

BEFORE THE VILLAGE COUNCIL OF THE VILLAGE OF ASHVILLE, OHIO

PETITION FOR ESTABLISHMENT OF THE
ASHVILLE NEW COMMUNITY AUTHORITY
AS A NEW COMMUNITY AUTHORITY
UNDER OHIO REVISED CODE CHAPTER 349

Submitted by:

VILLAGE OF ASHVILLE, OHIO

As the developer pursuant to
Ohio Revised Code Section 349.01(E)

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BEFORE THE VILLAGE COUNCIL OF THE VILLAGE OF ASHVILLE, OHIO

**PETITION FOR ESTABLISHMENT OF
THE ASHVILLE NEW COMMUNITY AUTHORITY
AS A NEW COMMUNITY AUTHORITY UNDER
OHIO REVISED CODE CHAPTER 349**

Pursuant to Ohio Revised Code Chapter 349 (the “Act”), the Village of Ashville, Ohio (the “Village”), in its capacity as a “developer” as defined in Section 349.01(E) of the Ohio Revised Code, hereby makes and files this petition (the “Petition”) with the Village Council (the “Village Council”) of the Village of Ashville, Ohio (the “Village”), as the organizational board of commissioners under Section 349.01(F) of the Ohio Revised Code, in order to initiate proceedings for the establishment of a new community authority (the “Authority”) and for the new community district described in Section 3 below (the “District”).

The Village further states as follows:

Section 1. Name of the Proposed Authority

The Authority shall be named the “Ashville New Community Authority.”

Section 2. Principal Office of the Proposed Authority

The principal office of the Authority shall be located at 200 East Station Street, Ashville, Ohio 43103 until such time as the board of trustees of the Authority determines another location for the principal office of the Authority.

Section 3. Map; Full and Accurate Description of the Proposed District

A full and accurate description of the initial boundaries of the District is attached hereto in the form of a map as Exhibit A (the “Initial Property”), and the legal descriptions for the parcels comprising the District are attached hereto as Exhibit B. All of the real property comprising the Initial Property is owned by the Village. The territory of the District is wholly located within the municipal boundaries of the Village.

This Petition seeks the establishment of the Authority and the District with respect to the Initial Property. Pursuant to Ohio Revised Code Section 349.03(B), the Village intends that the District will from time to time add additional territory (collectively, the “Additional Property” or “Additional Properties”) to further the purposes of the Authority as set forth in this Petition.

Section 4. Zoning for the Proposed District

The current plans for the development of the proposed District comply with the applicable zoning regulations, including a zoning ordinance of the Village, a certified copy of which is attached hereto as Exhibit C. The current zoning of the Initial Property included in the District is

Community Facilities District (CF). The Village will pursue from time to time the addition of Additional Properties to the District, subject to Village Council approval, so long as such Additional Properties are consistent with the development standards and other requirements established by the Village with respect to the District, including the terms hereof.

Section 5. Current Plans for the Development of the Proposed District

The current plans for the development of the proposed District, indicating the proposed “new community development program,” as defined in the Act, are provided below and in certain Exhibits attached to this Petition (collectively, the “Development Program”).

The Development Program outlines the general program for the development of the District, and includes (a) the land acquisition and land development activities to be undertaken within the area including the District, (b) the acquisition, construction, operation, and maintenance of community facilities and other public infrastructure improvements for the District (the “Community Facilities”), (c) the provision of District services to be undertaken by the Authority, (d) the proposed method of financing such Community Facilities and District services, (e) the projected total employment within the District, and (f) the projected total population of the District.

Projected development of the District, including the Additional Properties, is set forth in Exhibit E attached hereto. Development will be required to complement the Village’s signature characteristics, including its historic downtown, abundant natural features, and walkable, interconnected neighborhoods.

- a. Development Program, Including Land Acquisition and Land Development. The Development Program does not contemplate that the Authority would undertake any plans for the acquisition of real property and interests in real property other than (i) the acquisition of fee interests, easements, rights-of-way, licenses, leases and similar property interests necessary to complete the Community Facilities, including such interests which may be provided to the Village in support of the Development Program; or (ii) the acquisition of real property and interests in real property to be provided to the Village in support of the Development Program.
- b. Plan for Community Facilities. The Community Development Charge, as defined below, will be used to pay costs of acquiring, constructing, and improving Community Facilities (in addition to Land Acquisition, Land Development, and the Provision of District Services) in order to support the anticipated rapid growth of the District, including the Additional Properties. The Community Facilities shall include all real property, buildings, structures, or other facilities, including related fixtures, equipment, and furnishings, to be owned, operated, financed, constructed, and maintained under the Act. As provided in the Act, the Community Facilities consist generally of (i) any real property, buildings, structures, or other facilities, including related fixtures, equipment, and furnishings, to be owned, operated, financed, constructed, and maintained, including public, community, village, neighborhood, or town buildings, centers and plazas, auditoriums, day care centers, recreation halls, educational facilities (including but not limited to the acquisition,

construction, operation, and maintenance of educational facilities), health care facilities including hospital facilities as defined in the Act, telecommunications facilities, including all facilities necessary to provide telecommunications service as defined in the Act, 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; and (ii) any community facilities that are owned, operated, financed, constructed, or maintained for, relating to, or in furtherance of community activities.

Specifically, it is presently anticipated that the Community Facilities will include the facilities described in Exhibit D attached hereto. The Village anticipates that all Community Facilities will be owned by the Authority, the Village, and/or a port authority established pursuant to Ohio Revised Code Chapter 4582.

- c. Provision of District Services. Pursuant to the Act, the Authority is authorized to provide services within the District, including, but not limited to, landscaping, street and sidewalk cleaning and maintenance, maintenance of parking facilities, and any other community improvement services. The Authority may determine from time to time to allocate a portion of its budget to the costs of such services. It is anticipated, however, that all such services may be provided by the Village.
- d. Method of Financing. The Village may finance the construction of certain of the Community Facilities through the issuance of one or more series of bonds, notes issued in anticipation of the issuance of bonds, or bonds issued to refund such bonds or notes (the “Bonds”), either by the Authority or another entity or team of entities, including a port authority or the Village. The Bonds will be secured through the levy and collection by the Authority of a “community development charge,” as defined in the Act (the “Community Development Charge”), that the Authority expects to levy on certain parcels within the District. The Community Development Charge will serve as the primary source of security for the payment of the annual debt service charges on the Bonds (“Bond Debt Service”). Notwithstanding the foregoing, the Village reserves the right, to the extent feasible from time to time, for the Authority to pay costs of Community Facilities on a current expense basis.
- e. Projected Total Employment within the District. The Initial Property of the District does not currently include any employers. However, the Village is actively pursuing additional employers as part of what may include Additional Property added to the District, as outlined in the Preliminary Economic Feasibility Analysis referenced hereto as Exhibit E.

- f. Projected Total Population of the District. The Initial Property is not expected to include any residents.

The 2020 U.S. Bureau of the Census Report estimated a Village population of 4,557. The Village currently estimates that the Village will increase in population during the next decade, to approximately 5,500 residents. The Village intends to seek the addition of certain new developments within the Village to the District. Therefore, the projected total population of the District, upon the inclusion of the Additional Properties, could be between 500 and 1,000. Depending on annexation patterns, and as is more fully described in Exhibit E, the total population of the District could be as large as 1,000 or more residents. The Community Facilities will be designed to benefit all of these new residents.

Section 6. Board of Trustees of the Proposed Authority

The Village recommends that the members of the board of trustees of the Authority (the “Board”) be comprised of seven (7) members selected as provided in Section 349.04 of the Ohio Revised Code and as described below:

- a. Appointment of Members of the Board. Initially, the Village will appoint all Members of the Board, as follows.
 - i. The Village Council, as the organizational board of commissioners under Section 349.01(F) of the Ohio Revised Code, shall appoint three (3) citizen members of the Board to represent the interests of present and future employers within the District.
 - ii. The Village Council, as the organizational board of commissioners under Section 349.01(F) of the Ohio Revised Code, shall appoint one (1) member of the Board to serve as a representative of local government, provided that this member shall be nominated and approved by the Teays Valley Local School District (the “School District).
 - iii. The Village, through the Village Administrator, in its capacity as developer of the District within the meaning of Section 349.01(E) of the Ohio Revised Code, shall appoint three (3) members to serve on the Board to represent the Village, in its capacity as developer.
- b. Replacement of Members of the Board. As described in Section 5, the projected total population of the District, including any Additional Properties, is significant and somewhat variable as the Village grows during the next decade. Therefore, the Village recommends that the Village establish an alternative Board replacement process, pursuant to Ohio Revised Code Section 349.04, to maintain appointment of Board members, as described in Section 6(a) hereof.

Section 7. Preliminary Economic Feasibility Analysis for the Proposed Authority

The preliminary economic feasibility analysis is provided below and in certain Exhibits attached to this Petition. The preliminary economic feasibility analysis examines (a) development patterns and demand factors of the area including the District, (b) the location and size for the proposed District, (c) the present and future socio-economic conditions of the area including the District, (d) a description of the public services to be provided with respect to the area including the District, (e) a financial plan with respect to the area including the District, and (f) a description of the Village's management capability.

- a. Development Patterns and Demand Factors of District. The current land use of the area within the District is (640) E—Exempt Property Owned by Municipality. At this time, the Village does not anticipate development of the Initial Property in the near future. However, the Village expects rapid development of the Additional Properties during the next decade, as is outlined in Exhibit E. Demographic and development information related to certain areas within and without the District are attached hereto as Exhibit E.
- b. Location and Size of Proposed District. The District is located in the Village as more fully shown in Exhibit A and described in Exhibit B. The size of the proposed District is approximately 11.2 acres.
- c. Public Services Provision. With respect to the Initial Property: (i) all law enforcement services within the District shall be provided by the Ashville Police Department; (ii) all fire and emergency medical services (EMS) shall be provided by the Harrison Township Fire Department; (iii) roadways and utilities will be provided by the applicable public or utility entities; and (iv) public education services shall be provided by the School District.
- d. Preliminary Economic Feasibility Analysis. A preliminary economic feasibility analysis for development of the District, including the area development pattern and demand, and present and future socio-economic conditions of the area including the District attached hereto as Exhibit E.
- e. Financial Plan. A preliminary financial plan for the development and the District is attached hereto as Exhibit F.
- f. Developer's Management Capability. A description of the management capability of the Village, in the form of the most recent audit of the Village, is attached hereto as Exhibit G.

Section 8. Environmental Statement

The Authority and the Village shall comply with all applicable environmental laws and regulations with respect to the District. To the knowledge of the Village, the District does not include any conditions qualifying as a recognized environmental condition and no evidence of

actual or potential releases of hazardous substances or petroleum products in conjunction with the District.

Section 9. Provisions Regarding This Petition

For the purposes of the establishment of the Authority, the Village is the only municipal corporation that can be defined as a “proximate city” with respect to the Authority as that term is defined in Section 349.01(M) of the Ohio Revised Code.

Exhibits A, B, C, D, E, F, G, and H attached hereto, are hereby incorporated as part of this Petition.

Words and terms not defined herein shall have the meanings given in Section 349.01 unless the context requires a different meaning.

The Village, as statutory developer under Section 349.01(E) of the Ohio Revised Code, hereby requests the Village Council, as the organizational board of commissioners under Section 349.01(F) of the Ohio Revised Code, to determine that this Petition complies as to form and substance with the requirements of Section 349.03 of the Ohio Revised Code and further requests that the members of the Village Council fix the time and place of a hearing on this Petition for the establishment of the Authority. Pursuant to Section 349.03(A) of the Ohio Revised Code, and because the Petition has been executed by the sole “proximate city” within the meaning of that section, such hearing must be held not less than thirty (30) nor more than forty-five (45) days after the filing of this Petition with the Clerk of the Village Council.

[Signature Page Follows on Next Page]

This Petition is filed with the Clerk of the Village Council of the Village of Ashville, Ohio on this 13 day of October 2023.
Respectfully submitted,

VILLAGE OF ASHVILLE, OHIO

By:



Name: Franklin Christman

Title: Village Administrator

Approved as to form:



Village Solicitor

EXHIBIT A

MAP OF DISTRICT

The District appears as the outlined parcel below, as that parcel may be divided, combined, or re-numbered from time to time and included in the records of the County Auditor of Pickaway County, Ohio. The District is located on 11.20 acres located entirely within the Village of Ashville.

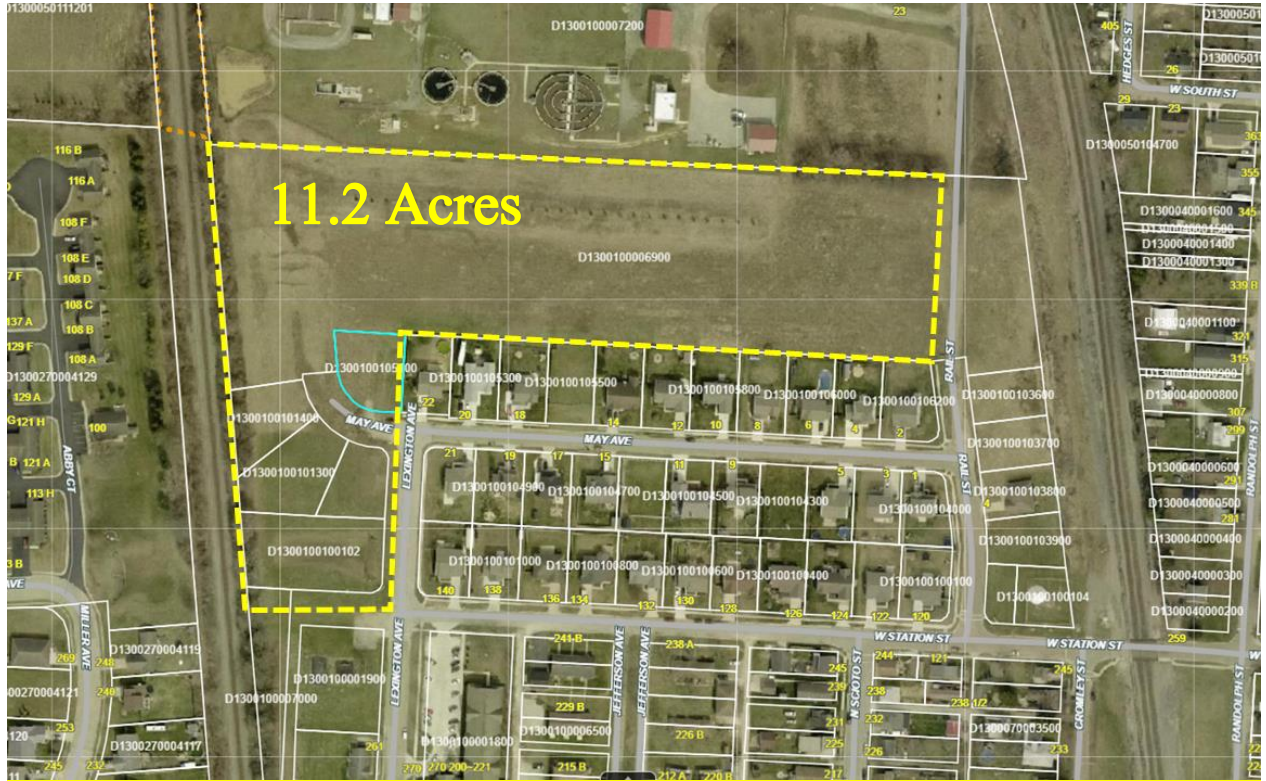


EXHIBIT B

LEGAL DESCRIPTION OF REAL PROPERTY COMPRISING DISTRICT

The District shall include the parcel comprised of the tracts described on the following pages and identified in the records of the County Recorder of Pickaway County, Ohio as parcel number D1300100006900, D1300100105100, D1300100101400, D1300100101300, D1300100101200, and D1300100100102 as the parcels that may be divided, combined, or re-numbered from time to time and included in the records of the County Auditor of Pickaway County, Ohio.

[Legal Description Attached]

EXHIBIT C

ZONING FOR DISTRICT

I hereby certify that the following presents the applicable zoning regulations with respect to the Initial Property, as set forth in the Village of Ashville Zoning Code and that a complete copy of the Village of Ashville Planning and Zoning Code is located at the following link, pursuant to the Village of Ashville's Codified Ordinances, Part Eleven: https://codelibrary.amlegal.com/codes/ashville/latest/ashville_oh/0-0-0-9826.

Clerk of Council
Village of Ashville, Ohio

[See Attached]

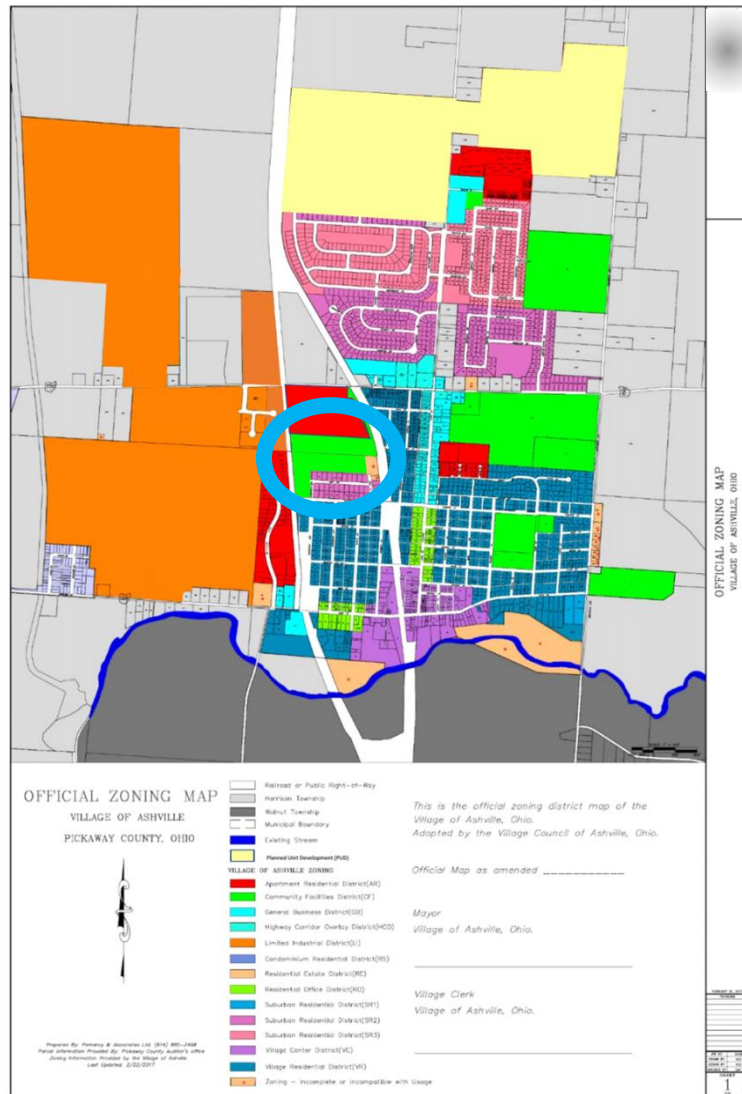


EXHIBIT D

PROPOSED COMMUNITY FACILITIES

The proposed community facilities, as defined in Section 349.01(I), Ohio Revised Code, will include the following:

- Biking and hiking trails and sidewalks designed to make the entire Village easily accessible by foot or bike;
- Roadway construction and improvements necessary to support the District;
- Construction of sanitary sewer, storm sewer, and water improvements;
- Water, storm water, and sewer improvement costs;
- Educational facilities to be owned and operated by public school districts serving the District, including but not limited to the acquisition, construction, operation, and maintenance of educational facilities;
- Land acquisition necessary in connection with the Community Facilities;
- Street lighting;
- Park and recreational improvement costs;
- Municipal facilities;
- Landscaping of public property; and
- Other costs of the new community development program within the meaning of Section 349.01(J), Ohio Revised Code, including inspection costs, testing, water, storm water, and waste water connection fees, contractor fees, general contractor fees, legal fees, property taxes, appraisals and market studies, civil engineering and staking fees, development fee, environmental engineering, geotechnical engineering, and permitting; and costs of issuance of, debt service reserve funding of, and capitalized interest relating to any debt issued pursuant to Section 349.05, Ohio Revised Code, and necessary contingency amounts.

EXHIBIT E

PRELIMINARY ECONOMIC FEASIBILITY ANALYSIS

A. Area Development Pattern and Demand

The primary uses of land in and near the District are agricultural, residential and commercial. The Village of Ashville (the “Village”) anticipates the increased demand for residential housing will continue to rise and a development plan for the District, as it is expanded from time to time, will be completed within approximately ten (10) years.

B. Location and Proposed District Size

The new community district of the Ashville New Community Authority (the “District”) is located entirely within the Village and Pickaway County, Ohio, as shown on the map attached as Exhibit A. The District is approximately 11.2 acres in size.

C. Present and Future Socio-Economic Conditions

The Village has led the development of the District and the surrounding neighborhoods, when it, in coordination with local stakeholders, approved a Strategic Land Use Plan in cooperation with the North Gate Alliance Cooperative Economic Development Agreement on March 10, 2013, which such plan is on file with the Clerk of Council of the Village and available online at the following link: <https://ashvilleohio.gov/images/north-gate-alliance/North-Gate-Alliance-Plan-Website2.pdf> (the “Land Use Plan”). At the time of the Land Use Plan, the area surrounding the District consisted of land serving residential purposes, along with land primarily serving agricultural purposes and lacking adequate public infrastructure, as indicated by the Land Use Plan.

The Village expects land in the vicinity of the District to be further developed into landscaped, master-planned residential communities with unique amenities such as common, open space, trails, and other mixed uses that may include increased commercial and/or industrial applications. As described in Section 5(f) of the Petition, the 2020 U.S. Bureau of the Census Report estimated a Village population of 4,557. Due in part to development projects like the Day Farm and other, similar initiatives the Village expects to occur in the surrounding area of, and within, the District, the Village currently estimates that its population during the next decade will increase to approximately [5,500] or more residents.

Communities in the greater Columbus region, such as the Village, continue to experience growth, increasingly diverse employment opportunities, and new visitors and residents. As a result, the Village is now undertaking several significant additions to neighborhoods surrounding the District, and anticipates continued favorable growth patterns throughout, and in the vicinity of, the District and neighboring sites. To proactively prepare for dramatic growth in the Village, the Village is forming the Ashville New Community Authority as a means of encouraging: (i) the orderly development of diversified, and economically sound new communities, (ii) the initiative and participation of private enterprise in this undertaking, and (iii) cooperation between various

developers contributing to such growth, the Village, and the Asheville New Community Authority in their common goal of carrying out this new community development program.

D. Public Services Provision

The Village will provide the Initial Property of the District with police, refuse, water, sanitary sewer and storm sewer services. Harrison Township will provide the Initial Property of the District with fire and EMS services. The Authority is not expected to directly provide any public services or utilities. The District, including the Initial Property and any Additional Property, is served by the Teays Valley Local School District. Gas and communications services are available from various providers.

E. Financial Plan

The Village expects that the proceeds of one or more series of Bonds (as described in the Petition), private debt, and/or equity with respect to outside investors may collectively fund the construction of projects to be developed within the District. The Authority, subject to Ohio Revised Code Chapter 349, its related rules and laws, the Petition, and a Declaration of Covenants and Restrictions to be recorded by the Village with respect to the Initial Property within the District, may provide financing for certain private improvements within the District. The Village expects that Community Development Charges derived from the operation and development of the District will be sufficient to repay the Bonds, any private debt borrowed to fund its developments, and provide an adequate return to attract equity investment to fund development within the District (payments in lieu of taxes derived from various Tax Increment Financing programs authorized by the Village pursuant to Ohio Revised Code Chapter 5709 may be utilized for similar purposes).

F. Developer's Management Capability

With respect to the Initial Property of the District, it is not presently anticipated that construction of District improvements relating to public infrastructure, which includes but is not limited to water, sewer, and roadways serving the District, will be needed. It is expected that each of the foregoing District improvements relating to public infrastructure may be needed with respect to the Additional Property that may be added to the District from time to time. The Village, the Authority, or a port authority established under Ohio Revised Code Chapter 4582, may be responsible for the construction of such public infrastructure with respect to Additional Property added to District. It is expected that these improvements may be funded by one or more series of Bonds (as described in the Petition) and other sources of private debt, and/or equity, repayment of which may be supported by payments in lieu of taxes derived from various Tax Increment Financing programs authorized by the Village pursuant to Ohio Revised Code chapter 5709, Community Development Charges, and other legally applicable sources of funds. The management capability of the Village is described on Exhibit G hereto.

EXHIBIT F
FINANCIAL PLAN

The Village seeks to create the Authority to promote and coordinate the financing and construction of Community Facilities that are necessary from time to time to support development in the District. Initial plans for these Community Facilities are detailed in Exhibit D. The Village may pay costs of Community Facilities directly or the Village may consider financing the Community Facilities through the issuance, whether directly or on a conduit basis, of bonds secured by the Community Development Charge.

Determination of Community Development Charges

The Authority may impose a Community Development Charge on property located within the District, determined as generally described in this Exhibit F, which is anticipated to be a dollar amount determined on the basis of the assessed valuation of real property or interests in real property in the District sold, leased, or otherwise conveyed. Although the Village does not contemplate the establishment of a Community Development Charge with respect to the initial property of the District, the Community Development Charge applicable to territory added to the District is anticipated to equal ten (10) mills or, upon the request of a property owner and approval by the Village of such request, to exceed that amount.

Allocation of Community Development Charges

The Community Development Charges shall be allocated and applied as follows, all pursuant to this Petition, a Declaration of Covenants and Restrictions to be filed by the Village with respect to the initial property comprising the District and any supplements thereto, Chapter 349 of the Ohio Revised Code, and any applicable law:

(1) Payment of all Authority administrative costs, including costs of the Village in support of the Authority which are directly invoiced by one or more authorized vendors of the Village, or directly by the Village, to the Authority, in an amount not to exceed an amount approved by the Authority pursuant to its annual budget.

(2) The balance, after payment of all Authority administrative costs:

(A) If residential, 20% will be provided to the Teays Valley Local School District, which serves the District, to pay costs of the Development Plan, such as Land Acquisition, Land Development, Community Facilities, and the Provision of District Services, selected by the Teays Valley Local School District, which shall further include but are not limited to, acquisition, construction, maintenance, and operation of Community Facilities and any “educational activities” within the meaning of Section 349.06(D) of the Ohio Revised Code provided by the Teays Valley Local School District, all pursuant to an agreement with the Authority, and

(B) If non-residential, 10% will be provided to the Teays Valley Local School District, which serves the District, to pay costs of the Development Plan, such as Land

Acquisition, Land Development, Community Facilities, and the Provision of District Services, selected by the Teays Valley Local School District, which shall further include but are not limited to, acquisition, construction, maintenance, and operation of Community Facilities and any “educational activities” within the meaning of Section 349.06(D) of the Ohio Revised Code provided by the Teays Valley Local School District, all pursuant to an agreement with the Authority, and

(C) If residential, 80% will be provided to the Village to pay costs of the Development Plan, such as Land Acquisition, Land Development, Community Facilities, and the Provision of District Services, selected by the Village, including but not limited to acquisition, construction, maintenance, and operation thereof, all pursuant to, if requested by the Authority, an agreement with the Authority.

(D) If non-residential, 90% will be provided to the Village to pay costs of the Development Plan, such as Land Acquisition, Land Development, Community Facilities, and the Provision of District Services, selected by the Village, including but not limited to acquisition, construction, maintenance, and operation thereof, all pursuant to, if requested by the Authority, an agreement with the Authority.

As used in this exhibit, “non-residential” means any Village of Ashville zoning district other than AR, R5, RE, SR1, SR2, SR3, and VR.

In addition, Additional Properties may be subject to additional or increased Community Development Charges upon request of the affected property owner and approval of the Village and the Board of the Authority with respect to the same. Additional or increased Community Development Charges collected shall be applied by the Authority to pay costs of additional Land Acquisition, Land Development, Community Facilities, and the Provision of District Services, as agreed upon by the Authority and the affected property owner and a supplemental Declaration of Covenants and Restrictions to be filed with respect to the Additional Properties.

Timing and Collection of the Community Development Charges

The Community Development Charge will be imposed on the District upon approval thereby of the Board.

As permitted by Section 349.07 of the Ohio Revised Code, the Authority may certify the Community Development Charges to the Pickaway County Auditor, who will enter the Community Development Charges on the tax list and duplicate of real property and certify the Community Development Charge to the Pickaway County Treasurer for collection with the tax bills.

EXHIBIT G

THE VILLAGE'S MANAGEMENT CAPABILITY

See Village Audit on file with the Clerk of Village Council released by the Auditor of the State of Ohio on 07/27/2023 and also available at the following link: https://ohioauditor.gov/auditsearch/Reports/2023/Village_of_Ashville_2022_2021_Pickaway_FINAL.pdf.

EXHIBIT H

ADDITIONAL PROPERTIES

The Additional Properties are expected to include any new developments within the boundaries of the Village of Ashville, depicted on the following page as “Municipal Boundary” and delineated upon the map below (as such “Municipal Boundary” may be amended from time to time).

