



*Ashville, Ohio*



Village of Ashville

P.O. Box 195

200 East Station Street

Ashville, OH 43103

Office: 740/983-6367 • Fax: 740/983-4703

Website: [www.ashvilleohio.gov](http://www.ashvilleohio.gov)



≡ *Welcome* ≡

to the May 24<sup>th</sup>

**Ashville**

**Special**

**Village Council Meeting**





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## Pledge of Allegiance



**I pledge allegiance to the Flag  
of the United States of America,  
and to the Republic for which it stands:  
one Nation under God, indivisible,  
With Liberty and Justice for all.**

June 14, 1954



*Ashville, Ohio*



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## Moment of Silence



As the legislative authority in Ashville we impact the lives of families, businesses and schools. With such a weighty responsibility we believe it is wholly appropriate to petition for help from a higher authority in the discussion, reflection, and dispensing of our duties as Council members.



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# Roll Call

## Council Members



Roger Clark



David Rainey



Nelson Embrey



Matt Scholl



Randy Loveless



Steve Welsh



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# May 23, 2022 – Agenda

6:30 PM PLEDGE OF ALLEGIANCE,

MOMENT OF SILENCE

ROLL CALL,

LEGISLATION:

## ORDINANCE (S) FOR THIRD READING TABLE

- ORDINANCE 2022-07 AN ORDINANCE APPROVING THE EXECUTION OF A COMMUNITY REINVESTMENT AREA AGREEMENT BETWEEN THE VILLAGE OF ASHVILLE AND EXEL INC., A MASSACHUSETTS CORPORATION, , D/B/A DHL SUPPLY CHAIN (USA), EXECUTION OF A SCHOOL COMPENSATION AGREEMENT WITH TEAYS VALLEY LOCAL SCHOOL DISTRICT AND EXEL INC., REPEALING RESOLUTION 06-2018 ADOPTED JULY 23, 2018, AND TERMINATING THE RELATED AGREEMENTS AND DECLARING AN EMERGENCY.
- ORDINANCE 2022-08 AN EMERGENCY ORDINANCE DECLARING THE IMPROVEMENT OF CERTAIN REAL PROPERTY LOCATED IN THE VILLAGE OF ASHVILLE, PICKAWAY COUNTY, OHIO TO BE A PUBLIC PURPOSE; DECLARING SUCH PROPERTY TO BE EXEMPT FROM REAL PROPERTY TAXATION; DESIGNATING SPECIFIC PUBLIC INFRASTRUCTURE IMPROVEMENTS THAT, ONCE MADE, WILL DIRECTLY BENEFIT THE PARCELS FOR WHICH IMPROVEMENT IS DECLARED TO BE A PUBLIC PURPOSE; REQUIRING ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND; AUTHORIZING THE EXECUTION OF A TIF AGREEMENT; PROVIDING RELATED AUTHORIZATION PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40(B), 5709.42, 5709.43, 5709.82 AND 5709.83; AND DECLARING AN EMERGENCY.
- ORDINANCE 2022-09 AN ORDINANCE IMPLEMENTING SECTION 3735.65 THROUGH 3735.70 OF THE OHIO REVISED CODE, ESTABLISHING AND DESCRIBING THE BOUNDARIES OF A COMMUNITY REINVESTMENT AREA IN THE VILLAGE OF ASHVILLE, DESIGNATING A HOUSING OFFICER TO ADMINISTER THE PROGRAM, AND CREATING A COMMUNITY REINVESTMENT HOUSING COUNCIL, A TAX INCENTIVE REVIEW COUNCIL, AND DECLARING AN EMERGENCY.
- THE COMPENSATION AGREEMENT

OLD BUSINESS

NEW BUSINESS:

AUDIENCE COMMENTS: (MUST FILL OUT SLIP AND PRESENT TO CLERK/FISCAL OFFICER OR MAYOR)

ADJOURNMENT



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# Legislative

## ORDINANCE & RESOLUTION (S) FOR THIRD READING

- ❑ Ordinance 2022-07 An Ordinance approving the Execution of a Community Reinvestment Area Agreement Between the Village of Ashville and Exel Inc., A Massachusetts Corporation, , D/B/A DHL Supply Chain (USA), Execution of a School Compensation Agreement with Teays Valley Local School District and Exel Inc., Repealing Resolution 06-2018 Adopted July 23, 2018, and Terminating the Related Agreements and Declaring an Emergency.
- ❑ Ordinance 2022-08 An Emergency Ordinance Declaring the Improvement of Certain Real Property Located in the Village of Ashville, Pickaway County, Ohio to be a Public Purpose; Declaring such Property to be Exempt from Real Property Taxation; Designating Specific Public Infrastructure Improvements that, Once Made, Will Directly Benefit the Parcels for Which Improvement is Declared to be a Public Purpose; Requiring Annual Service Payments in Lieu of Taxes; Establishing a Municipal Public Improvement Tax Increment Equivalent Fund; Authorizing the Execution of a TIF Agreement; Providing Related Authorization Pursuant to Ohio Revised Code Sections 5709.40(B), 5709.42, 5709.43, 5709.82 and 5709.83; and Declaring an Emergency.
- ❑ Ordinance 2022-09 An Ordinance Implementing Section 3735.65 Through 3735.70 of the Ohio Revised Code, Establishing and Describing the Boundaries of a Community Reinvestment Area in the Village of Ashville, Designating a Housing Officer to Administer the Program, and Creating a Community Reinvestment Housing Council, a Tax Incentive Review Council, and Declaring an Emergency.
- ❑ SCHOOL COMPENSATION AGREEMENT





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**Ohio**

Department of  
Development

## Ohio Development Instrument & Definition

**The Ohio Community Reinvestment Area (CRA)** program is an economic development tool administered by municipal and county government that provides real property tax exemptions for property owners who renovate existing or construct new buildings. Community Reinvestment Areas are areas of land in which property owners can receive tax incentives for investing in real property improvements.

**For Whom-**The Community Reinvestment Area (CRA) Program is a direct incentive tax exemption program benefiting property owners who renovate existing or construct new buildings. This program permits municipalities or counties to designate areas where investment has been discouraged as a CRA to encourage revitalization of the existing housing stock and the development of new structures.

**Benefits -** Local municipalities or counties can determine the type of development to be supported by the CRA Program by specifying the eligibility of residential, commercial and/or industrial projects.



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Department of  
Development

## Ohio Development Instrument & Definition

**Tax Increment Financing (TIF)** is an economic development mechanism available to local governments in Ohio to finance public infrastructure improvements and, in certain circumstances, residential rehabilitation.

**For Whom**-TIFs are implemented at the local level and may be created by a township, municipality or county.

**Benefits**-Payments derived from the increased assessed value of any improvement to real property beyond that amount are directed towards a separate fund to finance the construction of public infrastructure defined within the TIF legislation.

**How to Establish a TIF**-Local jurisdictions seeking to establish a TIF project must enact legislation that (a) designates the parcel(s) to be exempted from taxation, (b) declares improvements to private property within the specified area as serving a public purpose, (c) delineates the public infrastructure improvements to be made that will directly benefit the parcel and (d) specifies the equivalent funds to be created for those redirected monies. Only those public infrastructure improvements directly serving the increased demand arising from the real property improvements to the parcel(s) or an Incentive District are eligible for TIF financing.





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Department of  
Development

## Ohio Development Instrument & Definition



The Triangle of CRA and TIF Development



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### SCHOOL COMPENSATION AGREEMENT

THIS SCHOOL COMPENSATION AGREEMENT (the "Agreement"), executed this \_\_\_<sup>th</sup> day of May, 2022, is between Exel Inc., a Massachusetts corporation, d/b/a DHL Supply Chain (USA) (the "Company") and the Board of Education of the Teays Valley Local School District, Pickaway County, Ohio, a school district and political subdivision of the State of Ohio ("Teays Valley" or the "School District"). The Village of Ashville, Ohio, a municipal corporation formed and existing under the laws of the State of Ohio (the "Village"), joins in this Agreement for purposes of Section 2(D).

#### WITNESSETH THAT:

WHEREAS, the Village Council of the Village, by ordinance adopted on May 24, 2022, has previously established the Ashville Community Reinvestment Area specified in that ordinance (the "CRA Area") as a "Community Reinvestment Area" ("CRA") pursuant to Ohio Revised Code ("R.C.") Sections 3735.65 through 3735.70; and

WHEREAS, the Company desires to establish on all or portions of a site within the boundaries of the Village (the "Property," which is described in Exhibit A attached hereto and incorporated herein by this reference) commercial facilities and related improvements (collectively, the "Project," with each individual building within the Project and its related site improvements hereinafter referred to as a "Building"), provided that the appropriate economic development incentives are available to support the economic viability of the Project; and

WHEREAS, the Company may convey portions of the Property (whether before or after the construction of one or more Buildings on the Property) to one or more transferees (the Company and such transferees other than by lease, together with any successors and assigns, collectively or singly, as the context requires, may be referred to hereinafter from time to time as an "Owner" or the "Owners"); each such transfer other than by lease may be made in connection with a certain assignment and assumption agreement as described more fully herein in order to bind each Owner to and under this Agreement; and

WHEREAS, the Owners and the Village intend to enter into one or more community reinvestment area agreements (the "CRA Agreement") granting the Owners certain incentives for the development of the Property; and

WHEREAS, the incentives in the proposed CRA Agreement include (i) a fifteen (15) year, one hundred percent (100%) real property tax exemption for the assessed value of new structures constructed on the Property commencing, for each Building, the first year the Building would first be taxable were that property not exempted from taxation and ending, at most, fifteen (15) years thereafter, and (ii) an up to fifteen (15) year, 100% real property tax exemption pursuant to R.C. Section 3735.67 for the increase in assessed value after remodeling of any Building on the Property commencing, for each increase in assessed value after remodeling, the first year that increase in assessed value would first be taxable were it not exempted from taxation and ending no later than



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## ORDINANCE 2022-07 OF THE VILLAGE OF ASHVILLE



ORDINANCE 2022-07

AN ORDINANCE APPROVING THE EXECUTION OF A COMMUNITY REINVESTMENT AREA AGREEMENT BETWEEN THE VILLAGE OF ASHVILLE AND EIEL INC., A MASSACHUSETTS CORPORATION, d/b/a DHL SUPPLY CHAIN (USA), EXECUTION OF A SCHOOL COMPENSATION AGREEMENT WITH TEAYS VALLEY LOCAL SCHOOL DISTRICT AND EIEL INC., REPEALING RESOLUTION 06-2018 ADOPTED JULY 23, 2018 AND TERMINATING THE RELATED AGREEMENTS AND DECLARING AN EMERGENCY.

WHEREAS, the Village of Ashville, Ohio (the "Village") has encouraged the development of commercial and industrial structures within its boundaries, which development would result in the creation and retention of employment opportunities in the Village; and

WHEREAS, to encourage that redevelopment, the Village, pursuant to Ordinance 2022-05, adopted by the Village Council of the Village (the "Council") on [April 30, 2022] (the "CRA Ordinance"), established the area specified in the CRA Ordinance as the Ashville Community Reinvestment Area (the "CRA") under the authority of Ohio Revised Code ("R.C.") Sections 3735.65 through 3735.70 (the "CRA Act"); and

WHEREAS, pursuant to the CRA Ordinance and the CRA Act, the Village and Eiel Inc., a Massachusetts corporation, d/b/a DHL Supply Chain (USA) (the "Company") desire to execute a Community Reinvestment Area Agreement (the "CRA Agreement," substantially in the form on file with the Village Administrator and incorporated herein by reference) in connection with the Company's constructing distribution, warehousing, logistics, packaging and other commercial operations facilities over multiple phases together with related site improvements (the "Project," as further described in the CRA Agreement) on certain land owned or to be owned by the Company in the Village, as identified by the County Auditor of Pickaway County, Ohio as having tax parcel identification numbers D130050002100, D130027004200 and D1300350000100 (the "Project Site") and located within the jurisdiction of the Teays Valley Local School District (the "School District") and Eastland-Fairfield Career and Technical Schools (the "JVSD"), which Project Site is further described in Exhibit B to the CRA Agreement; and

WHEREAS, this Council on July 23, 2018, adopted Resolution 06-2018 (the "E2 Resolution") authorizing an Enterprise Zone Agreement with Prairie Acres LLC (the "EZ Agreement") for a portion of the Project Site that includes approximately 40.426 acres of land that will be included in the Project Site; and

WHEREAS, on OR ABOUT JULY 23, 2018, PRAIRIE ACRES, LLC and the Village entered into the EZ Agreement, and on OCTOBER 22, 2018, PRAIRIE ACRES, LLC, the Village and the School District entered into a CONSOLIDATION AGREEMENT (the "PRIOR COMPENSATION AGREEMENT");

WHEREAS, the CRA Agreement will provide the Company a fifteen (15) year, 100% real property tax exemption for the assessed value of new structures constructed at the Project Site and a fifteen (15) year, 100% real property tax exemption for the increase in assessed value attributable to remodeling at the Project Site (the "CRA Exemption"); and

WHEREAS, pursuant to R.C. Sections 3735.671 and 5709.62, the School District and the Company have entered or will enter into a School Compensation Agreement, the form of which is on file with the Village Administrator, and the School District has approved or will approve the execution of the CRA Agreement and waiver of the School District's right to income tax set forth in R.C. Section 5709.62; and

WHEREAS, the Village has provided notice of the CRA Agreement to the Board of Educations of the School District and the JVSD in accordance with R.C. Sections 3735.671 and 5709.63; and

WHEREAS, the Village will join in the School Compensation Agreement with respect to the School District's waiver of its right to income tax set forth in R.C. Section 5709.62; and

WHEREAS, the Company and the Village desire to execute the CRA Agreement to provide for the successful development of the Project Site, which development will create and preserve employment opportunities in the Village and will benefit the citizens of the Village; and

WHEREAS, the Company, the School, and the Village will negotiate in good faith to enter into a Pickaway County Port Authority financing structure (the "Port Financing"); and

WHEREAS, an emergency exists in the usual daily operations of the Village in that it is immediately necessary to approve this Ordinance for the preservation of the public peace, property, health, safety, and welfare, that preservation being related to the need to proceed with the Project immediately, which will directly benefit the Project Site.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE OF ASHVILLE COUNCIL, COUNTY OF PICKAWAY, STATE OF OHIO THAT:

**SECTION I**  
Subject to Section 2 of this Ordinance, the CRA Agreement among the Village and the Company, substantially in the form on file with the Village Administrator, is hereby approved and authorized, with changes or amendments thereto not inconsistent with this Ordinance and not substantially adverse to the Village as determined by the Mayor, the Village Administrator and Fiscal Officer, for and in the name of the Village, is hereby authorized to execute the CRA Agreement and any amendments thereto deemed by the Mayor to be necessary. The approval of changes or amendments by the Mayor, and the character of the changes or amendments as not being inconsistent with this Ordinance and not being substantially adverse to the Village, shall be evidenced conclusively by the execution of the CRA Agreement by the Village Administrator and Fiscal Officer.

**SECTION II**  
This approval shall not be effective, and the Mayor and Village Administrator shall not be authorized to proceed under Section 1 of this Ordinance, unless and until the Director of Development for the State of Ohio confirms the CRA as a "Community Reinvestment Area." Thereafter, this approval shall be effective without further action and the Mayor and Village Administrator shall be authorized to proceed under Section 1 of this Ordinance on the later of (i) the date of such confirmation, and (ii) the effective date of this Ordinance, pursuant to Section 6 of this Ordinance.

**SECTION III**

The School Compensation Agreement among the Village, the Company, and the School District, substantially in the form on file with the Village Administrator, is hereby approved and authorized, with changes or amendments thereto not inconsistent with this Ordinance and not substantially adverse to the Village as determined by the Mayor. The Village Administrator and Fiscal Officer, for and in the name of the Village, is hereby authorized to execute the School Compensation Agreement and any amendments thereto deemed by the Mayor to be necessary. The approval of changes or amendments by the Mayor, and the character of the changes or amendments as not being inconsistent with this Ordinance and not being substantially adverse to the Village, shall be evidenced conclusively by the execution of the School Compensation Agreement by the Village Administrator and Fiscal Officer.

**SECTION IV**

The E2 Resolution is hereby repealed. The Village Administrator and Fiscal Officer, for and in the name of the Village, is hereby authorized to terminate the E2 Agreement and the Prior Compensation Agreement.

**SECTION V**

It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any decision-making bodies of the Village that resulted in such formal actions were in meetings open to the public and in compliance with all legal requirements.

**SECTION VI**

This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of this Village and for the other reasons set forth in the preamble to this Ordinance is required to be immediately effective to allow for the construction of the Project, which is necessary to provide for development within the Village.

Wherefore, provided this Ordinance receives the required affirmative votes of Council, this Ordinance shall take effect and be in force immediately upon passage by Council and approval by the Mayor.

Offered by:  
Seconded to the Motion Offered by:

Upon roll call on the adoption of the ordinance, the vote was as follows:  
Council Member Yes No Council Member Yes No Council Member Yes No Council Member Yes No Council Member Yes No  
Kipley L. Clark  Nathan K. Easton  Harold S. Lovelace  David R. Bailey  Matt Schall  Steve Webb

PASSED THIS 20<sup>th</sup> Day of May, 2022

ATTEST: \_\_\_\_\_ DATE: \_\_\_\_\_

April D. Grube, Clerk-Fiscal Officer

APPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_

Charles K. Wiese, Mayor

Prepared: 03/18/2022  
Reviewed Date: 05/18/2022  
Review Date:

**DIRECTOR OF RECORDS DIVISION**

I, the undersigned, hereby certify, that the foregoing is a true and correct copy of the ordinance adopted by the Village of Ashville Council held on 20<sup>th</sup> day of May 2022, and that I am duly authorized to execute this certificate.



\_\_\_\_\_  
Original signature of April D. Grube

\_\_\_\_\_  
Clerk-Fiscal Officer (MUC)



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## ORDINANCE 2022-08 OF THE VILLAGE OF ASHVILLE



ORDINANCE 2022-08

ORDINANCE 2022-08

AN EMERGENCY ORDINANCE DECLARING THE IMPROVEMENT BY CERTAIN REAL PROPERTY LOCATED IN THE VILLAGE OF ASHVILLE, PICKAWAY COUNTY, OHIO TO BE A PUBLIC PURPOSE; DECLARING SUCH PROPERTY TO BE EXEMPT FROM REAL PROPERTY TAXATION; DESIGNATING SPECIFIC PUBLIC INFRASTRUCTURE IMPROVEMENTS THAT, ONCE MADE, WILL DIRECTLY BENEFIT THE PARCELS FOR WHICH IMPROVEMENT IS DECLARED TO BE A PUBLIC PURPOSE; REQUIRING ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND; AUTHORIZING THE EXECUTION OF A TIF AGREEMENT; PROVIDING RELATED AUTHORIZATION PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40(B), 5709.42, 5709.43, 5709.82 AND 5709.83; AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code ("R.C.") Section 5709.40(B) provides that this Council may, under certain circumstances, (i) declare improvement to parcels of real property located in the Village of Ashville (the "Village") to be a public purpose, thereby granting to that improvement an exemption from real property taxation, and (ii) designate specific public infrastructure improvements made, to be made, or in the process of being made that directly benefit, or that once made will directly benefit, the parcels for which improvement is declared to be a public purpose; and

WHEREAS, pursuant to R.C. Section 5709.40(D), said exemption may be for up to one hundred percent (100%) of such improvement for up to thirty (30) years with either (i) the approval of the Board of Education of the Teays Valley Local School District (the "School District"); or (ii) if payments in lieu of taxes, as provided for in R.C. Section 5709.42, are made to the School District and the Eastland-Fairfield Career and Technical Schools (the "JVSD") in an amount equal to the real property taxes that the School District and JVSD would have received if the improvement to each parcel located within the School District and JVSD had not been exempted from taxation under this ordinance (the "TIF Ordinance"); and

WHEREAS, the real property shown in Exhibit A hereto and incorporated herein by reference (the "Property") is located in the State of Ohio (the "State"), County of Pickaway (the "County"), and the Village, with each parcel of the Property referred to herein as a "Parcel" (whether as presently appearing on County tax duplicates or as subdivided or combined and appearing on future tax duplicates);

WHEREAS, the current and future owners of the Property (each an "Owner" and collectively the "Owners") wish to develop the Property by constructing distribution, warehousing, logistics and other commercial operations facilities over multiple phases together with related site improvements thereon and otherwise improving the Property (the "Project"), provided that the appropriate development incentives are available to support this development; and

WHEREAS, by separate ordinance, this Council is authorizing the execution of a Community Reinvestment Area Agreement (the "CRA Agreement") by and among the Village and Exal Inc., a Massachusetts corporation, d/b/a DHL Supply Chain (USA) (the "Company") to provide the Owners with one hundred percent (100%) real property tax exemptions for fifteen (15) years for the assessed value of structures constructed at the Property and one hundred percent (100%) real property tax exemptions for fifteen (15) years for the increase in assessed value attributable to remodeling at the Property; and

WHEREAS, this Council has determined that it is necessary and appropriate and in the best interests of the Village to provide for service payments in lieu of real property taxes ("Service Payments") with respect to the Property pursuant to R.C. Section 5709.42; and

WHEREAS, this Council has determined that it is in the Village's best interest to enter into a tax increment financing agreement (the "TIF Agreement"), a draft of which is on file with the Village Administrator) with the Company pursuant to which the Company would construct or cause to be constructed certain public infrastructure improvements identified in Exhibit C attached hereto and incorporated herein by reference (the "Public Improvements"), and (ii) the Company would be reimbursed for its costs incurred with respect to the Public Improvements; and

WHEREAS, notice of this proposed TIF Ordinance has been delivered to the Board of Education of the School District and the JVSD, or such notice has been waived, in accordance with and within the time period prescribed in R.C. Sections 5709.40(D) and 5709.83; and

WHEREAS, in connection with the hereinafter described payments to be made to the School District and JVSD, the Board of Education of the School District, pursuant to a Resolution dated (March 28, 2022), has approved this TIF Ordinance and the exemptions provided herein;

WHEREAS, the Village and the Company intend for the CRA Agreement exemptions to take priority over the exemptions provided for in this TIF Ordinance; and

WHEREAS, an emergency exists in the usual daily operations of the Village in that it is immediately necessary to approve tax exemptions for the Property for the preservation of the public health, peace, property and safety, that preservation being related to the need to proceed with public infrastructure improvements that directly benefit the Property immediately;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF ASHVILLE, COUNTY OF PICKAWAY, STATE OF OHIO THAT:

### Section I - Public Improvements and TIF Agreement.

The Public Improvements described in Exhibit C hereto intended to be made or caused to be made by the Company are hereby designated as public infrastructure improvements that, once made, will directly benefit the Property. The TIF Agreement between the Village and the Company providing for, among other things, construction of the Public Improvements by or on behalf of the Company and use of the Service Payments, including, but not limited to, for reimbursement to the Company for its costs associated with the Public Improvements, is hereby approved, and the Village Administrator and Village Fiscal Officer are hereby authorized and directed to execute said TIF Agreement on behalf of the Village in substantially the same form on file with the Village Administrator, together with such revisions or additions thereto as approved by the Mayor as consistent with the objectives and requirements of this TIF Ordinance, which approval shall be conclusively evidenced by the signing of said TIF Agreement. The Mayor and other appropriate Village officials are further authorized to provide such information and to execute, certify or furnish such other documents, and to do all other things as are necessary for and incidental to carrying out the provisions of the TIF Agreement.

### Section II - Property Tax Exemption.

Pursuant to and in accordance with the provisions of R.C. Section 5709.40, and, in particular, R.C. Section 5709.40(B), this Council hereby finds and determines that 100% of the increase in the assessed value of the Property that would first appear on the tax list and duplicate of real property after the effective date of this TIF Ordinance (which increase in assessed value is herein referred to as the "Improvement" or "Improvements" as defined in said R.C. Section 5709.40) is a public purpose, and 100% of said Improvement is hereby declared to be a public purpose for a period of 30 years and exempt from taxation commencing for each Parcel the earlier of the first day of (i) the first tax year in which an improvement of no less than \$35,000 in assessed value (i.e., \$100,000 of true value) to the Parcel (as it may then be combined and/or subdivided) would first appear on the tax list and duplicate of real and public utility property after the effective date of this TIF Ordinance were it not for the exemption granted by this Ordinance, or (ii) tax year 2036, and ending for each Parcel thirty (30) years after such date. The exemption for each improvement shall be subordinate to any exemption provided under the CRA Agreement, irrespective of who files the exemption application under R.C. Section 5709.911.

### Section III - Service Payments.

As provided in R.C. Section 5709.42, the Owner or Owners of any Parcel are hereby required to and shall pay the Service Payments to the Pickaway County Treasurer (the "County Treasurer") on or before the final dates for payment of real property taxes. The Service Payments that are not required to be distributed to the School District and the JVSD pursuant to Section 4 of this TIF Ordinance, shall be deposited by the County Treasurer in the (Ashville) Municipal Public Improvement Tax Increment Equivalent Fund (the "Fund") established in Section 5 hereof. This Council hereby authorizes the Village Administrator, Fiscal Officer, and other appropriate officers of the Village to provide such information and certifications, and execute and deliver or accept delivery of such instruments, as are necessary and incidental to collect those Service Payments, and to make such arrangements as are necessary and proper for payment of the Service Payments. The Service Payments shall be allocated and deposited in accordance with Sections 4 and 5 of this TIF Ordinance.

No Owner shall, under any circumstances, be required for any tax year to both pay Service Payments with respect to an improvement and reimburse local taxing authorities for the amount of real property taxes that would have been payable to local taxing authorities had the improvement not been exempted from taxation pursuant to this TIF Ordinance.

Prepared: 03/15/2022  
Revised Date: 03/16/2022

Signature box for Chairman or Business Director with a yellow circular seal.

1 of 7 | Page with Exhibit

Chairman or Business Director

(Original signature of April D. Gruber)

Deak-Rical Officer

(Title)



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#### SECTION IV - Payments to School District and JVSD.

The County Treasurer shall make semi-annual payments to the School District, solely from the Service Payments, collectively in the amount equal to the property tax payments that the School District would otherwise have received from the improvements had the improvements not been exempted pursuant to this Ordinance. Pursuant to R.C. Section 5709.40(D)(1), the Village is required to compensate the JVSD at the same rate and under the same terms received by the School District. Thus, the County Treasurer also shall make semi-annual payments to the JVSD, solely from the Service Payments, collectively in the amount equal to the property tax payments that the JVSD would otherwise have received from the improvements had the improvements not been exempted pursuant to this Ordinance. No such payments to the School District or the JVSD shall be made with respect to the improvements exempted from real property taxation under the CRA Agreement for the period and to the extent that the improvements are exempt under the CRA Agreement. The County Treasurer shall remit all remaining Service Payments to the Village for deposit in the Fund established in Section 5 hereof.

#### SECTION V - Tax Increment Equivalent Fund.

This Council hereby establishes, pursuant to and in accordance with the provisions of R.C. Section 5709.43, the Fund, into which shall be deposited all of the Service Payments distributed to the Village with respect to the Improvements to Parcels of the Property by or on behalf of the County Treasurer, as provided in R.C. Section 5709.42, except for amounts paid directly to the School District and the JVSD as provided in Section 4 hereof, and hereby appropriates all of the moneys deposited in the Fund from time to time to pay any costs associated with the Public Infrastructure improvements approved by the Village, including, but not limited to, the "costs of permanent improvements" described in R.C. Section 133.15(B).

The Fund shall remain in existence so long as Service Payments are collected and used for the aforesaid purposes, subject to the limits set forth in Section 2 hereof, after which said Fund shall be dissolved in accordance with R.C. Section 5709.43(D). Upon dissolution, any incidental surplus money remaining in the Fund shall be transferred to the Village general fund as provided in R.C. Section 5709.43(D).

#### SECTION VI - Filing and Reporting to State.

Pursuant to R.C. Section 5709.40, the Village Clerk is hereby directed to deliver a copy of this TIF Ordinance to the Director of the Department of Development of the State of Ohio within fifteen days after its passage. On or before March 31 of each year that the exemption set forth in Section 2 hereof remains in effect, the Village Administrator or other authorized officer of this Village shall prepare and submit to the Director of the Department of Development of the State of Ohio the status report required under R.C. Section 5709.40(I).

#### SECTION VII - Implementation of Exemptions and TIF Ordinance.

This Council hereby authorizes the Village Administrator, Fiscal Officer or other appropriate officers of the Village to take such actions as are necessary or appropriate to implement the transactions contemplated by this TIF Ordinance, including the filing of one or more applications for exemption and any related forms in accordance with R.C. Section 5709.311. The Village Administrator, or any other official, as appropriate, are each authorized and directed to sign any other documents, instruments or certificates and to take such actions as are necessary or appropriate to consummate or implement the actions described herein or contemplated by this TIF Ordinance.

#### SECTION VIII - Open Meeting.

It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this TIF Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any decision making bodies of the Village that resulted in such formal actions were in meetings open to the public and in compliance with all legal requirements.

#### SECTION IX - Effective Date.

This TIF Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the Village, and for the further reason that this TIF Ordinance is required to be immediately effective in order to enable the construction of the Public Improvements to proceed, thereby addressing critical infrastructure needs in the Village; wherefore, this TIF Ordinance shall be in full force and effect immediately upon its passage by Council.

Wherefore, provided this Ordinance receives the required affirmative votes of Council, this Ordinance shall take effect and be in force immediately upon passage by Council and approval by the Mayor.

Offered by:  
Seconded by the Motion Offered by:

Upon roll call on the adoption of the ordinance, the vote was as follows:  
Council Member Yes No Council Member Yes No Council Member Yes No Council Member Yes No  
Rogan L. Clark   Deborah L. Emberg   Randy L. Lovelace   Bill Steadman   Matt Isbell   Steve Strick

APPROVED BY THE VILLAGE CLERK AND MAYOR:  
Attest:

April D. Grube, Clerk-Fiscal Officer DATE: \_\_\_\_\_  
Charles K. Wain, Mayor DATE: \_\_\_\_\_

#### EXHIBIT A to TIF Ordinance

##### DESCRIPTION OF PARCELS AFFECTED BY THE IMPROVEMENT

The Property is the real estate situated in the Village of Ashville, County of Pickaway and State of Ohio consisting of the parcel numbers listed below, but which property shall not include (i) any parcels that are used or to be used for residential purposes as shown in the land use records maintained by the Pickaway County Auditor, or (ii) any parcels that are valued at their current agricultural use value ("CAUV") until such time as those parcels are removed from the CAUV program as described in R.C. Sections 5713.30 through 5713.37.

##### Parcel Numbers:

- D1300050002100
- D1300270004200
- D1300350000100

#### EXHIBIT B to TIF Ordinance

##### DESCRIPTION OF THE PUBLIC IMPROVEMENTS

The Public Improvements may include, but are not limited to, the following:

Construction of public roads, including a public road providing access to State Route 752 and State Route 23; construction of projects to improve the infrastructure of the Village; sewer and water system improvements; landscaping; acquisition of land for rights of way (if any); extension of natural gas, water, storm and sanitary sewer lines, street lighting; sidewalks and/or bike paths; acquisition of land for park purposes; acquisition and installation of equipment in parks; construction of other park improvements; construction of roads and all related appurtenances, including turn lanes on State Route 752; costs incurred by the Company from ODOT associated with ODOT-required improvements (if any); traffic signs and signals; engineering and other professional services secured in connection with the Public Improvements including legal, planning, citizen participation, environmental studies and remediation; streetscape and other improvements including, but not limited to, grading, draining, curbing, paving, resurfacing, constructing or reconstructing storm sewers, storm water basins and retention ponds, sanitary sewers, water mains, sidewalks, driveway approaches and aprons, public parking spaces and structures; electrical lighting; removal and placement of overhead utilities underground; installation of the desired conduit; environmental remediation; land acquisition; demolition; traffic control devices, including traffic lights, signs and other markings; installing public benches, seating areas and trash receptacles; and planting trees, shrubbery and other landscaping materials, together with all other necessary and appropriate appurtenances.



# Ashville, Ohio



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## ORDINANCE 2022-09 OF THE VILLAGE OF ASHVILLE



ORDINANCE 2022-09

ORDINANCE 2022-09

AN ORDINANCE IMPLEMENTING SECTION 3735.65 THROUGH 3735.70 OF THE OHIO REVISED CODE, ESTABLISHING AND DESCRIBING THE BOUNDARIES OF A COMMUNITY REINVESTMENT AREA IN THE VILLAGE OF ASHVILLE, DESIGNATING A HOUSING OFFICER TO ADMINISTER THE PROGRAM, AND CREATING A COMMUNITY REINVESTMENT HOUSING COUNCIL, A TAX INCENTIVE REVIEW COUNCIL, AND DECLARING AN EMERGENCY.

WHEREAS, the council of the Village of Ashville (hereinafter "Council") desires to pursue all reasonable and legitimate incentive measures to assist and encourage development in specific areas of the Village of Ashville that have not enjoyed reinvestment from remodeling or new construction; and

WHEREAS, a survey of housing, a copy of which is on file in the office of the Village as required by Ohio Revised Code (ORC) Section 3735.66 has been prepared for the area to be included in the proposed Community Reinvestment Area; and

WHEREAS, the maintenance of existing and construction of new structures in such area would serve to encourage economic stability, maintain real property values, and generate new employment opportunities; and

WHEREAS, the Mayor and Council desire to pursue all reasonable and legitimate incentive measures to assist and encourage development; and

WHEREAS, the remodeling of existing structures or the construction of new structures in this Community Reinvestment Area constitutes a public purpose for which real property exemptions may be granted.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE OF ASHVILLE, PICKAWAY COUNTY, OHIO, THAT:

### Section I

The area designated as the Ashville Community Reinvestment Area constitutes an area in which housing facilities or structures of historical significance are located, and in which new construction or repair of existing facilities has been discouraged.

### Section II

Pursuant to ORC Section 3735.64, the Ashville Community Reinvestment Area is hereby established and shall consist of all parcels of land located within the Ashville municipal corporation limits, as depicted in the outlined area on the map attached hereto as "Exhibit A" and incorporated herein by reference. Wherein only residential, commercial and/or industrial properties consistent with applicable zoning regulations within the Village of Ashville Community Reinvestment Area will be eligible for exemptions hereunder.

### CERTIFICATE OF REVISIONS

I, the undersigned, hereby certify, that the foregoing is a true and correct copy of the ordinance adopted by the Village of Ashville Council held on 24<sup>th</sup> day of May 2022, and that I am duly authorized to execute this certificate.



Clerk-Fiscal Officer

(Original signature of April D. Gruber)

(Title)

### Section III

All properties identified in "Exhibit A" as being within the designated Community Reinvestment Area are eligible for this incentive, so long as such properties are classified as to use as commercial, industrial, residential, or some combination thereof, and otherwise satisfying the requirements of ORC Section 3735.67. The classification of the structures or remodeling eligible for exemption in the area shall at all times be consistent with zoning restrictions applicable to the area. This proposal is a public/private partnership intended to promote and expand conforming uses in the designated area. As part of the project, the Village of Ashville intends to undertake supporting public improvements in the designated area.

### Section IV

Within the Ashville Community Reinvestment Area, the percentage of the tax exemption on the increase in the assessed valuation resulting from improvements to commercial and industrial real property and the terms of those exemptions shall be negotiated on a case-by-case basis in advance of construction or remodeling occurring according to the rules outlined in the ORC Section 3735.67. The results of the negotiation as approved by this Council will be set in writing in a Community Reinvestment Area Agreement as outlined in ORC Section 3735.671.

- For residential structures containing not more than two (2) housing units, demolition and new construction activity must occur and, upon which the cost of the improvements is at least \$2,500, as described in ORC Section 3735.67, the tax exemption shall be granted for a period of twelve (12) years with such exemption being equal to fifty percent (50%) of the increase in the assessed valuation resulting from such improvements for each of the twelve (12) years.
- For the demolition and/or new construction of every residential dwelling unit or accessory structure containing more than two (2) housing units located on the same lot as the primary housing units and upon which the cost of the demolition and/or new construction is at least \$5,000, as described in ORC Section 3735.67, the tax exemption shall be granted for a period of twelve (12) years with such exemption being equal to fifty percent (50%) of the increase in the assessed valuation resulting from such improvements for each of the twelve (12) years.
- For the remodeling of existing commercial facilities and upon which the cost of remodeling is at least \$5,000, as described in ORC Section 3735.67, the term and percentage of the tax exemption shall be negotiated on a case-by-case basis in advance of the commencement of the remodeling, with the maximum term of such exemption being a period of twelve (12) years and the maximum exemption being equal to one hundred percent (100%) of the increase in the assessed valuation resulting from such improvements.
- For the remodeling of existing industrial facilities and upon which the cost of remodeling is at least \$5,000, as described in ORC Section 3735.67, the term and percentage of the tax exemption shall be negotiated on a case-by-case basis in advance of the commencement of the remodeling, with the maximum term of such exemption being a period of fifteen (15) years and the maximum exemption being equal to one hundred percent (100%) of the increase in the assessed valuation resulting from such improvements.
- For the construction of new commercial or industrial facilities, the term and percentage of the tax exemption shall be negotiated on a case-by-case basis in advance of the commencement of the construction, with the maximum term of such exemption being a period of fifteen (15) years and the maximum exemption being equal to one hundred percent (100%) of the increase in the assessed valuation resulting from such new construction.

Only commercial and/or industrial properties consistent with the applicable zoning regulations within the designated Community Reinvestment Area will be eligible for exemptions under this Program.

If remodeling qualifies for an exemption, during the period of the exemption, the exempted percentage of the dollar amount of the increase in market value of the structure shall be exempt from real property taxation. If new construction qualifies for an exemption, during the period of the exemption the exempted percentage of the structure shall not be considered to be an improvement on the land on which it is located for the purpose of real property taxation.

### Section V

All commercial and industrial projects are required to comply with the state application fee requirements of ORC Section 3735.672 (C) and the local annual monitoring fee of one percent of the amount of taxes exempted under the agreement - a minimum of \$500 up to a maximum of \$2500 annually unless waived.

### Section VI

To administer and implement the provisions of this Ordinance, the Village Administrator is designated as the Housing Officer as described in Sections 3735.65 through 3735.70.

### Section VII

That a "Community Reinvestment Area Housing Council" shall be created, consisting of two members appointed by the Mayor of Ashville, two members appointed by the Council of the Village of Ashville and one member appointed by the Planning Commission of Ashville. The majority of the members shall then appoint two additional members who shall be residents within the area. Terms of the members of the Council shall be for three years. An unexpired term resulting from a vacancy in the Council shall be filled in the same manner as the initial appointment was made. The Community Reinvestment Area Council shall make an annual inspection of the properties within the district for which an exemption has been granted under Section 3735.67 of the ORC. The Council shall also hear appeals under Section 3735.70 of the ORC.

A Tax Incentive Review Council shall be established pursuant to ORC Section 5709.85 and shall consist of three representatives appointed by the Board of County Commissioners, two representatives of Ashville, appointed by the Mayor with Council concurrence, the county auditor or designee and a representative of each affected Board of Education. At least two members must be residents of the Village of Ashville. The Tax Incentive Review Council shall review annually the compliance of all agreements involving the granting of exemptions for commercial or industrial real property improvements under Section 3735.67, of the ORC and make written recommendations to the Council as to continuing, modifying or terminating said agreement based upon the performance of the agreement.

### Section VIII

The Council reserves the right to re-evaluate the designation of the Ashville Community Reinvestment Area after December 31, 2023, at which time the Council may direct the Housing Officer not to accept any new applications for exemptions as described in Section 3735.67 of the ORC.

### Section IX

The Community Reinvestment Area Council shall make an annual inspection of the properties within the district for which an exemption has been granted under Section 3735.67 of the ORC. The Council shall also hear appeals under 3735.70 of the ORC.

Prepared: 03/18/2022  
Revised Date: 05/18/2022  
Revised Date:

1 of 5 | Page with Exhibit A



*Ashville, Ohio*



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#### SECTION IV

Within the Ashville Community Reinvestment Area, the percentage of the tax exemption on the increase in the assessed valuation resulting from improvements to commercial and industrial real property and the term of those exemptions shall be negotiated on a case-by-case basis in advance of construction or remodeling occurring according to the rules outlined in the ORC Section 3765.67. The results of the negotiation as approved by this Council will be set in writing in a Community Reinvestment Area Agreement as outlined in ORC Section 3735.671

- a. For residential structures containing not more than two (2) housing units, demolition and new construction activity must occur and, upon which the cost of the improvements is at least \$2,500, as described in ORC Section 3735.67, the tax exemption shall be granted for a period of twelve (12) years with such exemption being equal to fifty percent (50%) of the increase in the assessed valuation resulting from such improvements for each of the twelve (12) years. The provision of Section IV a. would not take effect without mutual written agreement between the Board of Education of the Teays Valley Local School District and the Village of Ashville.

Under R.C. 3735.66, multi-family residential dwelling units shall be treated hereunder as residential dwelling units containing more than two (2) housing units and not commercial property, and therefore shall not be subject to any abatement hereunder without mutual written agreement between the Board of Education of the Teays Valley Local School District and the Village of Ashville.



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#### SECTION IV

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- b. For the demolition and/or new construction of every residential dwelling unit or accessory structure containing more than two (2) housing units located on the same lot as the primary housing units and upon which the cost of the demolition and/or new construction is at least \$5,000, as described in ORC Section 3735.67, the tax exemption shall be granted for a period of twelve (12) years with such exemption being equal to fifty percent (50%) of the increase in the assessed valuation resulting from such improvements for each of the twelve (12) years. The provision of Section IV b. would not take effect without mutual written agreement between the Board of Education of the Teays Valley Local School District and the Village of Ashville. Under R.C. 3735.66, multi-family residential dwelling units shall be treated hereunder as residential dwelling units containing more than two (2) housing units and not commercial property, and therefore shall not be subject to any abatement hereunder without mutual written agreement between the Board of Education of the Teays Valley Local School District and the Village of Ashville.





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Ordinance 2022-09

**SECTION X**

Section 10. The Council hereby finds and determines that all formal actions relative to the passage of this Ordinance were taken in an open meeting of this Council, that all deliberations of this Council and of its committees, if any, which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements, including Section 121.22 of the ORC.

**SECTION XI**

That this ordinance shall take effect and be enforce from and after the earliest period allowed by law and upon confirmation by the Director of the Ohio Department of Development of the findings in this Ordinance.

**SECTION XII**

The Mayor of the Village of Ashville is hereby directed and authorized to petition the Director of the Ohio Department of Development to confirm the findings contained within this Ordinance.

**SECTION XIII**

That this ordinance is hereby declared to be an emergency measure for the immediate preservation of public peace, health, safety, and welfare for the reason that this legislation will promote rehabilitation of existing properties and will encourage new development within the Community Reinvestment Area, and provided it receives the affirmative vote of two-thirds of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor and upon confirmation by the Director of the Ohio Department of Development; otherwise it shall take effect and be in force at the earliest time allowed by law.

Offered by:  
Seconded to the Motion Offered by:

Upon roll call on the adoption of the ordinance, the vote was as follows:  
Council Member Yes No Council Member Yes No Council Member Yes No Council Member Yes No Council Member Yes No Council Member Yes No  
Ruger, L. Clark

PASSED THIS 24<sup>TH</sup> DAY OF MAY, 2022  
ATTEST:

\_\_\_\_\_  
April D. Grube, Clerk-Fiscal Officer  
Approved:

\_\_\_\_\_  
Charles K. Wise, Mayor

ORDINANCE 2022-09

**EXHIBIT A**

**MAP OF ASHVILLE COMMUNITY REINVESTMENT AREA  
AREA DEPICTED IN BLACK OUTLINE**

Ashville CRA



4/28/22 2:34:10 PM  
Road Labels

0 0.25 0.50 0.75 1.00  
Feet  
0 0.25 0.50 0.75 1.00  
Meters



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## A Word from Village Council:

- Roger Clark
- Nelson Embrey
- Randy Loveless
- David Rainey
- Matt Scholl
- Steve Welsh





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Silence Mobile  
Devices

*Meeting  
Adjourned*



*Thank You*