



# City of Barberton

Founded 1891

## Commercial / Industrial CRA Application

A commercial or industrial project must receive confirmation from the Director of the Ohio Department of Development **prior** to formally granting a real property tax incentive. **Do not begin construction of any kind until exemption has been granted by ODOD or abatement application will not be approved by the State of Ohio.**

Commercial and industrial projects located in a CRA receive Fifty (50) % abatement however; the terms are to be negotiated between the property owner and the local legislative authority and will not exceed 12 years for remodeling or 15 years for new structures.

Type	Minimum Investment	Abatement	Years
Remodeling of Commercial/Industrial structures	\$5,000	50%	Negotiated on a case by case basis, not exceeding 12 years
New Commercial/Industrial structures	N/A	50%	Negotiated on a case by case basis, not exceeding 15 years
Personal Property or Inventory	N/A	None	N/A



William B. Judge, Mayor

576 West Park Avenue • Barberton, Ohio 44203 • 330-848-6719

The City of Barberton is an Equal Opportunity Employer

**Business Application for Tax Incentives  
Community Reinvestment Area**

**PROPOSED AGREEMENT** for Community Reinvestment Area Tax Incentives between the City of Barberton located in the County of Summit and \_\_\_\_\_ (property owner).

- 1.** a. Name of property owner, home or main office address, contact person and telephone number (attach additional pages if multiple enterprise participants).

\_\_\_\_\_  
Enterprise Name

\_\_\_\_\_  
Contact Person

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

b. Project site: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

- 2.** a. Nature of commercial/industrial activity (manufacturing, warehousing, wholesale or retail stores, or other) to be conducted at the site.

b. List primary 6 digit North American Industry Classification System (NAICS) #

\_\_\_\_\_

Business may list other relevant SIC #'s \_\_\_\_\_

c. If a consolidation, what are the components of the consolidation (must itemize the location, assets, and employment positions to be transferred)?

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

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

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

b. Will the project involve the relocation of employment positions or assets from one Ohio location to another?

Yes

No

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 and permanent and temporary employees):

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

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

5. Does the Property Owner owe:

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

Yes

No

b. Any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State?

Yes

No

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

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 20\_\_\_\_\_(date) and will be completed 20\_\_\_\_\_(date) 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):

b. State the time frame of this projected hiring: \_\_\_\_\_yrs.

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

9. a. Estimate the amount of annual payroll such new employees will add \$\_\_\_\_\_. New annual payroll must be itemized by full and part-time and permanent and temporary new employees.

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

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

A. Acquisition of Buildings:	\$ _____
B. Additions/New Construction:	\$ _____
C. Improvements to existing buildings:	\$ _____
D. Machinery & Equipment:	\$ _____
E. Furniture & Fixtures:	\$ _____
F. Inventory:	\$ _____
<b>Total New Project Investment:</b>	<b>\$ _____</b>

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

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

Submission of this application expressly authorizes the City of Barberton 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.

\_\_\_\_\_  
Name of Property Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed Name and Title

**Community Reinvestment Area  
Commercial or Industrial Written Agreement**  
Per ORC 3735.671

The property to be exempted from taxation under this agreement include:  
\_\_\_\_\_ (address and parcel(s)) Barberton,  
Ohio, Summit County, 44203 and the percentage of the assessed valuation of the real  
property exempted from taxation is fifty percent (50%) and the period for which the  
exemption is granted is \_\_\_\_\_ 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 after \_\_\_\_\_ (date) nor extend  
beyond \_\_\_\_\_ (date).

(1) A description of the entire remodeling or new construction follows (whether or not  
it is to be exempted from taxation):

- (a) Existing or new structure size: \_\_\_\_\_
- (b) Cost of existing or new structure \_\_\_\_\_
- (d) The value of all machinery: \_\_\_\_\_
- (e) The value of all equipment: \_\_\_\_\_
- (f) The value of all furniture and fixtures \_\_\_\_\_
- (h) Itemize the value of all machinery, equipment, furniture and fixtures used at  
other locations in Ohio prior to this agreement and relocated, or to be relocated,  
from that location to the Barberton location: \_\_\_\_\_
- (i) The value of all machinery, equipment, furniture and fixtures at the facility prior  
to the execution of the agreement: \_\_\_\_\_
- (j) The value of inventory at the property, including an itemization of the value of  
inventory held at another location in Ohio prior to the agreement and relocated or to be  
relocated from that location to Barberton: \_\_\_\_\_
- (k) The value of inventory held at the property prior to the execution of the  
agreement: \_\_\_\_\_

(2) Remodeling or new construction of real property will begin approximately on  
\_\_\_\_\_ (date) and conclude approximately on \_\_\_\_\_ (date);  
or investments made in machinery, equipment, furniture, fixtures and/or inventory will  
begin approximately on \_\_\_\_\_ (date) and conclude approximately on  
\_\_\_\_\_ (date).

(3) Estimate the number of **full time** employees to be created each year of the  
agreement: \_\_\_\_\_. Estimate the dollar amount of payroll attributable to the  
positions: \_\_\_\_\_.

Estimate the number of **part time** employees to be created each year of the  
agreement: \_\_\_\_\_. Estimate the dollar amount of payroll attributable to the  
positions: \_\_\_\_\_.

Estimate the number of **permanent** employees to be created each year of the  
agreement: \_\_\_\_\_. Estimate the dollar amount of payroll attributable to the  
positions: \_\_\_\_\_.

Estimate the number of **temporary** employees to be created each year of the  
agreement: \_\_\_\_\_. Estimate the dollar amount of payroll attributable to the  
positions: \_\_\_\_\_.

Estimate the number of full time employees retained by the owner due to the  
remodeling or construction: \_\_\_\_\_. Estimate the dollar amount of payroll  
attributable to the positions: \_\_\_\_\_.

Estimate the number of **full time** employees retained by the owner due to the remodeling or construction: \_\_\_\_\_. Estimate the dollar amount of payroll attributable to the positions: \_\_\_\_\_.

Estimate the number of **part time** employees retained by the owner due to the remodeling or construction: \_\_\_\_\_. Estimate the dollar amount of payroll attributable to the positions: \_\_\_\_\_.

Estimate the number of **permanent** employees retained by the owner due to the remodeling or construction: \_\_\_\_\_. Estimate the dollar amount of payroll attributable to the positions: \_\_\_\_\_.

Estimate the number of **temporary** employees retained by the owner due to the remodeling or construction: \_\_\_\_\_. Estimate the dollar amount of payroll attributable to the positions: \_\_\_\_\_.

(4) If any, itemize the number of employees at the Barberton location and any other location in Ohio at the time of this agreement. Full time: \_\_\_\_\_, Part time: \_\_\_\_\_, Permanent: \_\_\_\_\_, Temporary: \_\_\_\_\_.

(5) \_\_\_\_\_ (name of business owner(s)) shall pay such real 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 \_\_\_\_\_ (name of business owner) fails to pay such taxes or file such returns and reports, exemptions from taxation 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.

(6) \_\_\_\_\_ (name of business owner(s)) hereby certifies that at the time this agreement is executed, \_\_\_\_\_ (name of business owner(s)) 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 \_\_\_\_\_ (name of business owner) is liable under Chapter 5733., 5735., 5739., 5741., 5743., 5747., or 5753. of the Ohio Revised Code, or, if such delinquent taxes are owed, \_\_\_\_\_ (name of business 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 \_\_\_\_\_ (insert name of owner). For the purposes of this 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."

(7) The City of Barberton 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."

(8) If for any reason the City of Barberton revokes the designation of the area, entitlements granted under this agreement shall continue for the number of years specified under this agreement, unless \_\_\_\_\_ (name of owner) materially fails to fulfill its obligations under this agreement and the City of Barberton terminates or modifies the exemptions from taxation pursuant to this agreement.

(9) If \_\_\_\_\_ (name of owner) materially fails to fulfill its obligations under this agreement, or if the City of Barberton determines that the certification as to delinquent taxes required by this agreement is fraudulent, the City of Barberton 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.

The City of Barberton may authorize the legislative authority to secure repayment of such taxes by a lien on the exempted property in the amount required to be repaid. Such a lien shall attach, and may be perfected, collected, and enforced, in the same manner as a mortgage lien on real property and shall otherwise have the same force and effect as a mortgage lien on real property.

(10) \_\_\_\_\_(name of 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.

(11) This agreement is not transferable or assignable without the express, written approval of the City of Barberton.

(12) Exemptions from taxation granted under this agreement shall be revoked if it is determined that \_\_\_\_\_(name of owner), any successor to that person, or any related member (as those terms are defined in division (E) of 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.

(13) \_\_\_\_\_(name of owner) and the City of Barberton acknowledge that this agreement must be approved by formal action of the legislative authority of the City of Barberton as a condition for the agreement to take effect. This agreement takes effect upon such approval.

(14) \_\_\_\_\_(name of owner(s)) pay an annual fee equal to the greater of one per cent of the amount of taxes exempted under the agreement or five hundred dollars; provided, however, that if the value of the incentives exceeds two hundred fifty thousand dollars, the fee shall not exceed two thousand five hundred dollars. The fee of \$\_\_\_\_\_ shall be payable to the City of Barberton once per year for each year the agreement is effective on the days and in the form specified as follows: \_\_\_\_\_.

Fees paid shall be deposited in a special fund created for such purpose by the City of Barberton and shall be used by the City of Barberton exclusively for the purpose of complying with section 3735.672 of the Revised Code and by the tax incentive review council created under section 5709.85 of the Revised Code exclusively for the purposes of performing the duties prescribed under that section.

If any person that is party to an agreement granting an exemption from taxation discontinues operations at the structure to which that exemption applies prior to the expiration of the term of the agreement, that person, any successor to that person, and any related member shall not enter into an agreement under this section or section 5709.62, 5709.63, or 5709.632 of the Revised Code, and no legislative authority shall enter into such an agreement with such a person, successor, or related member, prior to the expiration of five years after the discontinuation of operations.

As used in this division, "successor" means a person to which the assets or equity of another person has been transferred, which transfer resulted in the full or partial nonrecognition of gain or loss, or resulted in a carryover basis, both as determined by rule adopted by the tax commissioner. "Related member" has the same meaning as defined in section 5733.042 of the Revised Code without regard to division (B) of that section.



**APPROVED AS TO LEGAL FORM AND CORRECTNESS**

Date: \_\_\_\_\_

\_\_\_\_\_  
Lisa Okolish Miller, Law Director  
City of Barberton

**IN WITNESS WHEREOF**, the City of Barberton and business owner(s) \_\_\_\_\_ have caused this Agreement to be executed as of the day and year first above written.

**THE CITY OF BARBERTON, OHIO**

***Signed and acknowledged  
in the presence of: (1  
witness required)***

\_\_\_\_\_  
**Robert J. Genet, Mayor**

\_\_\_\_\_

Date: \_\_\_\_\_

STATE OF OHIO            )  
  ) ss  
COUNTY OF SUMMIT    )

**BEFORE ME, A NOTARY PUBLIC** in and for said County and State, personally appeared the above-named Robert J. Genet, Mayor of the City of Barberton, who acknowledged that he did sign the foregoing instrument and that the same is his free and voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at \_\_\_\_\_, Ohio this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
NOTARY PUBLIC

**COMMUNITY REINVESTMENT AREA APPLICANT(S)/BUSINESS OWNER(S)**

***Signed and acknowledged  
in the presence of: (1  
witness required)***

\_\_\_\_\_  
**Applicant/Business Owner**

\_\_\_\_\_

Date: \_\_\_\_\_

STATE OF OHIO            )  
                                  ) ss  
COUNTY OF SUMMIT    )

BEFORE ME, A NOTARY PUBLIC in and for said County and State, personally appeared the above-named \_\_\_\_\_ of the City of Barberton, who acknowledged that he/she did sign the foregoing instrument and that the same is his free and voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at \_\_\_\_\_, Ohio this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
NOTARY PUBLIC