

RESOLUTION APPROVING ASHTABULA COUNTY COMMUNITY REINVESTMENT AREA, TAX INCENTIVE AGREEMENT BY AND BETWEEN ASHTABULA COUNTY AND GENEVA HOTEL, LLC, AREA NO. 007-33628-28, KNOWN AS: HARPERSFIELD TOWNSHIP CRA #1

WHEREAS, Ashtabula County has encouraged the development of real property and the acquisition of personal property located in the area designated as a Community Reinvestment Area; and

WHEREAS, Geneva Hotel, LLC is desirous of building a TownePlace Suites by Marriott hotel at Spire Circle, Harpersfield Township, Ohio 44041 (permanent parcel 22-035-00-001-00) Ashtabula County, which is hereinafter referred to as the "PROJECT", within the boundaries of the aforementioned Community Reinvestment Area, provided that the appropriate development incentives are available to support the economic viability of said PROJECT; and

WHEREAS, the Ashtabula County Board of Commissioners, by Resolution No. 2021-349 adopted 09/14/2021, designated the area as a "Community Reinvestment Area" pursuant Chapter 3735 of the Ohio Revised Code; and

WHEREAS, effective December 9, 2021, the Director of Development of the State of Ohio determined that the aforementioned area designated in said Resolution No. 2021-349 contained the characteristics set forth in Section 3735.66 of the Ohio Revised Code and confirmed said area as a Community Reinvestment Area under said Chapter 3735; and

WHEREAS, Ashtabula County having the appropriate authority for the stated type of project is desirous of providing the Property Owner with incentives available for the development of the PROJECT in said Community Reinvestment Area under Chapter 3735 of the Ohio Revised Code; and

WHEREAS, Geneva Hotel, LLC has submitted a proposed agreement application (herein attached as Exhibit A) to Ashtabula County (hereinafter referred to as "APPLICATION"); and

WHEREAS, Geneva Hotel, LLC has remitted the required state application fee of \$750.00 made payable to the Ohio Development Services Agency with the application to be forwarded to said department with a copy of the final agreement; and

WHEREAS, the Community Reinvestment Housing Officer has investigated the application of Geneva Hotel, LLC and has recommended the approval to the Board of Commissioners on the basis that the Property Owner is qualified by financial responsibility and business experience to create and preserve employment opportunities in said Community Reinvestment Area and improve the economic climate of the Ashtabula County; and

WHEREAS, the Project Site is located in the Geneva Area City School District (the "School District") and Ashtabula County Technical and Career Campus (Atech) joint vocational school district (the "JVSD"), and the Boards of Education of each of the School District and the JVSD have been notified in accordance with Section 5709.83 of the Ohio Revised Code and been provided a copy of the Application; and

WHEREAS, pursuant to Section 3735.67(A) and in conformance with the format required under Section 3735.671(B) of the Ohio Revised Code, the parties hereto desire to set forth their agreement with respect to matters hereinafter contained;

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the parties herein agree as follows:

Section 1. Property Owner shall perform the construction activities described below, hereinafter referred to as the "PROJECT." The PROJECT will involve a total investment by Property Owner of \$15,000,000 (Fifteen Million Dollars), plus or minus 10%, at Spire Circle, Harpersfield Township, Ohio (permanent parcel 22-035-00-001-00). Included in this investment are \$13,000,000 for new construction, \$2,000,000 furniture and fixtures. The PROJECT will begin in Fall 2021, and all construction and installation will be completed by December 31, 2022.

Section 2. Business Owner shall use its good faith and commercially reasonable efforts to cause and/or facilitate the creation of ten (10) full-time jobs and twenty-one (21) part-time permanent jobs at the project location in Harpersfield Township within a time period not exceeding 36 months after the commencement of construction of the aforesaid facility. Geneva Hotel, LLC currently has 0 existing full-time permanent and 0 existing part-time permanent employees in the project area. In total Geneva Hotel, LLC have 0 full-time permanent employees and 0 part-time permanent employees in the State of Ohio.

The PROJECT is expected to result in an annual employee payroll of approximately \$600,000. The following is an estimated itemization: \$300,000 in new full-time payroll and \$300,000 in new permanent part-time payroll.

Section 3. Ashtabula County hereby grants Property Owner a tax exemption for real property improvements made to the PROJECT site pursuant to Section 3735.67 of the Ohio Revised Code and shall be in the following amounts: fifty percent (50%) for ten (10) years. The exemption commences the first year for which the real property would first be taxable were that property not exempted from taxation. No exemption shall commence before January 1, 2023 nor extend beyond 12/31/2034. Property Owner must file the appropriate tax forms with the County Auditor to effect and maintain the exemptions covered in the agreement.

Section 4. Property Owner shall pay such real and tangible personal property taxes as are not exempted under this agreement and are charged against such property and shall file all tax reports and returns as required by law. If Property Owner fails to pay such taxes or file such returns and reports, all incentives granted under this agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and thereafter.

Section 5. Ashtabula County shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

Section 6. If for any reason the Community Reinvestment Area designation expires, the Director of the Ohio Development Services Agency revokes certification of the zone, or Ashtabula County revokes the designation of the zone, entitlements granted under this agreement shall continue for the number of years specified under this agreement, unless Property Owner materially fails to fulfill its obligations under this agreement and Ashtabula County terminates or modifies the exemptions from taxation granted under this agreement.

Section 7. If Property Owner sells the subject improved property without undertaking all steps necessary for another responsible party, acceptable to Ashtabula County, to assume all obligations hereunder, or materially fails to fulfill its obligations under this agreement, or if Ashtabula County determines that the certification as to delinquent taxes required by this agreement is fraudulent, Ashtabula County may terminate or modify the exemptions from taxation granted under this agreement, and may require the repayment of the amount of taxes that would have been payable had the property not been exempted from taxation under this agreement.

Section 8. Property Owner hereby certifies that at the time this agreement is executed, Property Owner does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio, and does not owe delinquent taxes for which Property Owner is liable under Chapter 5733, 5735, 5739, 5741, 5743, 5747, or 5753 of the Revised Code, or, if such delinquent taxes are owed, Property Owner currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against Property Owner. For the purposes of the certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Revised Code governing payment of those taxes.

Section 9. Property Owner affirmatively covenants that it does not owe: (1) any delinquent taxes to the State of Ohio or a political subdivision of the State; (2) any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State; and (3) any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not.

Section 10. Property Owner and Ashtabula County acknowledge that this agreement must be approved by formal action of the legislative authority of the Ashtabula County as a condition for the agreement to take effect. This agreement takes effect upon such approval.

Section 11. Ashtabula County has developed a policy to ensure recipients of Community Reinvestment Area tax benefits practice non-discriminating hiring practices. In executing this agreement, Business Owner commits to following non-discriminating hiring practices acknowledging that no individual may be denied employment on the basis of race, religion, sex, disability, color, national origin or ancestry.

Section 12. Exemptions from taxation granted under this agreement shall be revoked if it is determined that Property Owner, any successor Property Owner, or any related member (as those terms are defined in Section 3735.671 of the Ohio Revised Code) has violated the prohibition against entering into this agreement under Division (E) of Section 3735.671 or Section 5709.62 or 5709.63 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections.

Section 13. Property Owner affirmatively covenants that it has made no false statements to the State or local political subdivisions in the process of obtaining approval of the Community Reinvestment Area incentives. If any representative of Property Owner has knowingly made a false statement to the State or local political subdivision to obtain the Community Reinvestment Area incentives, Property Owner shall be required to immediately return all benefits received under the Community Reinvestment Area Agreement pursuant ORC Section 9.66(C)(2) and shall be ineligible for any future economic development assistance from the State, any state agency or a political subdivision pursuant to ORC Section 9.66(C)(1). Any person who provides a false statement to secure economic development assistance may be guilty of falsification, a misdemeanor of the first degree, pursuant to ORC Section 2921.13(D)(1), which is punishable by a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.

Section 14. This agreement is not transferable or assignable without the express, written approval of Ashtabula County.

Section 15. Property Owner shall provide to the proper tax incentive review council any information reasonably required by the council to evaluate the applicant's compliance with the agreement, including returns filed pursuant to section 5711.02 of the Ohio Revised Code if requested by the council.

**ASHTABULA COUNTY COMMISSIONERS
CERTIFICATION PAGE**

Resolution No. 2021-460

December 21, 2021

RESOLUTION APPROVING ASHTABULA COUNTY COMMUNITY REINVESTMENT AREA, TAX INCENTIVE AGREEMENT BY AND BETWEEN ASHTABULA COUNTY AND GENEVA HOTEL, LLC, AREA NO. 007-33628-28, KNOWN AS: HARPERSFIELD TOWNSHIP CRA #1

Upon the motion of Casey R. Kozlowski, seconded by Kathryn L. Whittington.


VOTE:

Kathryn L. Whittington
J.P. Ducro IV
Casey R. Kozlowski

Aye
Aye
Aye

CERTIFICATE OF CLERK

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution acted upon and duly passed by the Board of County Commissioners of Ashtabula County, Ohio, on the date noted above.


Crystal Sturgill, Clerk of the Board, *Acting*
Board of County Commissioners
Ashtabula County, Ohio

**ASHTABULA COUNTY COMMUNITY REINVESTMENT AREA
TAX INCENTIVE AGREEMENT
AREA NO. 007-33628-28
Known As: Harpersfield Township CRA #1**

THIS AGREEMENT made and entered into by and between Ashtabula County Ohio, with its main offices located at 25 West Jefferson Street, Jefferson, OH 44047 (hereinafter referred to as "Ashtabula County") and **Geneva Hotel, LLC**, a Delaware corporation with its principal office located at P.O. Box 229 Montville, Ohio 44064 (hereinafter referred to as "Property Owner and Business Owner"),
WITNESSETH:

WHEREAS, Ashtabula County has encouraged the development of real property and the acquisition of personal property located in the area designated as a Community Reinvestment Area; and

WHEREAS, Geneva Hotel, LLC is desirous of building a TownePlace Suites by Marriott hotel at Spire Circle, Harpersfield Township, Ohio 44041 (permanent parcel 22-035-00-001-00) Ashtabula County, which is hereinafter referred to as the "PROJECT", within the boundaries of the aforementioned Community Reinvestment Area, provided that the appropriate development incentives are available to support the economic viability of said PROJECT; and

WHEREAS, the Ashtabula County Board of Commissioners, by Resolution No. 2021-349 adopted 09/14/2021, designated the area as a "Community Reinvestment Area" pursuant Chapter 3735 of the Ohio Revised Code; and

WHEREAS, effective December 9, 2021, the Director of Development of the State of Ohio determined that the aforementioned area designated in said Resolution No. 2021-349 contained the characteristics set forth in Section 3735.66 of the Ohio Revised Code and confirmed said area as a Community Reinvestment Area under said Chapter 3735; and

WHEREAS, Ashtabula County having the appropriate authority for the stated type of project is desirous of providing the Property Owner with incentives available for the development of the PROJECT in said Community Reinvestment Area under Chapter 3735 of the Ohio Revised Code; and

WHEREAS, Geneva Hotel, LLC has submitted a proposed agreement application (herein attached as Exhibit A) to Ashtabula County (hereinafter referred to as "APPLICATION"); and

WHEREAS, Geneva Hotel, LLC has remitted the required state application fee of \$750.00 made payable to the Ohio Development Services Agency with the application to be forwarded to said department with a copy of the final agreement; and

WHEREAS, the Community Reinvestment Housing Officer has investigated the application of Geneva Hotel, LLC and has recommended the approval to the Board of Commissioners on the basis that the Property Owner is qualified by financial responsibility and business experience to create and preserve employment opportunities in said Community Reinvestment Area and improve the economic climate of the Ashtabula County; and

WHEREAS, the Project Site is located in the Geneva Area City School District (the "School District") and Ashtabula County Technical and Career Campus (Atech) joint vocational school district (the "JVSD"), and the Boards of Education of each of the School District and the JVSD have been notified in accordance with Section 5709.83 of the Ohio Revised Code and been provided a copy of the Application; and

WHEREAS, pursuant to Section 3735.67(A) and in conformance with the format required under Section 3735.671(B) of the Ohio Revised Code, the parties hereto desire to set forth their agreement with respect to matters hereinafter contained;

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Section 15. Property Owner shall provide to the proper tax incentive review council any information reasonably required by the council to evaluate the applicant's compliance with the agreement, including returns filed pursuant to section 5711.02 of the Ohio Revised Code if requested by the council.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the County of Ashtabula Ohio, and pursuant to Resolution No. 2021-460
has caused this instrument to be executed this 21st day of December, 2021;
and Geneva Hotel, LLC, to-wit:

Ashtabula County Commissioners:

Date: 12/21/21

Date: 12-18-2021

ASHTABULA COUNTY COMMISSIONERS

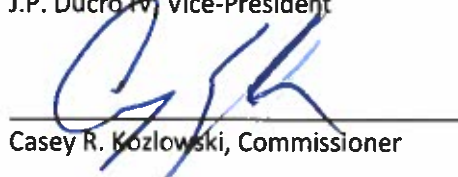
GENEVA HOTEL, LLC


Kathryn L. Whittington, President


Signature of Owner


J.P. Ducro, Vice-President

Shawn Neece, Member
Printed Name


Casey R. Kozlowski, Commissioner



OHIO'S COMMUNITY REINVESTMENT AREA PROGRAM

ASHTABULA COUNTY

HARPERFIELD TOWNSHIP CRA #1

CONFIRMATION – Area No. 007-33628-28

Upon examination of (a) the "Petition for Area Certification" of the Harperfield Township CRA #1 submitted by the Ashtabula County on October 25, 2021; (b) a certified copy of Community Reinvestment Area Resolution No. 2021-349 adopted by the Ashtabula County Commissioners on September 14, 2021; (c) a survey of the housing conditions existing in the proposed area; (d) the written description of the Ashtabula County designated Harperfield Township CRA #1; (e) a map of the proposed area; (f) the zoning standards currently in place within the proposed area; and (g) a review of the findings of the staff of this Agency, I have determined that the area so designated meets the requirements of Ohio Revised Code Section 3735.66.

Accordingly, pursuant to Ohio Revised Code Section 3735.66, I hereby confirm the findings of Ashtabula County to be valid and consistent with applicable legislative requirements. The area designated as the Harperfield Township CRA #1 by Ashtabula County within the aforementioned "Petition for Area Certification" is determined to be a Community Reinvestment Area.

Executed at Columbus, Ohio, this 2021-12-09 15:02:50 UTC day of December, 2021.

Lydia L. Mihalik
Director
Ohio Department of Development

By: E-SIGNED by Matthew McClellan
on 2021-12-09 15:02:50 EST
Name: Matthew McClellan
Title: Assistant Director

d. Form of business of enterprise (corporation, partnership, proprietorship, or other).

Limited Liability Co organized in Ohio

3. Name of principal owner(s) or officers of the business.

Jonathon Ehrenfeld (rep for Blue Ocean), Shawn Neece (rep for Renew Partners LLC)

4. a. State the enterprise's current employment level at the proposed project site:

None

b. Will the project involve the relocation of employment positions or assets from one Ohio location to another? Yes ___ No X

c. If yes, state the locations from which employment positions or assets will be relocated and the location to where the employment positions or assets will be located:

d. State the enterprise's current employment level in Ohio (itemized for full and part-time an permanent and temporary employees):

None

e. State the enterprise's current employment level for each facility to be affected by the relocation of employment positions or assets:

None

f. What is the projected impact of the relocation, detailing the number and type of employees and/or assets to be relocated?

None

5. Does the Property Owner owe:

a. Any delinquent taxes to the State of Ohio or a political subdivision of the state?

Yes ___ No X

b. Any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State? Yes _____ No X

c. Any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not? Yes _____ No X

d. If yes to any of the above, please provide details of each instance including but not limited to the location, amounts and/or case identification numbers (add additional sheets).

6. Project Description: _____

7. Project will begin Nov 1, 2021 and be completed Oct 31, 2022 provided a tax exemption is provided.

8. a. Estimate the number of new employees the property owner will cause to be created at the facility that is the project site (job creation projection must be itemized by the name of the employer, full and part-time and permanent and temporary):

10 FT, 21 PT - permanent
75 FT - Construction

b. State the time frame of this projected hiring: 1 yrs.

c. State proposed schedule for hiring (itemize by full and part-time and permanent and temporary employees):

2 FTE will be hired in Summer of 2022, the rest will be hired by end of 2022

9. a. Estimate the amount of annual payroll such new employees will add \$ ^{\$5.625MM Construction} \$600,000 (perm) (new annual payroll must be itemized by full and part-time and permanent and temporary new employees). \$300,000 - FT, \$300,000 PT - permanent, \$5.625MM Construction payroll

b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project: \$ 0

10. An estimate of the amount to be invested by the enterprise to establish, expand, renovate or occupy a facility:

A. Acquisition of Buildings:	\$ 0
B. Additions/New Construction:	\$ \$13,000,000
C. Improvements to existing buildings:	\$
D. Machinery & Equipment:	\$
E. Furniture & Fixtures:	\$ \$ 2,000,000
F. Inventory:	\$
Total New Project Investment:	\$ \$15,000,000

11. a. Business requests the following tax exemption incentives: 75 % for 15 years covering real property as described above. Be specific as to the rate, and term.

b. Business's reasons for requesting tax incentives (be quantitatively specific as possible)

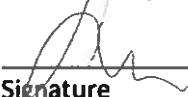
Projections of net operating income establish that, to make the project viable, that RE taxes must be 25% of
current rate in the political subdivision. Additionally, this allows for using cPace to finance a portion of energy
related improvements, which will allow for a more favorable energy efficient project to be constructed.

Submission of this application expressly authorizes Ashtabula County to contact the Ohio Environmental Protection Agency to confirm statements contained within this application including item # 5 and to review applicable confidential records. As part of this application, the property owner may also be required to directly request from the Ohio Department of Taxation, or complete a waiver form allowing the Department of Taxation to release specific tax records to the local jurisdiction considering the request.

The Applicant agrees to supply additional information upon request.

The Applicant affirmatively covenants that the information contained in and submitted with this application is complete and correct and is aware of the ORC Sections 9.66(C) (1) and 2921.13(D) (1) penalties for falsification which could result in the forfeiture of all current and future economic development assistance benefits as well as a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.

Geneva Hotel LLC
Name of Property Owner


Signature

9-7-2021
Date

Shawn Neece, Member of Renew Geneva Holdings LLC, Member
Typed Name and Title

*** A copy of this proposal must be forwarded by the local governments to the affected Board of Education along with notice of the meeting date on which the local government will review the proposal. Notice must be given a minimum of fourteen (14) days prior to the scheduled meeting to permit the Board of Education to appear and/or comment before the legislative authorities considering the request.**

**** Attach to Final Community Reinvestment Area Agreement as Exhibit A**

Please note that copies of this proposal must be included in the finalized Community Reinvestment Area Agreement and be forwarded to the Ohio Department of Taxation and the Ohio Development Services Agency within fifteen (15) days of final approval.



GENEVA AREA CITY SCHOOLS
BOARD of EDUCATION
#OurEaglesSOAR



135 South Eagle Street
Geneva, Ohio 44041



440.468.4631

440.468.0908 fax



<https://www.geneveschools.org/>

November 19, 2021

Ashtabula County Commissioners
25 West Jefferson Street
2nd Floor Old Courthouse
Jefferson, Ohio 44047

Dear Ashtabula County Commissioners:

At the November 17, 2021 meeting of the Geneva Area City Schools Board of Education, the Board adopted a resolution authorizing the Superintendent to draft a letter to the Ashtabula County Commissioners that the Board is not opposed to the Community Reinvestment Area tax exemption of 50% for 10 years on the new construction of \$13,000,000 for a hotel at Spire Circle under Geneva Hotel, LLC. While the Board understands that no approval from the School Board is necessary for this particular tax exemption, the Board appreciates the willingness of Sarah Bogardus, Ashtabula County 503 Corporation Executive Director, and Greg Myers, Growth Partnership for Ashtabula County Executive Director, as well as the Board of Commissioners to keep us informed of the proceedings. Please accept this letter as notice that the Geneva Area City Schools Board of Education is not opposed to the tax exemption referenced above for Geneva Hotel, LLC..

Sincerely,


Dr. Terri Hrina-Treham
Superintendent



Mr. R. Scott Wludyga
Superintendent

Mrs. Lindsey M. Elly
Treasurer

November 18, 2021

Ashtabula County Commissioners
Casey Kozlowski, President
25 West Jefferson Street
Jefferson, OH 44047

Dear President Kozlowski:

The Ashtabula County Technical & Career Center received the Community Reinvestment Area Tax Resolution for the Geneva Hotel, LLC in Harpersfield Township

Thank you for providing this information to our Board. Please continue to keep us informed about future projects.

Cordially,

A handwritten signature in black ink that reads "R. Scott Wludyga". The signature is written in a cursive style.

R. Scott Wludyga
Superintendent

Cc: Ashtabula County 503 Corporation
Greg Myers, Growth Partnership for Ashtabula County
Sarah Bogardus, Enterprise Zone Manager

1565 State Route 167 • Jefferson, Ohio 44047 • Phone 440.576.6015 • Fax 440.576.6502 • www.atech.edu

The Ashtabula County Technical & Career Center does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups.

BOARD OF TRUSTEES

Raymond Gruber Jr
James Pristov
Edwin Spoor

FISCAL OFFICER

Sharon Rohrbaugh

HARPERSFIELD TOWNSHIP

4858 Cork Cold Springs Rd, Geneva OH 44041
PH: 440 466-2242

November 15, 2021

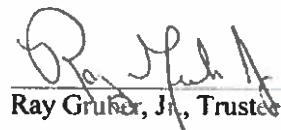
Ashtabula County Commissioners
25 West Jefferson St.
2nd Floor, Old Court House
Jefferson, Ohio 44047

Re: Community Reinvestment Area (CRA)

Dear Commissioner Whittington, Ducro and Kozlowski,

The Harpersfield Township Trustees met on Monday, November 15, 2021 and voted to support the county efforts in establishing a CRA tax exemption for Geneva Hotel, LLC. The Trustee's feel that this project will benefit not only Ashtabula County but Harpersfield Township and welcomes the present of Geneva Hotel, LLC development of a Marriott Hotel at the I90/ST. Rt. 534 corridor. Should you have any questions feel free to contact us.


James Pristov, Chairman


Ray Gruber, Jr., Trustee