Restrictions Supplement)

[Secretary Signature Page to First Supplemental Declaration to the Declaration of Covenants and Restrictions for the Mount Vernon New Community Authority]



**Exhibit A to the First Supplemental Declaration to the Declaration of Covenants and Restrictions  
for Mount Vernon New Community Authority, Knox County, Ohio**

**Legal Description of Additional Property**

[Insert Legal Descriptions]

Attachment: Ordinance No. 2025-19 Exhibit A (2025-19 : NCA Covenants and Restrictions Supplement)

**Exhibit B to the First Supplemental Declaration to the Declaration of Covenants and Restrictions  
for Mount Vernon New Community Authority, Knox County, Ohio**

[See attached Resolution 2025-03]

Attachment: Ordinance No. 2025-19 Exhibit A (2025-19 : NCA Covenants and Restrictions Supplement)



City Council  
City of Mount Vernon  
Mount Vernon, OH 43050

SCHEDULED

**ORDINANCE 2025-20**

Meeting: 06/23/25 7:30 PM  
Dept: Land Use and Development  
Keener, Mahan  
Category: Planning and Zoning  
Prepared By: Todd Hill  
Initiator: Todd Hill  
**DOC ID: 4254**

**AN ORDINANCE APPROVING THE APPLICATION TO ADD CERTAIN REAL PROPERTY TO THE MOUNT VERNON NEW COMMUNITY AUTHORITY DISTRICT AND TO AMEND THE PETITION FOR ESTABLISHMENT OF THE MOUNT VERNON NEW COMMUNITY AUTHORITY AS A NEW COMMUNITY AUTHORITY UNDER CHAPTER 349 OF THE OHIO REVISED CODE; AND DECLARING AN EMERGENCY.**

WHEREAS, pursuant to Ohio Revised Code ("R.C.") Chapter 349, the City of Mount Vernon, Ohio, as statutory developer within the meaning of R.C. Section 349.01(E) (the "Developer"), together with MTV332 LLC and Liberty Crossing MDG LLC (the "Property Owner"), as owner of the Additional Property as described in that certain application (the "Application") filed on May 12, 2025 with the City Council of the City of Mount Vernon, Ohio (the "Council") to add real property to the territory comprising the Mount Vernon New Community Authority District (the "District"), and to amend the petition (the "Petition") as originally filed with the Clerk of Council of the City for the establishment of the Mount Vernon New Community Authority; and

WHEREAS, this Council is the "organizational board of commissioners," as that term is defined in R.C. Section 349.01(F), for the Authority; and

WHEREAS, this Council determined that the Application complies with the requirements of R.C. Section 349.03 as to form and substance by its Ordinance No. 2025-13, adopted on May 12, 2025; and

WHEREAS, on June 23, 2025 and pursuant to R.C. Section 349.03(A), this Council held a public hearing on the Application after public notice was duly published in accordance with R.C. Section 349.03.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mount Vernon that:

**SECTION 1:** Council finds and determines that the addition of property to the District, as described in the Application, will be conducive to the public health, safety, convenience and welfare, and is intended to result in the continued development of a new community as defined in R.C. Section 349.01(A).

**SECTION 2:** The Petition and Application are hereby amended to allow for a Community Development Charge amount equal to the total effective millage of the real property taxes attributable to the increase in assessed valuation of the real property that would have been payable upon such real property but for an applicable community reinvestment area abatement (a "CRA Abatement Replacement Charge").

SECTION 3: The Application is hereby accepted by this Ordinance and shall be recorded, along with this Ordinance, in the journal of Council, as the organizational board of commissioners.

SECTION 4: The existing boundary of the District shall be amended to include the territory set forth in Exhibit A attached to this Ordinance.

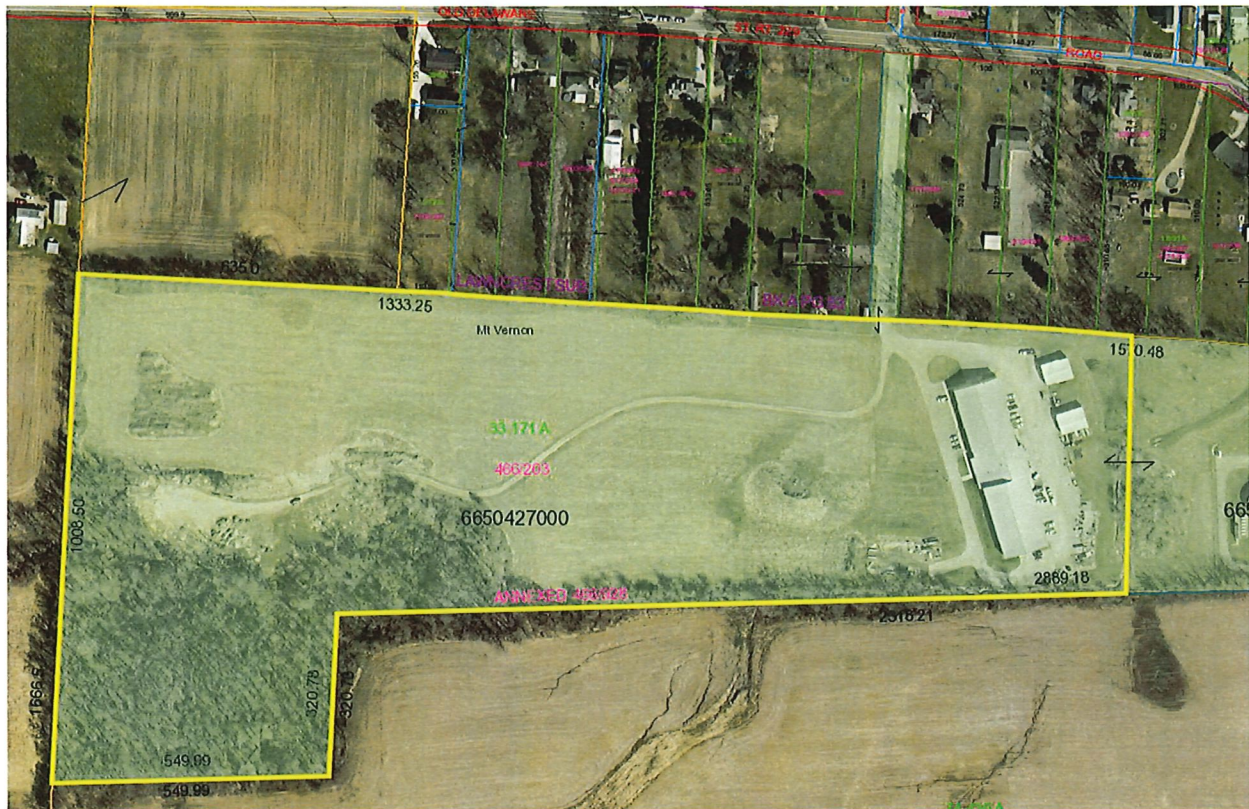
SECTION 5: Council finds and determines that all formal actions of Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that result in those formal actions were in meetings open to the public in compliance with the law.

SECTION 6: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason to allow the expansion of the City's New Community Authority to aid the construction of infrastructure for new development without delay, and said Ordinance shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to this Council; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.



**EXHIBIT A**Description of Initial Property

The District appears as the parcel outlined in yellow below. The District is located at the southern terminus of Township Highway 389 in the City of Mount Vernon, with a mailing address of 1700 Old Delaware Road, Mount Vernon, Ohio 43050.





City Council  
City of Mount Vernon  
Mount Vernon, OH 43050

SCHEDULED

ORDINANCE 2025-21

Meeting: 06/23/25 7:30 PM

Dept: Utilities

Ruckman, Miller

Category: Utilities

Prepared By: Todd Hill

Initiator: Todd Hill

DOC ID: 4248

**AN ORDINANCE AMENDING CHAPTER 755 OF THE CODIFIED ORDINANCES OF THE CITY OF MOUNT VERNON REGULATING WASTE HAULERS, REQUIRING RECYCLING PERMITS, MANDATING ANNUAL REPORTS, ENSURING SECURE HAULING, AND ESTABLISHING AN APPEALS PROCESS; AND DECLARING AN EMERGENCY.**

NOW THEREFORE, BE IT ORDAINED by the City of Mount Vernon, State of Ohio:

SECTION 1: That Chapter 755 of the Codified Ordinances be amended to read as follows

Section 755.01 - Purpose.

This ordinance is enacted to regulate the collection, transportation and disposal of solid waste and recyclable materials within the City of Mount Vernon to protect public health, promote environmental responsibility, maintain clear roadways, and ensure accountability in waste management operations.

Section 755.02 - Definitions.

- a. Solid Waste: As defined in Ohio Administrative Code Rule 3745-27-01(S)(23).
- b. Recyclable Materials: Materials designated by the City as suitable for recycling, including but not limited to paper, plastics, metals and glass.
- c. Waste Hauler: Any person or entity engaged in the business of collecting, transporting or disposing of solid waste or recyclable materials within the City.
- d. Secure Hauling: The act of transporting waste or recyclables in a manner that prevents spillage, leakage, litter or blowing debris.

Section 755.03 - Licensing of Waste Haulers.

- a. License Requirement: No person or entity shall collect, transport or dispose of solid waste or recyclable materials within the City without first obtaining a Waste Hauler License from the Code Enforcement Department.
- b. Annual Fee: The Code Enforcement Department is authorized to collect an annual non-refundable application fee for each waste hauler license. This fee shall be fixed from time to time by the Board of Control in order to recover the City's costs related to the regulation of waste hauling within the City.
- c. Application Process: Applicants must submit a completed application, pay the required fee, provide proof of valid and separate approved waste disposal and recycling facilities, and comply with all City regulations.
- d. License Display: The Waste Hauler License must be visibly displayed on each vehicle

used in waste collection or transportation.

e. Vehicle Identification: All vehicles used in waste or recycling operations must prominently display the company's name, logo, business address and telephone number on both sides of each truck in lettering no smaller than three (3) inches in height. Markings must be clearly legible and maintained in good condition.

#### Section 755.04 - Recycling Permit.

a. Permit Requirement: Any waste hauler collecting or transporting recyclable materials must obtain a Recycling Permit from the Office of Code Enforcement, in addition to the Waste Hauler License.

b. Annual Fee: The Code Enforcement Department is authorized to collect an annual non-refundable application fee for each recycling permit. This fee shall be fixed from time to time by the Board of Control in order to recover the City's costs related to the regulation of recycling within the City.

c. Recycling Requirement: All haulers permitted to operate within the City are required to offer recycling services to all customers, except as exempted in this chapter.

d. Residential Recycling: Recycling bins, and the scheduled curb-side pick-up of the contents of those bins, **must** be provided by the hauler at no additional cost to residential customers beyond the solid waste subscription charge.

e. Commercial Recycling: A hauler is not required to provide recycling to commercial customers if the commercial customer operates their own recycling program.

f. Required Information: Applicants must submit details regarding recyclable materials collected, methods of collection, proof of bin distribution practices, and proof of disposal at an appropriate, approved recycling facility that is separate from the waste disposal facility.

#### Section 755.05 - Secure Hauling Requirements.

a. Load Containment: All loads must be fully enclosed, tarped or otherwise securely contained to prevent litter, leakage or material from blowing onto public or private property.

b. Vehicle Standards: Waste-hauling vehicles must be maintained in good condition, have intact seals and sides, and must not be overloaded.

c. Spill and Damage Responsibility: If litter spills or property damage occurs as a result of hauling activities or other ordinance violations, the waste hauler shall be financially responsible for the full cost of cleanup and restoration.

d. Inspections: The Office of Code Enforcement may inspect vehicles for compliance at any time. Additional inspections or replacement or lost permit stickers shall incur a \$50 fee.

#### Section 755.06 - Annual Reporting.

a. Due Date: All licensed waste haulers and recycling permit holders must submit an annual report to the Office of Code Enforcement by April 1 of each year.

b. Report Contents:

- (1) Total volume and weight of solid waste collected and disposed.
- (2) Total volume and weight of recyclable materials collected.
- (3) Names and physical addresses of all approved disposal and recycling

facilities used (must be separate and appropriate for each waste stream).

(4) Fleet Summary: Number of trucks in active operation, description of each vehicle (make, model, license plate), and the address of the location(s) where vehicles are stored or housed.

(5) Documentation of any spills, littering, or non-compliance incidents and corrective actions taken.

Example Reporting Table Format:

Truck ID/Make or Model/License Plate/Address/Waste Collected (tons)/Recycling Collected (tons)

MV-01 / Ford F750 / ABC-1234 / 456 Industrial Drive, MV / 520.00 / 134.50

MV-02 / Mack TerraPro / XYZ-9876 / 456 Industrial Drive, MV / 612.00 / 158.75

Section 755.07 - Enforcement and Penalties.

a. Violation Process:

(1) First Violation: Written warning.

(2) Second Violation: Fine not to exceed \$500.

(3) Third Violation: Suspension or revocation of Waste Hauler License and Recycling Permit, plus an additional fine up to \$1,000.

b. Separate Violation for Spills or Damage: If any litter, spillage or property damage is associated with a violation, the hauler shall be issued a separate violation notice and held financially responsible for all cleanup, repair and administrative costs incurred by the City.

c. Littering Citations: Littering by a waste hauler shall be considered a separate offense under the City's general litter control ordinances.

Section 755.08 - Violations Appeals Process.

a. Initial Appeal to City Inspector: Appeals must be filed within ten (10) business days of the violation. Reviewed by the Office of Code Enforcement's City Inspector.

b. Secondary Appeal to Safety-Service Director: Must be filed within ten (10) business days after Inspector's decision.

c. Appeals of Revocation: May be heard by the City's Utilities Commission upon written request, which must be submitted within ten (10) business days of the Safety-Service Director's decision. The Commission shall schedule a hearing within thirty (30) days.

Section 755.09 - Authority to Make Rules and Regulations

The Utility Commission shall have the power to promulgate administrative rules and regulations deemed necessary to assure purposes of this ordinance are carried out.

SECTION 2: Severability. If any provision of this ordinance is determined to be invalid or unenforceable, all remaining provisions shall remain in full force and effect.



SECTION 3: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public, peace, health and safety, and for the further reason that an emergency exists in the usual daily operation of the various departments of the municipal government, and further, that this Council deems it imperative that immediate action be taken in order to insure the continued usual daily operation of the various departments of the municipal government, the said Ordinance shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.