

**FAIRFIELD TOWNSHIP
RESOLUTION NO. 23-27**

**RESOLUTION APPROVING THE THIRD AMENDMENT TO THE HAMILTON-INDIAN
SPRINGS JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT**

WHEREAS, The City of Hamilton (the “City”) and Fairfield Township (the “Township”) have negotiated and intend to enter into the Third Amendment to the Hamilton-Indian Springs Joint Economic Development District Contract in accordance with Sections 715.72 to 715.81 of the Ohio Revised Code for their mutual benefit, for the benefit of Butler County, and for the benefit of the State of Ohio; and

WHEREAS, the Third Amendment to the Joint Economic Development District will promote economic development in Fairfield Township, the City of Hamilton, Butler County, and the State of Ohio;

NOW, THEREFORE, BE IT RESOLVED by the Fairfield Township Board of Trustees, as follows:

Section 1. The Board finds and determines that (i) the Township held a public hearing concerning the Contract at 7:00 p.m. on February 14, 2023, in accordance with Section 715.75 of the Ohio Revised Code, (ii) thirty (30) days public notice of the time and place of that public hearing was provided in the Journal-News, a newspaper of general circulation in Butler County, Fairfield Township, and the City of Hamilton, (iii) during the thirty (30) day period prior to that public hearing a copy of the text of the Contract together with a description of the area or areas to be included in the District (including maps), and an Economic Development Plan, in accordance with Section 715.75(C) of the Ohio Revised Code were on file for public examination in the Office of the Fiscal Officer of Fairfield Township, (iv) minor modifications of the Contract have been made based upon public comment and recommendations made during the 30 days prior to the hearing and pursuant to the public hearing, and (v) the Contract is on file with the Fiscal Officer of Fairfield Township.

Section 2. The Board finds that in accordance with Ohio Revised Code Section 715.72 (L)(2), this Third Amendment is being passed by Resolution and is not being submitted to the electors of the Township. The Board approves the Contract now on file with the Fiscal Officer and authorizes the Township Administrator and the Law Director to sign the Contract and all other documents required in furtherance of the contract and/or establishment of said District.

Section 3. A copy of the text of the Contract and other documents referred to in Section 1 of this Resolution shall remain on file in the Office of the Fiscal Officer.

Section 4. The Township Administrator is authorized, on behalf of the Township, to file or cause to be filed, jointly with the City of Hamilton, with the legislative authority of Butler County, (i) a signed copy of the Contract, (ii) a description of the area or areas to be included in the District, including a map, (iii) the Economic Development Plan as described in Section 715.75(C), (iv) a certified copy of this Resolution, (v) a signed certificate from Fairfield Township that the public hearing has been held, the date of such hearing, and evidence of the publication of the notice of such hearing, (vi) a petition signed by the majority of the owners of the property located within the area or areas to be included in the District, and (vii) if applicable, a petition signed by the majority of the owners of businesses located within the area or areas to be included in the District.

Section 5. The Township Administrator is authorized to take such actions, or to cause such actions to be taken, on behalf of the Township, including, but not limited to, signing agreements or other instruments contemplated by the Contract or deemed necessary or appropriate by the Law Director, in order to achieve approval of the Contract within the City of Hamilton and to accomplish the purposes of this Resolution and the Contract.

Section 6. That it is found and determined that all formal actions of the Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Fairfield Township Trustees and that all deliberations of the Board that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

Section 7. This Board upon majority vote does hereby dispense with the requirement that this Resolution be read on two separate days, pursuant to Section 504.10 of the Ohio Revised Code and hereby authorizes the adoption of this Resolution upon its first reading.

Section 8. This Resolution shall be effective immediately on March 16, 2023, or on the earliest date allowed by law.

BE IT FURTHER RESOLVED that this resolution is the subject of the general authority granted to the Board of Trustees through the Ohio Revised Code and not the specific authority granted to the Board of Trustees through the status as a Limited Home Rule Township.

Adopted: February 14, 2023

Board of Trustees

Michael Berding: _____

Shannon Hartkemeyer: _____

Joe McAbee: _____

Vote of Trustees

yes

yes

yes

AUTHENTICATION

This is to certify that this is a resolution which was duly passed and filed with the Fairfield Township Fiscal Officer this 14th day of February, 2023.

ATTEST:

Shelly Schultz
Shelly Schultz, Fairfield Township Fiscal Officer

APPROVED AS TO FORM:

L.E. Barbieri
Lawrence E. Barbieri, Township Assistant Law Director

12/20/2022

**THIRD AMENDMENT TO HAMILTON-INDIAN SPRINGS
JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT**

This Third Amendment (the “Third Amendment”) to Hamilton-Indian Springs Joint Economic Development District Contract the “Contract” (as amended by the “First Amendment” effective August 1, 2004, and the “Second Amendment” March 22, 2017) is made and entered into as of February 14, 2023, by and between the City of Hamilton (“Hamilton”), and Fairfield Township of Butler County (“Fairfield Township”) in accordance with the terms and provisions set forth herein.

RECITALS

A. The parties entered into a contract as of August 7, 1996 creating the Hamilton-Indian Springs Joint Economic District (the “District”), which contract was delivered to the Butler County Commissioners and thereafter approved by the electors of Fairfield Township at the general election conducted on November 5, 1996.

B. The parties intended for the District to facilitate commercial and economic development, to create or preserve jobs and employment opportunities and to improve the economic welfare of the people in the State, the County, Hamilton, Fairfield Township and the District.

C. In order to add additional territory to the District and to provide for the distribution of revenues generated in such additional territory, the parties amended the original contract by the Amendment to Hamilton-Indian Springs Joint Economic Development District Contract effective August 1, 2004 (the “First Amendment”) and on March 22, 2017 (the “Second Amendment”).

12/20/2022

D. The Board of the District has received the petition of certain property owners and business owners requesting that its property be added to the District and the petition has been reviewed by Hamilton and Fairfield Township and found to comply with Divisions (J) and (L) of Revised Code Section 715.72.

E. Hamilton and Fairfield Township desire to enter into this Third Amendment to amend the Contract to add additional territory to the District, to provide for the distribution of revenues generated from such additional territory, and to make such other provisions for their mutual benefit and for the benefit of their residents and of the State of Ohio.

NOW, THEREFORE, in consideration of the mutual promises and covenants set forth in this Third Amendment, Hamilton and Fairfield Township agree and bind themselves, their agents, employees and successors, as follows:

Section 1. Existing Territory. The map of the existing territory of the District is attached hereto as Exhibit A.

Section 2. Added Area. The territorial boundaries of the District are expanded by approximately 11 acres by adding the following area (the “Added Area”) to the District:

Legal Description of Added Area – The legal description for the area to be added to the District is attached hereto as Exhibit B.

Map of Added Area – The map of the Added Area is attached hereto as Exhibit C.

The Added Area is in addition to the territory described in the Contract and Amendment(s). The Added Area is located entirely within Fairfield Township. No elector resides within the Added Area and no part of the Added Area includes any parcel of land owned in fee simple or leased to a municipal corporation or a township.

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Section 3. Zoning for Added Area. The Added Area is currently zoned in a manner appropriate to the function of the District.

Section 4. Distribution of Revenues from the Added Area . Income tax collections from the Added Area, net of expenses, shall be paid 25% to Hamilton and 75% to Fairfield Township. For purposes of determining the distribution of revenues from the Added Area, "expenses" shall include (a) collection expenses, (b) refunds, (c) operating expenses, and (d) any long-term maintenance reserves, in each case with respect to the Added Area only. In accordance with the requirement of division (F)(5)(d) of Revised Code Section 715.72, the resolution adopted by the Board of the District shall set forth the percentage of the income tax to be set aside by the parties for the long-term maintenance of the District, which shall be the same percentage for each party unless otherwise agreed by the parties.

Section 5. Term. The term of the Contract shall be extended by this Third Amendment and shall terminate December 31, 2093. The term of the Contract shall automatically extend for successive thirty (30) year periods on the same terms set forth in the Contract, unless written notice of termination is given to the other contracting party at least one hundred eighty (180) days prior to the expiration of the then-expiring term.

Section 6. Contract Not Affected. Except as modified by this Third Amendment, the Contract shall remain unchanged and in full force and effect.

Section 7. Signing Other Documents. The parties agree to cooperate with one another and to use their best efforts in the implementation of this Third Amendment and to sign or cause to be signed, in a timely fashion, all other necessary instruments and documents and to take such other actions in order to effectuate the purposes of this Third Amendment.

12/20/2022

Section 8. Severability. Unenforceability of any of the duties and covenants of this Third Amendment shall not affect the enforceability of the any other duties and covenants of this Third Amendment. Financial obligations of the parties hereunder are subject to any appropriation actions required by law.

Section 9. Notices. All notices, requests and demands shall be in writing and. Shall be deemed to have been given when actually received or when delivered in person during normal business hours or business days after being sent by certified mail, postage pre-paid, or one business day after having been sent by overnight courier service as follows or to such other address as a party may designate by proper notice to the other:

If to Hamilton:

City of Hamilton
Municipal Building
345 High Street, Suite 710
Hamilton, OH 45011
Attention: City Manager

If to Fairfield Township:

Fairfield Township
6032 Morris Road
Fairfield Township, Ohio 45011-5118
Attention: Administrator

Section 10. Captions and Headings. The captions and headings herein are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections hereof.

12/20/2022

Section 11. Counterparts; Filing and Recording. This Third Amendment may be executed in any number of counterparts, each of which shall be regarded as an original and all of which shall constitute but one and the same instrument. Signatures or counterparts transmitted by facsimile or electronic means are deemed to be original signatures or counterparts. On the Effective Date the Fairfield Township Administrator shall file this Third Amendment with the Director of the Development Services Agency and shall record this Third Amendment with the Butler County Recorder.

[Remainder of page left blank – signatures on following page]

12/20/2022

IN WITNESS WHEREOF, Hamilton and the Fairfield Township Board of Trustees have caused this Third Amendment to be duly signed in their respective names by their duly authorized officers as of the date herein before written.

CITY OF HAMILTON

By: _____
Joshua A. Smith, City Manager
Pursuant to Authority of
Ordinance No. _____

Approved as to form only:

By: _____
_____, Director of Law
City of Hamilton

FAIRFIELD TOWNSHIP BOARD OF
TRUSTEES

By: _____
Julie Vonderhaar, Administrator
Pursuant to Authority of
Resolution No. _____

Approved as to form only:

By: _____
_____, Law Director
Fairfield Township

12/20/2022

STATE OF OHIO)
) SS:
COUNTY OF BUTLER)

Before me, a Notary Public in and for said County and State, appeared Joshua A. Smith, the City Manager of the City of Hamilton, Ohio, an Ohio municipal corporation, who acknowledged that he executed the foregoing instrument for and on behalf of said City as the free act and deed of said City, and as his free act and deed individually and as such officer.

In witness whereof, I have hereunto set my hand and notarial seal, this _____ day of _____, 2023.

NOTARY PUBLIC

My Commission Expires: _____

STATE OF OHIO)
) SS:
COUNTY OF BUTLER)

Before me, a Notary Public in and for said County and State, appeared Julie Vonderhaar, the Administrator of Fairfield Township, Ohio, who acknowledged that she executed the foregoing instrument for and on behalf of said Township as the free act and deed of said Township, and as her free act and deed individually and as such officer.

In witness whereof, I have hereunto set my hand and notarial seal, this _____ day of _____, 2023.

NOTARY PUBLIC

My Commission Expires: _____

12/20/2022

Parcels:

A0300172000003

A0300172000004

A0300172000005

A0300172000006

A0300172000007

Exhibit A

Existing Territory in Third Amendment

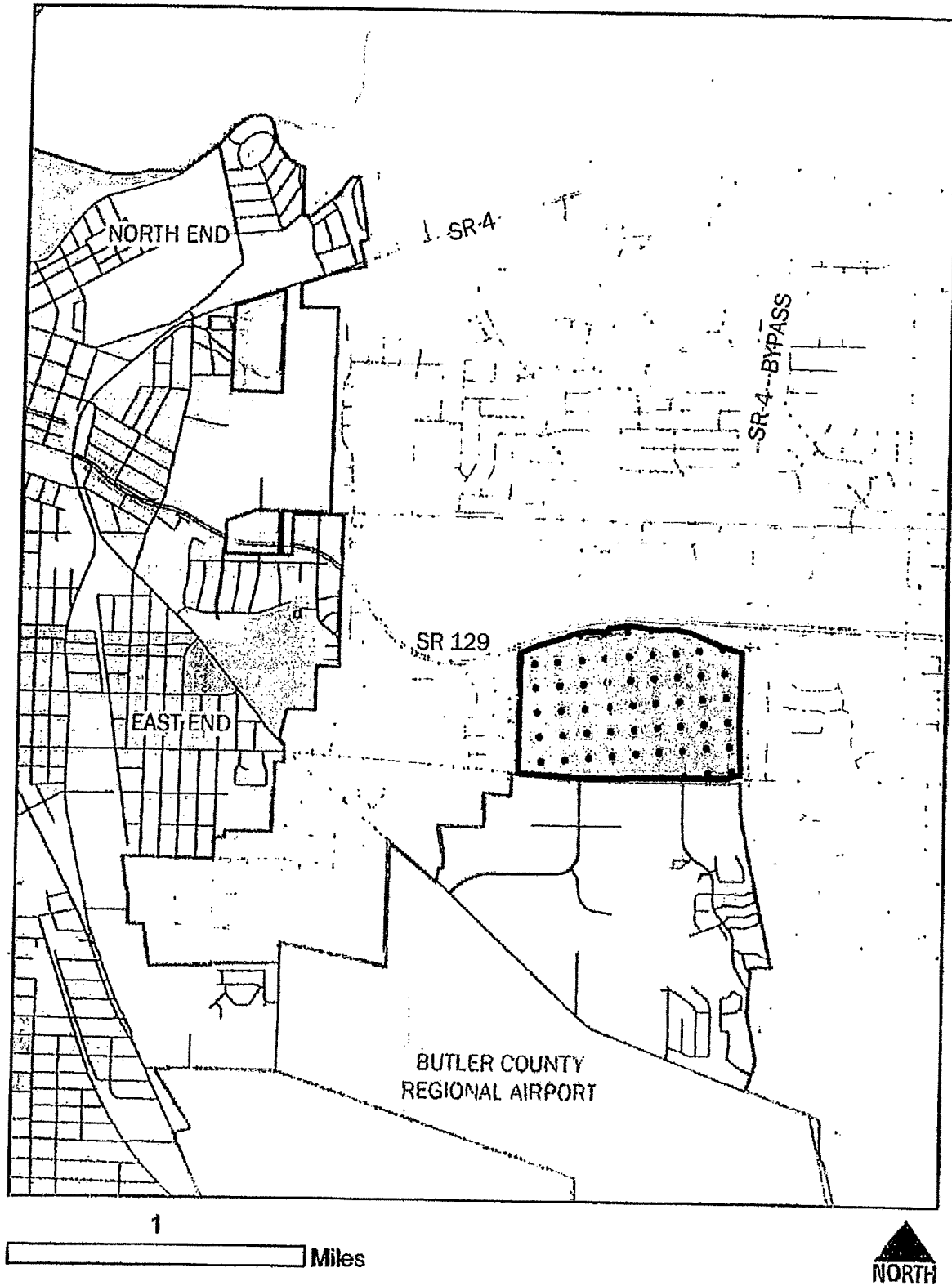


Exhibit A

Existing Territory in Third Amendment

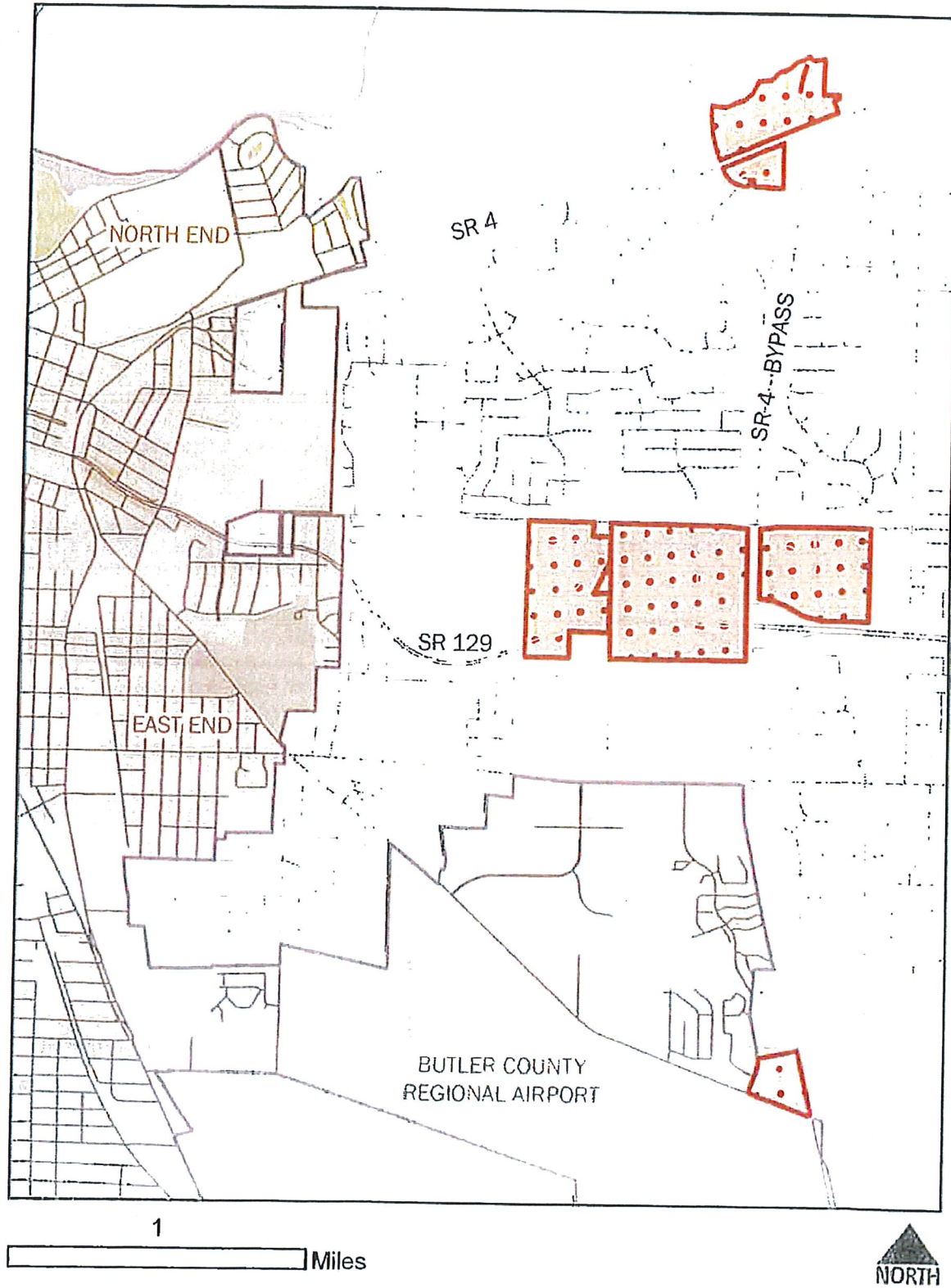


EXHIBIT B

TRANSFERRED
DATE 10-21-22
CONVEYANCE B
FEE \$ 0
EXEMPT 7U9U5JBB

Roger Reynolds, Butler Co. Auditor

This conveyance has been examined and the
Butler County Auditor's Office: 319.202 of the ORC.



Recorded: 10/24/2022 03:01 PM Page: 1 of 2
File # 2022-00045401 Fee Amt: \$54.00
BUTLER County, Ohio DANNY N. CRANK, Recorder
BK **9911** PG **1423**

GENERAL WARRANTY DEED

GRANTOR(S), **Bridgewater Church** successor to **The First Church of God Hamilton, an Ohio not for profit corporation**, for valuable consideration paid, grant(s) with general warranty covenants to GRANTEE(S), **Bridgewater Church, an Ohio not for profit corporation**, whose tax mailing address is 3100 Princeton Road, Hamilton, Ohio, the following described real estate (the "Property").

See attached Exhibit "A" for legal description.

There are excepted from the general warranty covenants and the Property is conveyed subject to the following: (a) easements, obligations, conditions, covenants, reservations and restrictions of record; and (b) all taxes and assessments becoming due and payable after the date hereof.

Prior Deed Reference: Volume 6308 Page 2104 Butler County, Ohio Official Records.

Executed this 12 day of October, 2022.

Bridgewater Church

By: Drew Wilkerson, Lead Pastor
Drew Wilkerson, Lead Pastor

STATE OF OHIO, BUTLER COUNTY, SS:

This is an acknowledgment clause; no oath or affirmation was administered to the signer.

The foregoing instrument was acknowledged before me this _____ day of October, 2022 by Drew Wilkerson, Lead Pastor, on behalf of Bridgewater Church, an Ohio not for profit corporation, on behalf of the corporation.

A0300 022 000 044
10.920ac



FILED 2022-00045401

File # 2022-00045401 Page: 2 of 2

BK 9911 PG 1424

CINCINNATI
COLUMBUS
DAYTON
LOUISVILLE

6219 Centre Park Drive
West Chester, OH 45069
phone ► 513.779.7851
fax ► 513.779.7852
www.kleingers.com

Legal Description 10.920 Acres

Situated in Section 20, Town 2, Range 3, BTM, Fairfield Township, Butler County, Ohio being part of Lot 471 and part of a 27.499 acre (deed) tract of land conveyed to First Church of God of Hamilton Ohio in O.R. 6308 Pg. 2104, the boundary of which being more particularly as follows:

Beginning a point in the centerline of Princeton Road, said point being N89°42'41"E a distance of 518.11 feet from the southwest corner of said Section 20;

Thence along the west line of Bridgewater Church Subdivision Phase 2 as recorded in O.R. 9899 Pg. 104, N00°17'19"W passing a 5/8" iron pin found at 50.00 feet for a total distance of 700.00 feet to a 5/8" iron pin found in the south line of Shafer's Run Section Five as recorded in P.E. 3188 Pgs. A-D;

Thence along said south line, N89°42'41"E a distance of 632.09 feet to a 5/8" iron pin found in the southeast corner of Lot 6913;

Thence along the west line of Lot 7645 of the Replat of Lots 6914, 6915 and Pt Lot 471 of Shafer's Run Section Five as recorded in P.E. 3378 Pg. A and along the west line of Lot 8355 of a Replat of Lot 7646 Shafer's Run Section Five as recorded in P.E. 3701 Pg. A, S21°43'42"E a distance of 143.46 feet to a 5/8" iron pin found;

Thence along the west line of Lot 8356 of the Replat of Lot 7646 Shafer's Run Section Five as recorded in PE 3701 Page A, along the west line of Lot 7837 of the Replat of Lot 6916 of Shafer's Run Section Five as Recorded in P.E. 3486 Pg. A, and in part along the west line of the aforesaid Shafer's Run Section Five as recorded in PE 3188 Pages A-D, S00°17'19"E passing a 5/8" iron pin found at 516.47 for a total distance of 566.47 feet to a point in the centerline of the aforementioned Princeton Road;

Thence along said centerline, S89°42'41"W a distance of 684.53 feet to the Point of Beginning.

Containing 10.920 acres of land, more or less, and being subject to easements, restrictions and rights of way of record.

Bearings are based on the south line of the O.R. 9639 Pg. 845 being S89°42'41"W.

The above description is based on a field survey performed by The Kleingers Group under the direct supervision of Randy C. Wolfe, Ohio Professional Surveyor No. 8033. A plat of survey is recorded in Volume 64 Page 2 of the Butler County Engineer's Record of Land Surveys.

Randy C. Wolfe 9/23-22
Randy C. Wolfe Date
Ohio Professional Surveyor No. 8033

APPROVED
BCEQ

BY AMM 9-30-2022
Boundary



FAIRFIELD TOWNSHIP ZONING

DATE 9/29/2022

☒ APPROVED ☐ UNAPPROVED

☐ APPROVED WITH COMMENTS

Chris A.

APPROVED BY
BUTLER COUNTY PLANNING COMMISSION
FOR THE PURPOSES OF CONVEYANCE OF
TITLE. DOES NOT CONSTITUTE A ZONING
CERTIFICATE OR BUILDING PERMIT.
NO PLAT REQUIRED.

9/29/22

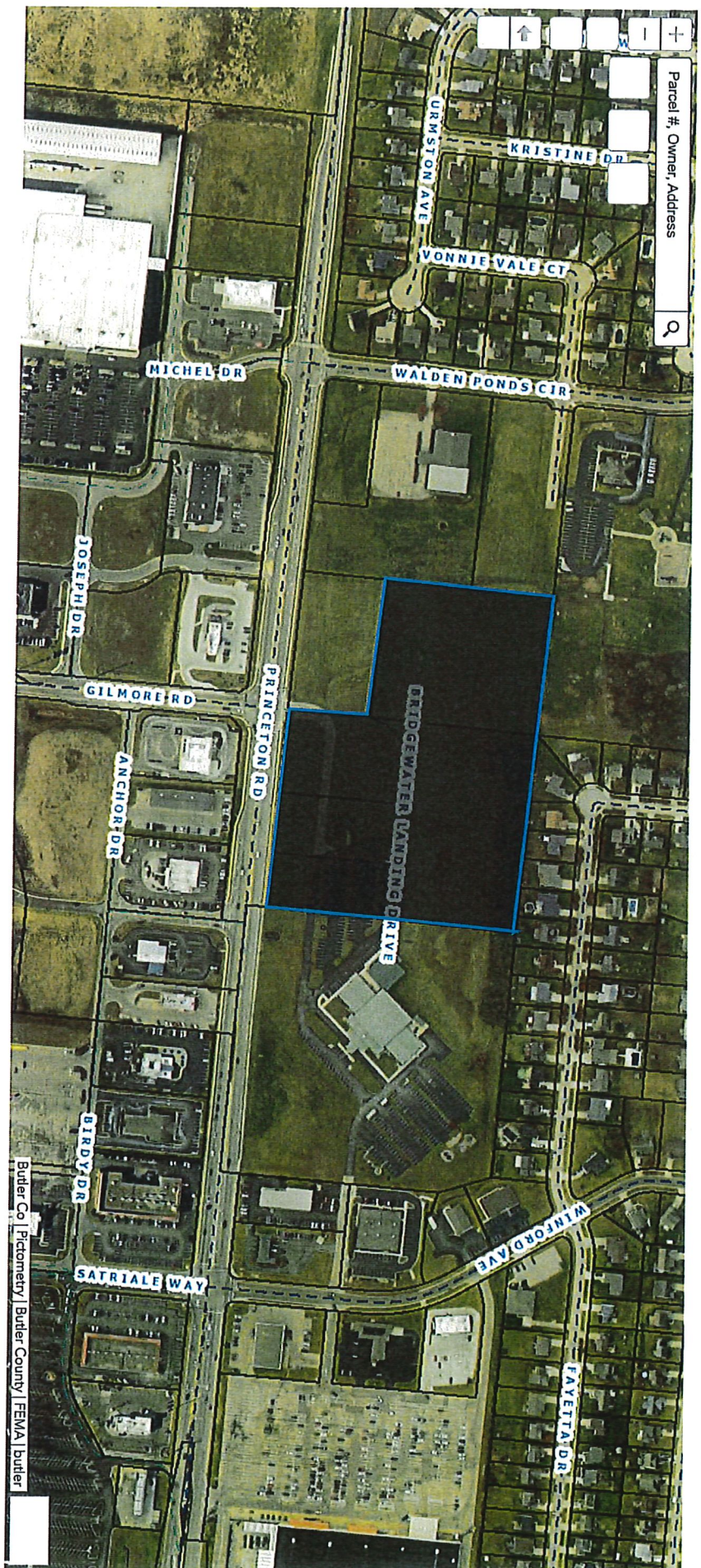


EXHIBIT C

THIRD AMENDMENT