

**Village of Botkins, Ohio**  
**Ordinance No. 26-03**

**AN ORDINANCE APPROVING THE COMMUNITY REINVESTMENT  
AREA AGREEMENT WITH BROWN INDUSTRIAL BUILDINGS, LLC, AND  
DECLARING AN EMERGENCY**

**WHEREAS**, the Village of Botkins, Shelby County, Ohio, ("Village") has encouraged the construction, and/or remodeling of commercial and/or industrial real property in the area designated as the Community Reinvestment Area ("CRA"); and

**WHEREAS**, the Village, by Ordinance No. 00-05, adopted May 9, 2000, designated the area within the existing municipal corporation limits of the Village as a CRA pursuant to and under the provisions contained and included in R.C. Chapter 3735; and

**WHEREAS**, effective July 8, 2000, the Director of Development of the State of Ohio determined that the area designated in Ordinance No. 00-05 be certified as a CRA; and

**WHEREAS**, Brown Industrial Buildings, LLC, whose principal office is currently located at 311 W. South St., Botkins, Ohio, is desirous of developing industrial space within the municipal corporation limits of the Village and the boundaries of the CRA, provided that the appropriate development incentives are available to support the economic viability of the Project; and

**WHEREAS**, the company has reviewed and agreed to enter into a CRA Agreement which provides a one hundred percent (100%) exemption from real property taxes for a period of fifteen (15) years on all improvements made to the real property in connection with the Project which is subject to the CRA Agreement; and

**WHEREAS**, the Village Council has notified the Board of Education of the Botkins Local School ("Botkins Local School") and the Board of Education of the Upper Valley Joint Vocational School ("Upper Valley JVS") of its intentions to enter this CRA Agreement at least fourteen (14) days prior to the adoption of this Ordinance; and

**WHEREAS**, Brown Industrial Buildings and the Botkins Local School each have represented to the Village that Brown Industrial Buildings has agreed to annually pay, during the effective length of the CRA Agreement, to the Botkins Local School by a February 11, 2026 Resolution:

“Therefore be it resolved by the Botkins Local School District Board of Education that the Board of Education approves the Community Reinvestment Area Agreements under the condition that for each tax year the real property is exempted from taxation, the sum of the following quantities, as estimated at or prior to the time the agreement is formally approved by the legislative authority, equals or exceeds fifty per cent of the amount of taxes, as estimated at or prior to that time, that would have been charged and payable that year upon the real property had that property not been exempted from taxation: The amount of any cash payment by the owner of the new structure or structure to be remodeled to the school district, the dollar value, as mutually agreed to by the owner and the board of education, of any property or services provided by the owner of the property to the school district, whether by gift, loan, or otherwise, and any payment by the legislative authority to the school district pursuant to section 5709.82 of the Revised Code.”; and

**WHEREAS**, Brown Industrial Buildings and Upper Valley JVS each have represented to the Village that Brown Industrial Buildings has agreed to annually pay, during the effective length of the CRA Agreement, to Upper Valley JVS by a February 23, 2026 Resolution:

“Therefore be it resolved by the Upper Valley Career Center Board of Education that the Board of Education approves the Community Reinvestment Area Agreements under the condition that for each tax year the real property is exempted from taxation, the sum of the following quantities, as estimated at or prior to the time the agreement is formally approved by the legislative authority, equals or exceeds fifty per cent of the amount of taxes, as estimated at or prior to that time, that would have been charged and payable that year upon the real property had that property not been exempted from taxation: The amount of any cash payment by the owner of the new structure or structure to be remodeled to the school district, the dollar value, as mutually agreed to by the owner and the board of education, of any property or services provided by the owner of the property to the school district, whether by gift, loan, or otherwise, and any payment by the legislative authority to the school district pursuant to section 5709.82 of the Revised Code.”; and

**WHEREAS**, the Village Council has reviewed the CRA Agreement and approved the same.

**NOW, THEREFORE**, be it ordained by the Council of the Village; a two-thirds majority of the members elected thereto concurring herein:

#### **SECTION 1:**

This matter having come before the Village Council and upon the review of the CRA Agreement with the Property Owner, a copy of which is attached to this Ordinance and marked as Exhibit “A” (“Agreement”), the Village Council hereby determines that the CRA Agreement is not averse to the interests of the Village and should be accepted.

**SECTION 2:**

The matter has come before the Botkins Local School Board and was approved by way of a Resolution passed at the February 11, 2026, board meeting, a copy of which is attached to this Ordinance.

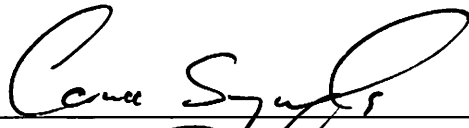
**SECTION 3:**

The matter has come before the Upper Valley JVS Board and was approved by way of a Resolution passed at the February 23, 2026, board meeting, a copy of which is attached to this Ordinance.


**SECTION 4:**

The Mayor and Clerk are authorized and directed to execute the CRA Agreement on behalf of the Village, if, and only if, the real property on which construction is to take place for the Project is owned by Brown Industrial Buildings, on the date of execution. Brown Industrial Buildings will thereby be exempt from real estate taxes those improvements which are constructed in connection with the Project on real property which is subject to the CRA Agreement. The Clerk is hereby authorized and directed to send a certified copy of this Ordinance to the Botkins Local School and the Upper Valley JVS in compliance with R.C. 3735.671(A)(2).

Adopted this 25<sup>th</sup> day of February, 2026.

  
\_\_\_\_\_  
Lance Symonds, Mayor

  
\_\_\_\_\_  
Nick Greve, Acting Resident of Council

Attest:  
  
\_\_\_\_\_  
Hannah Paul, Fiscal Officer

**CERTIFICATION**

STATE OF OHIO            )  
  )SS:  
COUNTY OF SHELBY    )

I, Hannah Paul, as Fiscal Officer of Botkins, Ohio, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 26-03 passed by the Council of the Village of Botkins on the 25<sup>th</sup> day of February 2026; that publication of such Ordinance has been made and certified of record according to law; and that no proceedings looking to a referendum upon such Ordinance have been taken.

  
\_\_\_\_\_  
Hannah Paul, Fiscal Officer





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## VILLAGE OF BOTKINS, OHIO

### COMMUNITY REINVESTMENT AREA AGREEMENT

This Agreement ("Agreement") is made and entered into this 25<sup>th</sup> day of February, 2026, by and among the **VILLAGE OF BOTKINS, OHIO**, an Ohio municipal corporation ("Village"), **BROWN INDUSTRIAL BUILDINGS, LLC**, an Ohio limited liability company ("BROWN INDUSTRIAL BUILDINGS, LLC.").

#### PRELIMINARY STATEMENTS

- A. The Village has been designated as a Community Reinvestment Area ("CRA") by the Ohio Department of Development ("Department").
- B. The Village has encouraged the development of real property and the acquisition of personal property within the Village/CRA.
- C. BROWN INDUSTRIAL BUILDINGS, LLC. is desirous of improving certain real property ("Project") within the CRA provided that the appropriate development incentives are available to support the economic viability of the Project.
- D. BROWN INDUSTRIAL BUILDINGS, LLC. is desirous of expanding business in Botkins through the construction of a building.
- E. The Village Council, by Ordinance No. 00-05, adopted May 9, 2000, designated the area within the existing corporation limits of the Village as a CRA pursuant to R.C. Chapter 3735.
- F. Effective July 8, 2000, the Director of Development of the State of Ohio determined that the area within the existing corporation limits of the Village, as designated in Ordinance No. 00-05, contains the characteristics set forth in R.C. 3735.66 and confirmed the area located within the existing municipal corporation limits of the Village as a CRA under R.C. Chapter 3735.
- G. The Village, having the appropriate authority for the stated type of project, is desirous of providing BROWN INDUSTRIAL BUILDINGS, LLC. with incentives available for the development of the Project in the CRA under the provisions of R.C. Chapter 3735.

- H. BROWN INDUSTRIAL BUILDINGS, LLC. has submitted an application in connection with the Project to the Village ("Application"), a copy of which is attached to this Agreement and marked as Exhibit "A,"
- I. BROWN INDUSTRIAL BUILDINGS, LLC. has remitted the required state application fee of Seven Hundred Fifty and 00/100 Dollars (\$750.00) made payable to the Department with the Application to be forwarded to the Department with a copy of this Agreement.
- J. The Administrator of the Village has investigated the Application and has recommended approval of the Application to the Village Council on the basis that BROWN INDUSTRIAL BUILDINGS, LLC. is qualified by financial responsibility and business experience to create and preserve employment opportunities in the CRA and improve the economic climate of the Village.
- K. The Project shall be constructed, erected, and installed on real property located near West South Street and Elm Street which is within the CRA and the existing municipal corporation limits of the Village, as described in Exhibit "B" attached to and made a part of this Agreement ("Project Site").
- L. The Project Site, as proposed by BROWN INDUSTRIAL BUILDINGS, LLC., is located in the Botkins Local School District ("Botkins Local School") and the Upper Valley Joint Vocational School District ("JVS"), and the Board of Education of the Botkins Local School and the Board of Education of the JVS have been notified in accordance with R.C. 5709.83 and each has been given a copy of the Application.
- M. Pursuant to R.C. 3735.67(A), and in conformance with the format required under R.C. 3735.671(B), the Village and BROWN INDUSTRIAL BUILDINGS, LLC. desire to set forth their agreement with respect to the matters contained in this Agreement.

**NOW, THEREFORE**, based upon the foregoing, and in consideration of the mutual covenants, agreements, understandings, and promises set forth below in this Agreement, and the benefit to be derived by the Village and BROWN INDUSTRIAL BUILDINGS, LLC. from the execution of this Agreement, the Village and BROWN INDUSTRIAL BUILDINGS, LLC., intending to be legally bound, agree as follows:

1. The Project shall consist of the development and improvement of the Project Site as defined in this Agreement, through: the new construction, erection, and installation of an industrial building in Botkins located at the Project Site to allow

for economic development in Botkins, which new construction shall have an area of approximately twenty-five thousand six hundred (25,600) square feet.

2. Upon completion, the Project, with all improvements and appurtenances (excluding personal property), will involve a total investment by BROWN INDUSTRIAL BUILDINGS, LLC. of at least \$2,700,000, plus or minus 10%, at the Project Site. All of the investment in the associated erection, construction, and development of the building is included in the listed investment figure.
3. The Project will commence on or before April 1, 2026, and all development, construction, erection, and installation of the Project shall be completed on or before December 31<sup>st</sup>, 2026.
4. Within a time period not to exceed thirty-six (36) months after the completion of the Project, BROWN INDUSTRIAL BUILDINGS, LLC. shall create the equivalent of seven (7) new full-time job opportunities at the Project Site. The schedule for hiring shall be as follows:

Full time positions at end of year:

One:	0
Two:	7

Part-time positions at end of year:

One:	0
Two:	0

The job create period begins January 1, 2027 and all jobs will be in place by December 31, 2028.

5. BROWN INDUSTRIAL BUILDINGS, LLC. shall provide to the proper Tax Incentive Review Council ("Review Council") any information reasonably required by such Review Council to evaluate compliance with the terms of this Agreement, including returns filed pursuant to R.C. 5711.02 if requested by the Review Council.
6. The Village hereby grants BROWN INDUSTRIAL BUILDINGS, LLC. a tax exemption for real property improvements made to the Project Site as part of the Project pursuant to and under R.C. 3735.67 in the following amounts:

<u>Year of Tax Exemption</u>	<u>Tax Exemption Amount</u>
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15 years	100%
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The Project will receive a fifteen (15) year exemption period with one hundred percent (100%) of the assessed value of the Project, together with necessary improvements being exempt. The exemption shall commence the first year for which the real property exemption applicable to the Project would first be taxable were the Project not exempted from taxation. No exemption shall commence for any period before January 1, 2027, nor extend beyond December 31, 2041. No tax exemption for personal property is granted to BROWN INDUSTRIAL BUILDINGS, LLC. under this Agreement.

BROWN INDUSTRIAL BUILDINGS, LLC. must file the appropriate tax forms (DTE23) with the Shelby County Auditor to effect and maintain the exemptions covered in this Agreement.

7. BROWN INDUSTRIAL BUILDINGS, LLC. shall pay such real and tangible personal property taxes as are not exempted under this Agreement and are charged against the Project Site and shall file all tax reports and returns as required by law. If BROWN INDUSTRIAL BUILDINGS, LLC. fails to pay such taxes or file such returns and reports, all incentives granted under this Agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and thereafter.
8. The Village waives the right to collect the Agreement fee for the purpose of enforcing and complying with Section 3735.671(D).
9. The Village 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 in connection with such exemptions.
10. If, for any reason, the CRA designation expires, the Director of the Department revokes certification of the zone, or the Village revokes the designation of the zone, entitlements granted under this Agreement shall, nevertheless, continue for the number of years specified under this Agreement, unless BROWN INDUSTRIAL BUILDINGS, LLC. materially fail to fulfill their obligations under this Agreement and the Village terminates or modifies the exemptions from taxation granted under this Agreement.
11. If BROWN INDUSTRIAL BUILDINGS, LLC. materially fails to fulfill their obligations

under this Agreement, or if the Village determines that the certification as to delinquent taxes required by this Agreement is fraudulent, the Village 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 Project not been exempted from taxation under this Agreement.

12. BROWN INDUSTRIAL BUILDINGS, LLC. hereby certify that at the time this Agreement is executed, BROWN INDUSTRIAL BUILDINGS, LLC. 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 BROWN INDUSTRIAL BUILDINGS, LLC. are liable under R.C. Chapters 5733, 5735, 5739, 5741, 5743, 5747, or 5753 or, if such delinquent taxes are owed, BROWN INDUSTRIAL BUILDINGS, LLC.: (i) currently are paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio, or an agent or instrumentality thereof; (ii) have filed a petition in bankruptcy under 11 U.S.C.A. §101, et seq.; or (iii) such a petition has been filed against BROWN INDUSTRIAL BUILDINGS, LLC. For the purposes of the certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.
13. BROWN INDUSTRIAL BUILDINGS, LLC. affirmatively covenant that each does not owe: (i) any delinquent taxes to the State of Ohio or a political subdivision of the State; (ii) any moneys to the State or a state agency for the administration of enforcement of any environmental laws of the State; and (iii) any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether or not the amounts owed are being contested in a court of law.
14. BROWN INDUSTRIAL BUILDINGS, LLC., and the Village acknowledge that this Agreement must be approved by formal action of the Village Council as a condition for the Agreement to take effect. This Agreement takes effect upon such approval under the conditions imposed by such formal actions of the Village Council.
15. The Village has developed a policy to ensure recipients of CRA tax benefits practice non-discriminating hiring in the recipients' operations. By executing this Agreement, BROWN INDUSTRIAL BUILDINGS, LLC. commit to follow non-discriminating hiring practices, acknowledging that no individual may be denied employment solely of the basis of race, religion, sex, disability, national origin, or ancestry.
16. Exemptions from taxation granted under this Agreement shall be revoked if it is determined that BROWN INDUSTRIAL BUILDINGS, LLC., any successor to BROWN INDUSTRIAL BUILDINGS, LLC., or any related member of BROWN INDUSTRIAL BUILDINGS, LLC. (as those terms are defined in R.C. 3735.671) has violated the prohibition against entering into this Agreement under R.C. 3735.671(E), R.C. 5709.62, or R.C. 5709.63 prior to the time prescribed by that

division or either of those sections.

17. BROWN INDUSTRIAL BUILDINGS, LLC. affirmatively covenant that it has made no false statements to the State of Ohio or the Village in the process of obtaining approval of the CRA incentives. If any representative of BROWN INDUSTRIAL BUILDINGS, LLC. has knowingly made a false statement to the State or the Village to obtain the CRA incentives, BROWN INDUSTRIAL BUILDINGS, LLC. shall be required to immediately return all benefits received under this Agreement pursuant to R.C. 9.66(C)(2) and shall be ineligible for any future economic development assistance from the State, any state agency, or any political subdivision pursuant to R.C. 9.66(C)(1). Any person who provides a false statement to secure economic development assistance may be guilty of falsification, a misdemeanor of the first degree, pursuant to R.C. 2921.12(D)(1), which is punishable by a fine of not more than \$1,000.00 and/or a term of imprisonment of not more than six months.
18. This Agreement is not transferrable or assignable without the express, written approval of the Village.
19. BROWN INDUSTRIAL BUILDINGS, LLC. shall include a reference to this Agreement in any lease or sale of the Project or Project Site.
20. This Agreement shall be construed in accordance with and governed by the laws of the State of Ohio.
21. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which, together, shall be one and the same instrument.

The **VILLAGE OF BOTKINS, OHIO**, by Lance Symonds, its Mayor, and pursuant to Ordinance No. 26-03, has caused this Agreement to be executed this 25<sup>th</sup> day of February, 2026, **BROWN INDUSTRIAL BUILDINGS, LLC**, by Chris Brown, its President have caused this Agreement to be executed this 25<sup>th</sup> day of February, 2026.

**VILLAGE OF BOTKINS, OHIO:**

By: Lance Symonds  
Lance Symonds, Mayor

ATTEST:  
By: Hannah Paul  
Hannah Paul,  
Fiscal Officer

**BROWN INDUSTRIAL BUILDINGS, LLC:**

By: Christopher D. Brown  
Chris Brown  
President

APPROVED AS TO FORM:

**VILLAGE OF BOTKINS, OHIO**

By: Jason This  
Jason This  
Village Solicitor

**BOTKINS LOCAL SCHOOL DISTRICT  
BOARD OF EDUCATION RESOLUTION**

WHEREAS on January 26, 2026 the Village of Botkins provided to the Botkins Local School District Board of Education a draft agreement for a Community Reinvestment Area exemption for the Village of Botkins from Brown Industrial Buildings LLC;

THEREFORE BE IT RESOLVED BY the Botkins Local School District Board of Education that the Board of Education approves the Community Reinvestment Area Agreement under the condition that for each tax year the real property is exempted from taxation, the sum of the following quantities, as estimated at or prior to the time the agreement is formally approved by the legislative authority, equals or exceeds fifty per cent of the amount of taxes, as estimated at or prior to that time, that would have been charged and payable that year upon the real property had that property not been exempted from taxation: The amount of any cash payment by the owner of the new structure or structure to be remodeled to the school district, the dollar value, as mutually agreed to by the owner and the board of education, of any property or services provided by the owner of the property to the school district, whether by gift, loan, or otherwise, and any payment by the legislative authority to the school district pursuant to section 5709.82 of the Revised Code.

BE IT FURTHER RESOLVED that the Treasurer is hereby directed to provide a copy of this resolution to the Village of Botkins prior to February 26, 2026.

**CERTIFICATE**

The undersigned hereby certifies that the foregoing is a true and correct copy of the resolution adopted at a meeting held on the 11<sup>th</sup> of February, 2026 together with a true and correct extract from the minutes of said meeting to the extent pertinent to consideration and adoption of said resolution.

  
\_\_\_\_\_  
Treasurer



BOARD OF EDUCATION OF THE UPPER VALLEY CAREER CENTER

RESOLUTION NO. VR6-2026

The Board of Education (the "Board") of the Upper Valley Career Center, State of Ohio, (the "School District"), met in regular session on February 23, 2026 at 6:00 p.m. at Upper Valley Career Center Willowbrook Land Lab, 8415 Looney Road, Piqua, OH, 45356, with the following members participating:

- ✓ Dr. Robert Allen
✓ Mr. Bill Ankney
✓ Mrs. Maria Brewer
✓ Mr. Greg Dickman

- ✓ Mr. Eric Ditmer
✓ Mr. Levi Fox
✓ Mr. Andy Hite
✓ Mrs. Kelly McMaken

- ✓ Mr. Kerry Murphy
✓ Ms. Teresa Packard
✓ Mr. Randy Sailor

RESOLUTION NO. VR6-2026

RESOLUTION APPROVING A COMMUNITY REINVESTMENT AREA AGREEMENT AMONG THE VILLAGE OF BOTKINS AND BROWN INDUSTRIAL BUILDINGS, LLC.

Mr. Levi Fox introduced the following resolution and moved its passage:

RESOLUTION NO. VR6-2026

WHEREAS, on January 26, 2026, the Village of Botkins provided to the Upper Valley Career Center District Board of Education a draft agreement for a Community Reinvestment Area exemption for the Village of Botkins from Brown Industrial Buildings, LLC (Exhibit #13A); and

WHEREAS, the Botkins Local School District, as acting bargaining agent, denied by Resolution of their Board the 100% tax abatement on a new construction project requested by Brown Industrial Buildings, LLC for a period of 15 years as presented, and instead adopted by Resolution (Exhibit #13B) a 50% tax abatement;

THEREFORE BE IT RESOLVED, by the Upper Valley Career Center Board of Education that the Board approves the Community Reinvestment Area Agreement under the condition that for each tax year the real property is exempted from taxation, the sum of the following quantities, as estimated at or prior to the time the agreement is formally approved by the legislative authority, equals or exceeds fifty per cent of the amount of taxes, as estimated at or prior to that time, that would have been charged and payable that year upon the real property had that property not been exempted from taxation: The amount of any cash payment by the owner of the new structure or structure to be remodeled to the school district, the dollar value, as mutually agreed to by the owner and the board of education, of any property or services provided by the owner of the property to the school district, whether by gift, loan, or otherwise, and any repayment by the legislative authority to the school district pursuant to section 5709.82 of the Revised Code.

Mr. Randy Sailor seconded the motion and, after discussion, a roll call vote was taken and the results were:

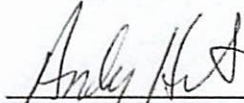
Member: Ayes - 11

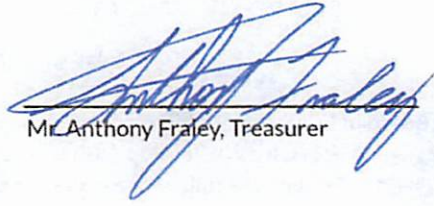
- ✓ Dr. Robert Allen
✓ Mr. Bill Ankney
✓ Mrs. Maria Brewer
✓ Mr. Greg Dickman

- ✓ Mr. Eric Ditmer
✓ Mr. Levi Fox
✓ Mr. Andy Hite
✓ Mrs. Kelly McMaken

- ✓ Mr. Kerry Murphy
✓ Ms. Teresa Packard
✓ Mr. Randy Sailor

Passed on this 23rd day of February, 2026.

  
\_\_\_\_\_  
Mr. Andy Hite, Board President

  
\_\_\_\_\_  
Mr. Anthony Fraley, Treasurer