



201900029499
 Filed for Record in Clermont County, Ohio
 Deborah Hall Clepper, Recorder
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 AGREEMENT OR 2826 / p4276 - p4287

FINAL/EXECUTION - A

AGREEMENT IN LIEU OF TAXES

This Agreement is made effective as of this 3RD day of NOVEMBER, 2019, by and between the Village of Batavia, Ohio (the "Village") and Hal Homes, Inc., and its successors, assigns and/or transferees (collectively, the "Developer").

WITNESSETH

WHEREAS, the Developer has acquired land located in the Village (the "Real Estate") described on Exhibit A hereto and intends to construct single-family and multi-family dwellings on the Real Estate (collectively, the "Project");

WHEREAS, Hal Homes, Inc. intends to sell the SF Parcels (as hereinafter defined) to a single-family residential home builder which will in turn, sell each SF Parcel to individual homeowners;

WHEREAS, the Developer has requested that the Village assist in providing incentives for the acquisition and construction of the Project through the creation and implementation of the Village of Batavia Community Reinvestment Area (the "CRA") which will permit real property tax abatements for the Project of 100% for 15 years all as set forth in Resolution No. 276-19 passed by the Village Council of the Village on May 13, 2019 (the "CRA Legislation");

WHEREAS, the CRA Legislation provides for 100% abatement of real property taxes on the improvements to the parcels containing the single-family dwellings (the "SF Parcels") and the Developer has agreed to make payments in lieu of taxes and to enter into this Agreement in Lieu of Taxes with respect to the SF Parcels.

NOW, THEREFORE, in consideration of the premises and mutual covenants hereinafter contained, the parties hereto agree as follows:

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1. The Village and the Developer hereafter confirm and affirm the accuracy of the Recitals contained above and those contained herein.

(a) The Clermont County Auditor (the "Auditor") is responsible for establishing assessed value of real estate within Clermont County for the purpose of imposing real estate property taxes.

(b) In accordance with the provisions of the CRA Legislation, the owner of the SF Parcel will apply for the CRA exemption. Upon application to the Housing Officer for the CRA and certification of the exemption granted by the Housing Officer to the Clermont County Auditor, the improvements to the SF Parcel that is the subject of the application will be exempt from real property taxes in accordance with existing law.

(c) The parties agree that the valuation of the SF Parcel will be whatever value the Auditor assesses from time to time and that the tax rate for use in calculating the PILOTs (as hereinafter defined) for the term of this Agreement in Lieu of Taxes will be the total real property tax rates in effect with respect to real property in the Village from time to time. The parties further agree that the obligation to make payments in lieu of taxes (as hereinafter provided) (the "PILOTs") will commence with the effective date of the real property tax exemption for improvements to the respective SF Parcel and will only be payable with respect to such SF Parcels by the owners thereof (the "Owners").

2. The Owners will pay to the Village PILOTs on a semi-annual basis, on the same dates real property taxes are payable on the non-exempt portion of the SF Parcels.

3. The Owners shall make semi-annual PILOTs in an amount equal to 50% of the total amount of real property taxes that would have been paid, in aggregate, with respect to the SF

Parcels, but for the exemption afforded by the CRA; provided, that no PILOTs are payable with respect to the Real Estate upon which multi-family dwellings will be constructed.

4. The Village will prepare and submit invoices for the PILOTs at the same time that other property tax bills are sent to owners of real property in the Village.

5. Other than the real property taxes discussed herein, this Agreement does not affect or apply to any other taxes or fees that may be owed by the Developer and the Owners to the Village or any other taxing authorities.

6. It is further understood by the parties that the obligation to pay PILOTs constitutes a covenant running with the land and that this Agreement in Lieu of Taxes shall be filed of record with the Clermont County Recorder prior to any conveyances of the SF Parcels by the Developer; provided, however, that failure to comply with this provision will not relieve the Owners of their obligation to pay the aforementioned PILOTs.

7. All notices sent to the Developer shall be sent to:

Hal Homes, Inc.
9545 Kenwood Road, Suite 401
Blue Ash, OH 45242
Attention: Harold R. Silverman, President

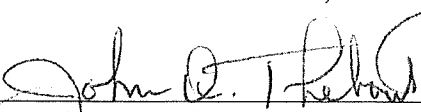
All notices sent to the Village shall be sent to:

Village of Batavia, Ohio
65 N Second Street
Batavia, OH 45103
Attention: Village Administrator

8. Modification. This Agreement in Lieu of Taxes may not be changed orally, but only by an agreement in writing executed by the Village and the Developer.

VILLAGE OF BATAVIA, OHIO

HAL HOMES, INC.


By: John Q. Thebout
Its: Mayor

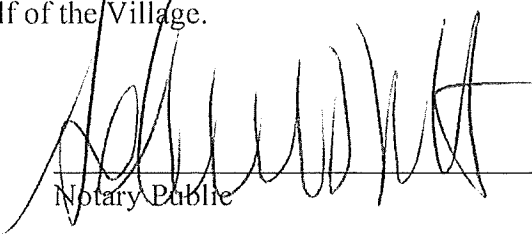
By: Harold R. Silverman
Its: President

STATE OF OHIO)
):
COUNTY OF CLERMONT)

The foregoing instrument was acknowledged before me this 3rd day of November, 2019, by John Q. Thebout, Mayor of the Village of Batavia, a municipal corporation and political subdivision of the State of Ohio, on behalf of the Village.



ADRIENNE D. REINERT
Notary Public, State of Ohio
My Commission Expires
June 9, 2024



Notary Public

STATE OF OHIO)
):
COUNTY OF CLERMONT)

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by Harold R. Silverman, President of the Hal Homes, Inc., an Ohio corporation, on behalf of the corporation.

Notary Public

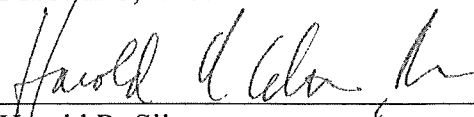
This instrument prepared by:

Richard D. Spoor, Esq.
Keating Muething & Klekamp PLL
1 East Fourth Street, Suite 1400
Cincinnati, OH 45202

VILLAGE OF BATAVIA, OHIO

HAL HOMES, INC.

By: John Q. Thebout
Its: Mayor


By: Harold R. Silverman
Its: President

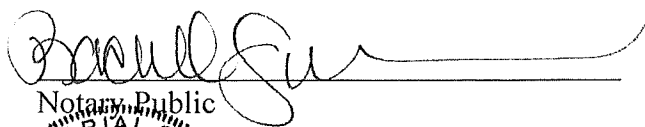
STATE OF OHIO)
):
COUNTY OF CLERMONT)

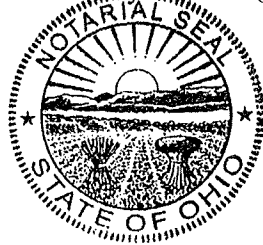
The foregoing instrument was acknowledged before me this ____ day of _____, 2019, by John Q. Thebout, Mayor of the Village of Batavia, a municipal corporation and political subdivision in and of the State of Ohio, on behalf of the Village.

Notary Public

STATE OF OHIO)
):
COUNTY OF CLERMONT)

The foregoing instrument was acknowledged before me this 9th day of Dec, 2019, by Harold R. Silverman, President of the Hal Homes, Inc., an Ohio corporation, on behalf of the corporation.


Notary Public



RACHEL SILVERMAN
Notary Public, State of Ohio
My Commission Expires 10-23-2023

This instrument prepared by:

Richard D. Spoor, Esq.
Keating Muething & Klekamp PLL
1 East Fourth Street, Suite 1400
Cincinnati, OH 45202

EXHIBIT A

LEGAL DESCRIPTION OF REAL ESTATE

Date: June 7, 2019
Description: Hal Homes, Inc.
83.351 Acres
Location: Village of Batavia,
Clermont County, Ohio



Situated in Gray's Military Survey #1242, Batavia Township, Clermont County, Ohio and being all of a 103.483 acre tract as recorded in Official Record 1885, Page 355 and being further described as follows:

Begin at a set 5/8" iron pin at the northwest corner of Bar-Fran Subdivision as recorded in Plat Cabinet 629, Page 387, said pin being on the southerly line of James and Marjorie Sumner as recorded in Official Record 494, Page 633 and being the true point of beginning;

thence from the true point of beginning, with the north line of said Bar-Fran South 53°19'40" West, passing a found 1" iron pipe at 300.00 feet, a found 5/8" iron pin at 900.00 feet, a total distance of 1000.00 feet to a found 5/8" iron pin on a northerly line of HD Milton as recorded in Official Record 1725, Page 1951;
thence departing said Bar-Fran Subdivision, with said Milton, North 41°14'20" West, 200.64 feet to a set 5/8" iron pin;
thence South 53°19'40" West, 443.06 feet to the southwest corner of Betty Humphries as recorded in Official Record 671, Page 531 and the centerline of Herold Road;
thence departing said Humphries, with said centerline North 36°40'20" West, 30.00 feet to the northwest corner of Richard & Laura Bitzer as recorded in Official Record 732, Page 831,
thence departing said centerline, with said Bitzer, South 52°18'40" West, 30.87 feet to a set 5/8" iron pin;
thence departing said Bitzer with a new division line the following thirteen courses: North 35°46'51" West, 45.18 feet;
thence with a curve to the left, having a radius of 470.00 feet, an arc length of 624.72 feet, (Chord=North 73°51'33" West, 579.73 feet);
thence North 21°56'15" West, 30.00 feet to the centerline of said Herold Road;
thence with said centerline North 68°03'45" East, 61.73 feet;
thence departing said centerline North 02°06'30" East, 48.24 feet;
thence North 87°53'30" West, 775.57 feet to a set 5/8" iron pin;
thence with a curve to the left, having a radius of 530.00 feet, an arc length of 154.28 feet, (Chord=South 83°46'10" West, 153.73 feet) to a set 5/8" iron pin;
thence North 36°26'43" West, 508.57 feet to a set 5/8" iron pin
thence North 21°36'36" East, 40.46 feet;
thence North 53°30'45" East, 196.14 feet;
thence North 13°30'18" West, 151.94 feet;
thence North 41°39'52" West, 436.90 feet to a set 5/8" iron pin;
thence South 53°30'45" West, 185.88 feet to a found stone at the southeast corner of William R. Huneck as recorded in Official Record 1309, Page 2132;
thence departing said new division line, with said Huneck, North 35°42'07" West, 344.78 feet to a set 5/8" iron pin;

6900 Tylersville Road, Suite A
Mason, OH 45040
513-336-6600

110 South College Ave, Suite 101
Oxford, OH 45056
513-523-4270

1404 Race Street, Suite 204
Cincinnati, OH 45202
513-834-6151

209 Grandview Drive
Fort Mitchell, KY 41017
859-261-1113

<http://www.bayerbecker.com>

thence departing said Huneck, with a new division line the following seven courses, North 54°17'53" East, 440.68 feet;

thence North 48°45'16" East, 145.27 feet;

thence with a curve to the left, having a radius of 625.00 feet, an arc length of 34.84 feet, (Chord=South 42°50'33" East, 34.83 feet);

thence North 52°27'10" East, 188.60 feet;

thence South 46°24'04" East, 96.72 feet;

thence North 62°35'33" East, 135.90 feet;

thence North 54°11'46" East, 224.09 feet to a point in the westerly line of Maurine O. Cunningham as recorded in Official Record 1727, Page 711;

thence departing a new division line, with said Cunningham, South 35°48'14" East, 625.55 feet to a set 5/8" iron pin at an existing fence post;

thence with said Cunningham, North 55°31'46" East, 469.20 feet to a set 5/8" iron pin on the southwesterly corner of Warren & Della Wettengel as recorded in Official Record 1250, Page 202;

thence with said Wettengel North 55°29'18" East, passing a found 1/2" iron pin at the southwest corner of James & Andrea Anno as recorded in Official Record 1193, Page 1767, said iron pin being northwest 2.43 feet, a total distance of 636.93 feet to a set 5/8" iron pin at the northwesterly corner of James & Marjorie Sumner as recorded in Official Record 494, Page 633;

thence with said Sumner South 41°11'20" East, 1990.96 feet to the true point of beginning containing 103.483 acres of land, 0.720 acres of Herold Road Right of Way subject to all easements and rights-of-way of record.

Save and except the following described real estate:

Situated in the State of Ohio, Gray's Military Survey #1242, Village of Batavia, Clermont County, and being 20.132 acres of land in part of 103.483 acres of land of the lands of Hal Homes, Inc. as recorded in Official Record 1885, Page 355 of the Clermont County Recorder's Office and further described as follows:

Commencing at a found 5/8" iron pin on the northwest corner of Lot #2 of Bar-Fran Acres Subdivision as recorded in Plat Book "K," Page 17 of the Clermont County Recorder's Office and being on the easterly boundary of the lands of Stephen Chilewski as recorded in Official Record 2724, Page 1040 of the Clermont County Recorder's Office; thence, leaving the northwest corner of said Lot #2 and with the easterly boundary of said lands of Stephen Chilewski, North 41° 14' 20" West, 200.64 feet to a found 5/8" iron pin (capped "Bayer Becker") on the northeast corner of said lands of Stephen Chilewski; thence, with the northerly boundary of said lands of Stephen Chilewski and with the northerly boundary of the lands of Pete Griesdorn, LLC as recorded in Official Record 2421, Page 2206 of the Clermont County Recorder's Office, South 53° 19' 40" West, 443.06 feet to a found railroad spike on the northwest corner of said lands of Pete Griesdorn, LLC and being on the centerline of Herold Road; thence, with the centerline of said Herold Road, North 36° 40' 20" West, 30.00 feet to the northeast corner of the lands of Richard L. Bitzer and April Prather as recorded in Official Record 2805, Page 1597 of the Clermont County Recorder's Office; thence, leaving the centerline of said Herold Road and with the northerly boundary of said lands of Richard L. Bitzer and April Prather, South 52° 18' 40" West, 30.87 feet; thence, leaving the northerly boundary of said lands of Richard L. Bitzer and April Prather and with the northerly boundary of the lands of Joseph J. Jr. and Linda Urban, et al as recorded in Official Record 2629, Page 1354 of the Clermont County Recorder's Office for the following five courses:

- 1) North 35° 46' 51" West, 45.18 feet;

- 2) with a curve to the left, having a central angle of $76^{\circ} 09' 24''$, a radius of 470.00 feet, an arc length of 624.72 feet, and a chord bearing and distance of North $73^{\circ} 51' 33''$ West, 579.73 feet;
- 3) North $21^{\circ} 56' 15''$ West, 30.00 feet to the centerline of said Herold Road;
- 4) thence, with the centerline of said Herold Road, North $68^{\circ} 03' 45''$ East, 61.73 feet;
- 5) thence, leaving the centerline of said Herold Road, North $02^{\circ} 06' 30''$ East, 32.85 feet to a set $5/8''$ iron pin on the northerly boundary of said lands of Joseph J. Jr. and Linda Urban, et al and being the **True Point of Beginning**;

thence, continuing with the northerly boundary of said lands of Joseph J. Jr. and Linda Urban, et al for the following eight courses:

- 1) North $02^{\circ} 06' 30''$ East, 15.39 feet to a set $5/8''$ iron pin;
- 2) North $87^{\circ} 53' 30''$ West, 775.57 feet to a set $5/8''$ iron pin;
- 3) with a curve to the left, having a central angle of $16^{\circ} 40' 41''$, a radius of 530.00 feet, an arc length of 154.28 feet, and a chord bearing and distance of South $83^{\circ} 46' 10''$ West, 153.73 feet to a found $5/8''$ iron pin;
- 4) North $36^{\circ} 26' 43''$ West, 508.57 feet to a found $5/8''$ iron pin;
- 5) North $21^{\circ} 36' 36''$ East, 40.46 feet to a set $5/8''$ iron pin;
- 6) North $53^{\circ} 30' 45''$ East, 196.14 feet to a set $5/8''$ iron pin;
- 7) North $13^{\circ} 30' 18''$ West, 151.94 feet to a set $5/8''$ iron pin;
- 8) North $41^{\circ} 39' 52''$ West, 191.86 feet to a set $5/8''$ iron pin;

thence, leaving the northerly boundary of said lands of Joseph J. Jr. and Linda Urban, et al and on a new division line through said lands of Hal Homes, Inc. for the following sixteen courses:

- 1) North $48^{\circ} 20' 08''$ East, 213.30 feet to a set $5/8''$ iron pin;
- 2) North $73^{\circ} 41' 25''$ East, 130.00 feet to a set $5/8''$ iron pin;
- 3) with a curve to the left, having a central angle of $155^{\circ} 51' 47''$, a radius of 50.00 feet, an arc length of 136.02 feet, and a chord bearing and distance of North $85^{\circ} 45' 32''$ East, 97.79 feet to a set $5/8''$ iron pin;
- 4) with a curve to the right, having a central angle of $70^{\circ} 31' 44''$, a radius of 25.00 feet, an arc length of 30.77 feet, and a chord bearing and distance of North $43^{\circ} 05' 31''$ East, 28.87 feet to a set $5/8''$ iron pin;
- 5) North $78^{\circ} 21' 23''$ East, 18.27 feet to a set $5/8''$ iron pin;
- 6) South $11^{\circ} 38' 37''$ East, 277.97 feet to a set $5/8''$ iron pin;
- 7) South $84^{\circ} 24' 43''$ East, 478.69 feet to a set $5/8''$ iron pin;
- 8) with a curve to the left, having a central angle of $32^{\circ} 43' 37''$, a radius of 545.00 feet, an arc length of 311.30 feet, and a chord bearing and distance of South $19^{\circ} 05' 18''$ East, 307.09 feet to a set $5/8''$ iron pin;
- 9) South $35^{\circ} 27' 07''$ East, 250.00 feet to a set $5/8''$ iron pin;

- 10) North 54° 32' 53" East, 120.00 feet to a set 5/8" iron pin;
- 11) South 35° 27' 07" East, 106.70 feet to a set 5/8" iron pin;
- 12) South 54° 32' 53" West, 120.00 feet to a set 5/8" iron pin;
- 13) South 35° 27' 07" East, 120.00 feet to a set 5/8" iron pin;
- 14) North 54° 32' 53" East, 120.00 feet to a set 5/8" iron pin;
- 15) with a curve to the right, having a central angle of 103° 30' 51", a radius of 61.67 feet, an arc length of 111.41 feet, and a chord bearing and distance of South 16° 18' 19" West, 96.87 feet to a set 5/8" iron pin;
- 16) South 68° 03' 45" West, 192.77 feet to the **True Point of Beginning** containing 876,943 square feet or 20.132 acres of land, more or less, and subject to all easements, restrictions and rights of way of record.

Leaving a total of 83.351 Acre of land, more or less.

The above described real estate is a part of the same premises described as recorded in Official Record 1885, Page 355 of the Clermont County, Ohio Deed Records and identified as parcel number 06-02-29A-068 on the tax maps of said County.

Date: June 7, 2019
 Description: Hal Homes, Inc.
 41.600 Acres
 Location: Village of Batavia,
 Clermont County, Ohio



Situated in Gray's Military Survey #1242, Batavia Township, Clermont County, Ohio and being part of a 133.82 acre tract as conveyed to Susan Urban Et AL, as recorded in Official Record 689, Page 685, of the Clermont County Recorder's Office and being 41.600 acres of land further described as follows:

Begin at an existing 5/8" iron pin at the northwest corner of Bar-Fran Subdivision as recorded in Plat Cabinet 629, Page 387, said pin being on the westerly line of James and Marjorie Sumner as recorded in Official Record 494, Page 633 and the easterly line of Hal Homes Inc., as recorded in Official Record 1885, Page 355; thence, departing said Bar-Fran with said Sumner and said Hal Homes, North 41°11'20" West, 1990.96 feet to an existing 5/8" iron pin at the northwesterly corner of said Sumner and the northeasterly corner of said Hal Homes and being on the southerly line of James & Andrea Anno as recorded in Official Record 1193, Page 1767; thence, departing said Sumner, with said Anno, and said Hal Homes, South 55°29'18" West, passing a found 1/2" iron pin at the southeasterly corner of Warren & Della Wettengel as recorded in Official Record 1250, Page 202 and said iron pin being northwest 2.43 feet, a total distance of 636.93 feet to an existing 5/8" iron pin at the southeasterly corner of Maurine O. Cunningham as recorded in Official Record 1727, Page 711; thence, with said Cunningham the following two courses: South 55°31'46" West, 469.20 feet to an existing 5/8" iron pin at an existing fence post; thence, North 35°48'14" West, 625.55 feet to the true point of beginning;

thence from the true point of beginning thus found, departing said Cunningham, continuing with said Hal Homes, the following seven courses: South 54°11'46" West, 224.09 feet;
 thence South 62°35'33" West, 135.90 feet;
 thence North 46°24'04" West, 96.72 feet;
 thence South 52°27'10" West, 188.60 feet;
 thence with a curve to the right, having a radius of 625.00 feet, an arc length of 34.84 feet, (Chord=North 42°50'33" West, 34.84 feet);
 thence South 48°45'16" West, 145.27 feet;
 thence South 54°17'53" West, 440.68 feet to an existing 5/8" iron pin on the easterly line of William R. Huneck as recorded in Official Record 1309, Page 2132;
 thence departing said Hal Homes, with said Huneck North 35°42'07" West, 1456.28 feet to the southwesterly corner of Gentian & Patrick Rainbolt as recorded in Official Record 1801, Page 2379, being referenced by a found 1/2" iron pin being North 40°01'22" East, 3.06 feet;
 thence departing said Huneck, with said Rainbolt the following two courses: North 54°03'36" East, 550.71 feet to a found 5/8" iron pin;
 thence North 35°56'24" West, passing a found 5/8" iron pin at 369.32, a total distance of 386.12 feet to the centerline of Bauer Road;
 thence departing said Rainbolt, with said centerline, North 54°09'41" East, 102.02 feet to the northwesterly corner of Donald & Emma Rolfes as recorded in Official Record 399, Page 246;

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|---|--|---|--|
| 6900 Tylersville Road, Suite A Mason, OH 45040 513-336-6600 | 110 South College Ave, Suite 101 Oxford, OH 45056 513-523-4270 | 1404 Race Street, Suite 204 Cincinnati, OH 45202 513-834-6151 | 209 Grandview Drive Fort Mitchell, KY 41017 859-261-1113 |
|---|--|---|--|

<http://www.bayerbecker.com>

thence departing said centerline, with said Rolfes the following two courses: South 35°48'14" East, 228.21 feet;
thence North 54°11'46" East, 149.93 feet to the westerly line of Gregory & Martha Cunningham as recorded in Official Record 546, Page 875;
thence departing said Rolfes, with said Gregory & Martha Cunningham the following four courses: South 35°47'18" East, 129.99 feet;
thence North 41°14'46" East, 198.00 feet;
thence North 60°44'46" East, 96.00 feet;
thence North 70°06'46" East, 64.20 feet to the westerly line of said Maurine O. Cunningham;
thence departing said Gregory & Martha Cunningham, with said Maurine O. Cunningham, South 35°48'14" East, 1632.15 feet to the true point of beginning containing 0.047 acres of Bauer Road Right of Way, for a total of 41.600 acres of land subject to all easements and rights-of-way of record.

The above described real estate the same premises described as recorded in Official Record 2064, Page 2401 of the Clermont County, Ohio Deed Records and identified as parcel number 06-02-29A-110 on the tax maps of said County.

201900029499

RIVERBEND COMMERCIAL TITLE SERVICES
ONE EAST FOURTH STREET STE 1400
CINCINNATI, OH 45202