

TEMPORARY RESOLUTION NO. 102-13

PERMANENT RESOLUTION NO. 96-13

A RESOLUTION ACCEPTING THE PETITIONS AND BYLAWS OF THE LANCASTER DOWNTOWN SPECIAL IMPROVEMENT DISTRICT (SID) AND DECLARING IT NECESSARY TO IMPROVE MAIN STREET, COLUMBUS STREET, BROAD STREET BETWEEN CERTAIN TERMINI

WHEREAS, petitions for 60% of the owners of the front footage abutting the proposed Lancaster Downtown Special Improvement District described in Section 1, petitioning on improvements and a copy of the articles of incorporation were submitted to the City on July 12, 2013, pursuant to Ohio Revised Code 1710.02; and

WHEREAS, the improvements are described in Exhibit A attached hereto; and

WHEREAS, the City has 60 days to approve the petitions and Articles of Incorporation pursuant to Ohio Revised Code 1710.02; and

WHEREAS, Ohio Revised Code 1710 (Special Improvement District) works in conjunction with Ohio Revised Code 727.12 (Assessments); and

WHEREAS, the costs for the improvements are on file with the Clerk of Council pursuant to Ohio Revised Code 727.12; and

WHEREAS, the petitions request an assessment of \$10.50 per lineal foot for 2014, 2015, 2016, 2017, and 2018 for a total of five (5) years; and

WHEREAS, the City must pass a Resolution of Necessity for said improvements pursuant to Ohio Revised Code 727.12

BE IT RESOLVED BY COUNCIL OF THE CITY OF LANCASTER, STATE OF OHIO

SECTION 1. The City hereby approves the signed petitions of 60% of the owners of the front footage abutting the Lancaster Downtown Special Improvement District (SID) described as Main Street between Memorial Drive and High Street, Columbus Street between Wheeling Street and Walnut Street, and Broad Street between Wheeling Street and Walnut Street, attached as Exhibit B and the accompanying Articles of Incorporation pursuant to Ohio Revised Code 1710.02 attached as Exhibit C, creating the Lancaster Downtown Special Improvement District. The signed petitions are attached as Exhibit D.

SECTION 2. It is hereby declared necessary pursuant to Ohio Revised Code 727 to improve the Lancaster Downtown SID described in Section 1, through improvements consisting of Economic Development and Maintenance as follows but not limited to:

1. Planter maintenance and weeding
2. Sidewalk sweeping and cleaning
3. Litter and debris removal
4. Trashing emptying
5. Snow shoveling
6. Bench maintenance
7. Sidewalk maintenance
8. Acquisition/maintenance of decorations

The Initial Services Plan is attached as Exhibit A.

SECTION 3. The plans, specifications, profiles, and estimate of cost of the improvements, prepared by the Provisional SID Board are now on file in the office of the Clerk of Council, are approved.

SECTION 4. The City shall pay \$10.50 per lineal foot for 2014, 2015, 2016, 2017, and 2018 for a total of five (5) years for the property owned by the City only. The remaining costs will be by special assessment to the remaining properties bounding and abutting the improvement in the Lancaster Downtown SID and shall be \$10.50 per lineal foot for 2014, 2015, 2016, 2017, and 2018 for a total of five (5) years.

SECTION 5. The SID Director or Interim Director as designated by the SID Board, is authorized and directed to prepare and file in the office of the Clerk of Council the estimated special assessments of the cost of the improvement described in this resolution. Those estimated special assessments shall be based upon the estimate of cost of the improvement now on file in the office of the Clerk of Council and shall be prepared pursuant to the provisions of this resolution. When the estimated special assessments have been so filed, the Clerk of Council shall cause notice of the adoption of this resolution and the filing of the estimated special assessments to be served in the manner provided by law on the owners of all lots and lands to be assessed.

SECTION 6. The special assessments to be levied shall be paid according to the following payment schedule: in five annual installments, with interest on the unpaid principal amount of each special assessment at the same rate or rates of interest as shall be borne by securities to be issued in anticipation of the collection of the total of the unpaid special assessments or, if such securities are not issued, at the rate or rates of interest determined by the Council when it passes the assessing ordinance levying those special assessments; provided that the owner of any property assessed may pay the special assessment within thirty (30) days after passage of the assessing ordinance.

SECTION 7. The City does not intend to issue securities.

SECTION 8. This Council finds and determines that all formal actions of this Council and any of its committee concerning and relating to the adoption of this resolution were adopted 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.

SECTION 9. That this resolution shall take effect and be in force from and after the earliest period allowed by law.

Passed: 7/29/13 after 3<sup>rd</sup> reading. Vote: Yeas 5 Nays 4

Approved: 7/29/13

Clerk: Jeresa Lee Sandy

Robert J. Carl  
President of Council

Jeff Hunt  
Mayor

Offered by: Joe Hale

Second by: Tom Fry

Requested by Law Committee [Signature]



Master Copy

Received 7/12/13  
@ 10:20am T.Sandy  
Clerk.

City of Lancaster, Ohio  
Office of

**Law Director and City Prosecutor**

**Terre L. Vandervoort**

EXHIBIT D

July 12, 2013

Teresa L. Sandy  
Clerk of Council  
City Hall  
104 East Main Street  
Lancaster, Ohio 43130

Dear Teresa,

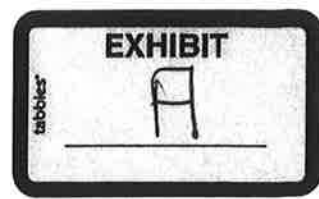
On behalf of the Lancaster Downtown SID, please accept the filing of the plans, specifications, profiles, and estimates of costs for the improvements to the district to be available for public review.

I have also attached my acknowledgment of receipt of 60% of the petitions and Articles of Incorporation.

Sincerely,

Terre L. Vandervoort  
Law Director & City Prosecutor

**Downtown Lancaster Special Improvement District  
Initial Services Plan (approved by SID Board 07.09.12)**



The Downtown Lancaster Special Improvement District, Inc. will operate as a nonprofit corporation and engage in economic development and maintenance activities to retain, expand, and attract business investment in Downtown Lancaster.

Professional staff shall work for Downtown Lancaster Special Improvement District Inc and shall function as its operating unit.

The mission of the Downtown Lancaster Special Improvement District is to conceive, initiate, and manage economic development programs that contribute to the sustained revitalization of Downtown Lancaster.

#### Downtown Lancaster Special Improvement District Basic Services

The primary goal of the Downtown Lancaster SID is to develop value added programs for Downtown Lancaster property owners and businesses by providing basic services to SID participating owners of real property within the district. These services are designed to increase real estate activities, improve public perception, and move the revitalization of Downtown Lancaster forward.

The following services shall be performed by the Downtown Lancaster Special Improvement District, Inc, over the next 5 years beginning January 1, 2014 through December 31, 2018.

#### **BASIC SERVICES**

##### **Advisory Services**

The Downtown Lancaster Special Improvement District will provide advisory services to property owners and businesses in the district consisting of:

- Planning and Business Development
- Financial strategies and programs
- Feasibility analyses
- Site/property evaluation and acquisition
- Government consents and participation
- Market research and analysis
- Marketing strategies and programs
- Land use and master planning
- Project organization and consultation
- Technical services
- Construction planning and property management

## **BASIC SERVICES (continued)**

### **Economic Development**

The Downtown Lancaster Special Improvement District will pursue a 6 part economic development strategy consisting of the following elements:

1. Maintenance and continual updating of the property inventory of the Downtown Lancaster SID. This will include adding to the existing inventory both qualitative and quantitative data that will aid in the marketing of individual properties and of the District as a whole. (Current Reality)
2. Continued Strategic Planning for Downtown SID. Using data collected and the adopted 10 year Downtown Vision plan, create a Best Use list for available Downtown properties and properties needing significant reinvestment.
3. Continued Participation in the Development Process. Seek opportunities to recruit businesses to the District and identify and work with property owners and developers interested in new construction or renovation. Continued work with the Lancaster Historic District and support of enforcement of current design guidelines. Creation of a comprehensive public parking plan. Creation of a business retention plan for the district.
4. Marketing to targeted groups. Create a marketing strategy to market available Downtown investment opportunities to targeted groups, developers, and individuals. This includes close working relationships with realtors and property owners who have property listed. Work with the community to dispel misconceptions about the District and tell our story in an effort to improve public opinion, perception and to re-engage the public in the idea of a vibrant and alive Downtown.
5. Creation of a one stop Investor Resource Center. Create and maintain a list of incentives available within the district as well as information on permitting, incentives, funding options, and general access to other business and entrepreneurial resources.
6. Development of new partnerships and programs and continuation of current partnerships and programs: Through resources and public/private partnerships available to the SID, develop and continue programs that will aid in the development and revitalization of Downtown, including loan partnerships, façade improvement loans/grants, marketing of available options like the county RLF, expedited permitting, CRAs, historic tax credits, grants, CDBG, Clean Ohio funds, and fee waivers.

## **BASIC SERVICES (continued)**

### **Maintenance**

The Downtown Lancaster Special Improvement District will continue the following maintenance activities in the district:

- Planter maintenance (planting, watering, mulching, weeding, pruning)
- Sidewalk cleaning
- Litter and debris removal
- Trash collection
- Snow and ice removal
- Bench maintenance
- Sidewalk maintenance
- Maintenance of decorations and street-scape

### **Organization**

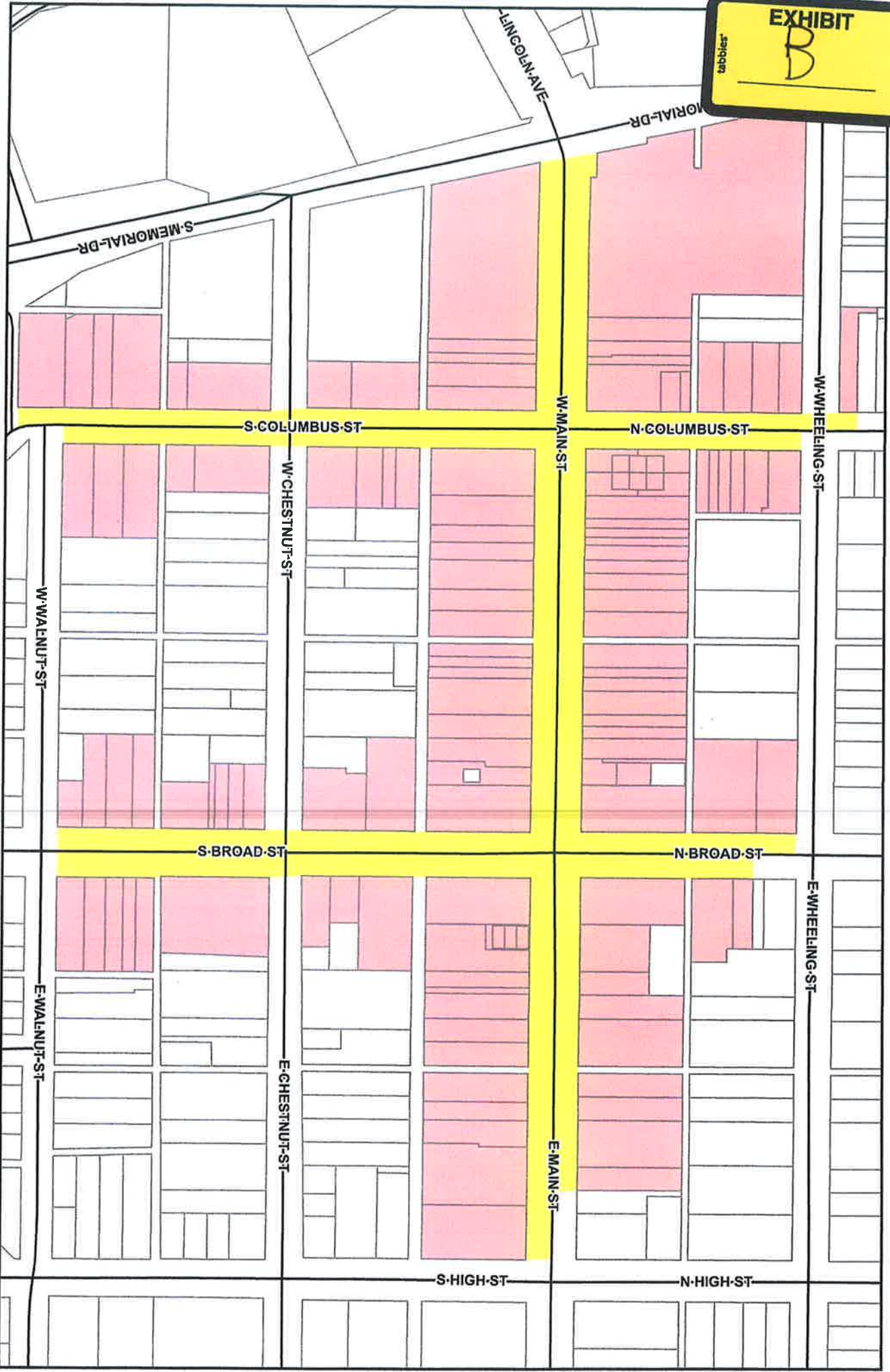
The Downtown Lancaster Special Improvement District will represent the interests of downtown property owners to local public sector officials.

---



**Destination Downtown Lancaster  
 Special Improvement District**

- Roads
- Assessed Parcels
- Frontage Footage of Assessment
- Parcels



9/17/2012

All data presented has been developed to meet National Map Accuracy Standards. All GIS data layers are referenced in the Ohio State Plane Coordinate System: Horizontal - North American Datum (NAD) 83 (95) Vertical - North American Datum Vertical Datum (NAVD) 88. Units - Spheroid Feet. All data has been developed from public records that are constantly undergoing change and is not warranted for content, completeness or accuracy. The City of Lancaster does not warrant, guarantee or represent the data to be fit for a particular use or purpose. For detailed information about data layers shown, or to report discrepancies please contact the City of Lancaster, Department of Information Technology.



DOWNTOWN LANCASTER SPECIAL IMPROVEMENT DISTRICT  
District Description and Map

The approximate boundaries of the **Downtown Lancaster Special Improvement District** are Main Street (from Memorial Drive to High Street) and Broad Street and Columbus Street (from Wheeling Street to Walnut Street), as is depicted on the following map.





Prescribed by **J. Kenneth Blackwell**

Ohio Secretary of State  
Central Ohio: (614) 466-3910  
Toll Free: 1-877-SOS-FILE (1-877-767-3453)

www.state.oh.us/sos  
e-mail: busseiv@sos.state.oh.us

Expedite this Form: (select one)

Standard Processing Time: 10 Business Days

Yes PO Box 1890  
Columbus, OH 43216  
\*\* Requires an additional fee of \$25 \*\*

No PO Box 670  
Columbus, OH 43216

### INITIAL ARTICLES OF INCORPORATION

(For Domestic Profit or Non-Profit)

Filing Fee \$125.00

THE UNDERSIGNED HEREBY STATES THE FOLLOWING:

(CHECK ONLY ONE (1) BOX)

<input type="checkbox"/> (1) Articles of Incorporation Profit (113-ARF) ORC 1701	<input checked="" type="checkbox"/> (2) Articles of Incorporation Non-Profit (114-ARF) ORC 1702	<input type="checkbox"/> (3) Articles of Incorporation Professional (170-ARF) Profession _____ ORC 1785
--	---	---

2004 JUN 14 PM 12:31

Complete the general information in this section for the box checked above.

FIRST: Name of Corporation Downtown Lancaster Special Improvement District, Inc.

SECOND: Location Lancaster Fairfield  
(City) (County)

Effective Date (Optional) \_\_\_\_\_  
Date specified can be no more than 90 days after date of filing. If a date is specified, the date must be a date on or after the date of filing.

Check here if additional provisions are attached

Complete the information in this section if box (2) or (3) is checked. Completing this section is optional if box (1) is checked.

THIRD: Purpose for which corporation is formed  
See attached

Complete the information in this section if box (1) or (3) is checked.

FOURTH: The number of shares which the corporation is authorized to have outstanding (Please state if shares are common or preferred and their par value if any)

(No. of Shares)	(Type)	(Par Value)

(Refer to instructions if needed)

Completing the information in this section is optional.

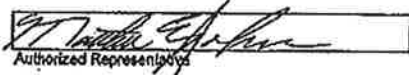
FIFTH: The following are the names and addresses of the individuals who are to serve as Initial Directors.

(Name) \_\_\_\_\_  
 (Street) \_\_\_\_\_ NOTE: P.O. Box Addresses are NOT acceptable.  
 (City) \_\_\_\_\_ (State) \_\_\_\_\_ (Zip Code) \_\_\_\_\_

(Name) \_\_\_\_\_  
 (Street) \_\_\_\_\_ NOTE: P.O. Box Addresses are NOT acceptable.  
 (City) \_\_\_\_\_ (State) \_\_\_\_\_ (Zip Code) \_\_\_\_\_

(Name) \_\_\_\_\_  
 (Street) \_\_\_\_\_ NOTE: P.O. Box Addresses are NOT acceptable.  
 (City) \_\_\_\_\_ (State) \_\_\_\_\_ (Zip Code) \_\_\_\_\_

**REQUIRED**  
 Must be authenticated  
 (signed) by an authorized  
 representative  
 (See Instructions)



6/15/04  
 Date

Authorized Representative  
 Matthew E. Johnson.  
 (print name)

\_\_\_\_\_  
 Authorized Representative

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 (print name)

\_\_\_\_\_  
 Authorized Representative

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 (print name)

*Complete the information in this section if box (1) (2) or (3) is checked.*

### ORIGINAL APPOINTMENT OF STATUTORY AGENT

Downtown Lancaster Special Improvement District, Inc.

The undersigned, being at least a majority of the incorporators of Downtown Lancaster Special Improvement District, Inc. hereby appoint the following to be statutory agent upon whom any process, notice or demand required or permitted by statute to be served upon the corporation may be served. The complete address of the agent is


SAS Agent for Service, Inc.

(Name) 109 N. Broad St.

(Street) NOTE: P.O. Box Addresses are NOT acceptable.

Lancaster, Ohio 43130

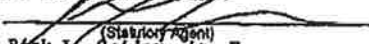
(City) (Zip Code)

Must be authenticated by an authorized representative		<u>6/15/04</u>
	Authorized Representative	Date
	<u>Matthew E. Johnson</u>	
	Authorized Representative	Date
	<input type="text"/>	<input type="text"/>
	Authorized Representative	Date
	<input type="text"/>	<input type="text"/>
	Authorized Representative	Date

#### ACCEPTANCE OF APPOINTMENT

The Undersigned, SAS Agent for Service, Inc., named herein as the Statutory agent for, Downtown Lancaster Special Improvement District, Inc. hereby acknowledges and accepts the appointment of statutory agent for said entity.

**SAS AGENT FOR SERVICE, INC.**

By Signature:  (Statutory Agent)  
**Rick I. Snider, its Treasurer**

**ARTICLE THIRD ATTACHMENT****Purpose for which corporation is formed:**

1. To govern a special improvement district created pursuant to ORC Chapter 1710.
2. To encourage and participate in programs that will maintain, improve and build the downtown area of the City of Lancaster as a viable place of business, cultural and recreational activity.
3. To assist the City of Lancaster, Fairfield County and other agencies and groups in providing programming which will preserve the economic well being and opportunities in the downtown area of the City of Lancaster.
4. To encourage and participate in programs to preserve the aesthetic, architectural and historic character of the downtown area of the City of Lancaster.
5. To engage in any lawful act or activity for which corporations may be formed under ORC Chapter 1702 and amendments thereto, as may be deemed appropriate by the trustees of the Corporation, and to exercise any powers or rights now or hereafter conferred on nonprofit corporations under the laws of the State of Ohio which are in furtherance of any of the purposes for which the Corporation is formed.
6. To engage in any lawful act or activity for which corporations may be formed under ORC Chapter 1710 and amendments thereto as may be deemed appropriate by the trustees of the corporation.
7. The above enumerated purposes shall be interpreted in connection with the limitation that the Corporation is organized exclusively for charitable, religious, educational and scientific purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code").



Prescribed by **J. Kenneth Blackwell**

Ohio Secretary of State  
Central Ohio: (614) 466-3910  
Toll Free: 1-877-SOS-FILB (1-877-767-3453)

www.state.oh.us/sos  
e-mail: busserv@sos.state.oh.us

Expedite this Form: (select One)	
<input type="radio"/> Yes	PO Box 1390 Columbus, OH 43216 <small>*** Requires an additional fee of \$100 ***</small>
<input type="radio"/> No	PO Box 1028 Columbus, OH 43216

**Certificate of Amendment by Shareholders or Members (Domestic)**  
Filing Fee \$50.00

2006 MAR 24 PM 11:24

(CHECK ONLY ONE (1) BOX)

<b>(1) Domestic for Profit</b>		<b>(2) Domestic Non-Profit</b>	
<input type="checkbox"/> Amended (122-AJMAP)	<input type="checkbox"/> Amendment (125-AMDS)	<input checked="" type="checkbox"/> Amended (128-AMAN)	<input type="checkbox"/> Amendment (128-AM0)

Complete the general information in this section for the box checked above.

Name of Corporation Downtown Lancaster Special Improvement District, Inc.

Charter Number 1470850

Name of Officer Jeff Sigler

Title Executive Director

Please check if additional provisions attached.

The above named Ohio corporation, does hereby certify that:

A meeting of the  shareholders  directors (non-profit amended articles only)  members was duly called and held on \_\_\_\_\_ (Date)

at which meeting a quorum was present in person or by proxy, based upon the quorum present, an affirmative vote was cast which entitled them to exercise \_\_\_\_\_ % as the voting power of the corporation.

In a writing signed by all of the  shareholders  directors (non-profit amended articles only)  members who would be entitled to the notice of a meeting or such other proportion not less than a majority as the articles of regulations or bylaws permit.

Clause applies if amended box is checked.

Resolved, that the following amended articles of incorporations be and the same are hereby adopted to supercede and take the place of the existing articles of incorporation and all amendments thereto.

All of the following information must be completed if an amended box is checked.  
If an amendment box is checked, complete the areas that apply.

FIRST: The name of the corporation is: Downtown Lancaster Special Improvement District, Inc.

SECOND: The place in the State of Ohio where its principal office is located is in the City of:  
Lancaster Fairfield  
(city, village or township) (county)

THIRD: The purposes of the corporation are as follows:  

see attached

FOURTH: The number of shares which the corporation is authorized to have outstanding is: \_\_\_\_\_  
(Does not apply to box (2))

**REQUIRED**  
 Must be authenticated  
 (signed) by an authorized  
 representative  
 (See instructions)

  
 Authorized Representative

3/21/06  
 Date

Jeff Siegler  
(Print Name)

\_\_\_\_\_  
 Authorized Representative

\_\_\_\_\_  
 Date

\_\_\_\_\_  
(Print Name)

**ATTACHMENT TO ARTICLE THIRD OF**  
**THE AMENDED ARTICLES OF INCORPORATION**  
**OF**  
**DOWNTOWN LANCASTER SPECIAL**  
**IMPROVEMENT DISTRICT, INC.**

The Corporation is organized to operate exclusively for charitable and educational purposes (but not including the operation of a full secondary educational institution or a vocational school) within the meaning of 501(c)(3) of the Internal Revenue Code (or the corresponding provision of any future United States Internal Revenue Law) and more specifically as follows:

1. To govern a special improvement district created pursuant to ORC Chapter 1710.
2. To encourage and participate in programs that will maintain, improve and build the downtown area of the City of Lancaster as a viable place of business, cultural and recreational activity.
3. To assist the City of Lancaster, Fairfield County and other agencies and groups in providing programming which will preserve the economic well being and opportunities in the downtown area of the City of Lancaster.
4. To encourage and participate in programs to preserve the aesthetic, architectural and historic character of the downtown area of the City of Lancaster.
5. To engage in any lawful act or activity for which corporations may be formed under ORC Chapter 1702 and amendments thereto, as may be deemed appropriate by the trustees of the Corporation, and to exercise any powers or rights now or hereafter conferred on nonprofit corporations under the laws of the State of Ohio which are in furtherance of any of the purposes for which the Corporation is formed.
6. To engage in any lawful act or activity for which corporations may be formed under ORC Chapter 1710 and amendments thereto as may be deemed appropriate by the trustees of the corporation.
7. The above enumerated purposes shall be interpreted in connection with the limitation that the Corporation is organized exclusively for charitable, religious, educational and scientific purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code").

And further as follows:

8. In no event shall any part of the net earnings of the Corporation inure to the benefit of, or be distributable to, its Trustees or officers or to other private persons, except that the corporation shall be authorized and empowered to pay reasonable

compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in these Articles.

9. No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office.
10. Notwithstanding any other provision of these Articles, the Corporation shall not carry on any other activities not permitted to be carried on (i) by a corporation exempt from Federal income tax under Section 501(c)(3) of the Internal Revenue Code (or the corresponding provision of any future United States Internal Revenue law or (ii) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code (or the corresponding provision of any future United States Internal Revenue Law).
11. Upon dissolution of the Corporation, the Board of Trustees shall, after paying or making provision for the payment of all the liabilities of the Corporation, dispose of all of the assets of the Corporation exclusively for the purposes of the Corporation to such organization or organizations organized and operated exclusively for charitable, educational, religious or scientific purposes as shall at the time qualify as an exempt organization or organizations under Section 501(c)(3) of the Internal Revenue Code (or the corresponding provision of any future United States Internal Revenue law), as the Board of Trustees shall determine; provided, however, that should the Board of Trustees fail to agree upon a distribution then the assets shall escheat to the State of Ohio for public purposes.





Master Copy

Received 7/12/13

@ 10:20am

T. Sandy  
Clerk.

City of Lancaster, Ohio  
Office of

*Law Director and City Prosecutor*

*Terre L. Vandervoort*



July 12, 2013

Teresa L. Sandy  
Clerk of Council  
City Hall  
104 East Main Street  
Lancaster, Ohio 43130

Dear Teresa,

On behalf of the Lancaster Downtown SID, please accept the filing of the plans, specifications, profiles, and estimates of costs for the improvements to the district to be available for public review.

I have also attached my acknowledgment of receipt of 60% of the petitions and Articles of Incorporation.

Sincerely,

Terre L. Vandervoort  
Law Director & City Prosecutor

**Section 103 Information in this section is optional**

**FIFTH:** The following are the names and addresses of the individuals who are to serve as Initial Directors.

(Name) \_\_\_\_\_  
 (Street) \_\_\_\_\_ **NOTE: P.O. Box Addresses are NOT acceptable.**  
 (City) \_\_\_\_\_ (State) \_\_\_\_\_ (Zip Code) \_\_\_\_\_

(Name) \_\_\_\_\_  
 (Street) \_\_\_\_\_ **NOTE: P.O. Box Addresses are NOT acceptable.**  
 (City) \_\_\_\_\_ (State) \_\_\_\_\_ (Zip Code) \_\_\_\_\_

(Name) \_\_\_\_\_  
 (Street) \_\_\_\_\_ **NOTE: P.O. Box Addresses are NOT acceptable.**  
 (City) \_\_\_\_\_ (State) \_\_\_\_\_ (Zip Code) \_\_\_\_\_

**REQUIRED**  
 Must be authorized  
 (signed) by an authorized  
 representative  
 (See instructions)

*Matthew H. Johnson* 6/15/04  
 Authorized Representative Date  
 Matthew H. Johnson  
 (print name)

\_\_\_\_\_  
 Authorized Representative Date  
 (print name)

\_\_\_\_\_  
 Authorized Representative Date  
 (print name)