

ORDERS—Mason County Commission, W. Va.

TERMS

FEB 06 2025

THE COUNTY COMMISSION OF MASON COUNTY met in the Commission room of the courthouse on Thursday, February 6, 2025 at 3:00 p.m. in special session. Present were Rick Handley, President; Sam Nibert, Commissioner; Chris Johnson, Commissioner; Diana Cromley, County Clerk; and Jason Bechtle, Administrator.

Rick Handley called the meeting to order.

Upon motion by Johnson and unanimous agreement, the Commission adopted a Resolution regarding the setting of a public hearing on the proposed creation of an Economic Opportunity Development District known as the "Henderson Economic Opportunity Development District" (the "Excise TIF District), approving the form of public hearing notice to be published in connection with the same and matters relating thereto. A copy of the Resolution is attached. The hearing will be set for March 13, 2025 at 4:00 p.m. at which time interested parties may express their views.

Upon motion by Nibert and unanimous agreement, the Commission adopted a Resolution regarding the setting of a public hearing on the proposed creation of a redevelopment district known as "The County Commission of Mason County Redevelopment District No. 1 – Henderson" (the "TIF District") and approval of the project plan for the TIF district to be known as "Project Plan No. 1" (the "Project Plan"), the adoption of a project plan for the property TIF District to be designated as "Project Plan #1", and approving the form of public hearing notice to be published in connection with the same and matters relating thereto. A copy of the Resolution is attached. The hearing will be set for March 13, 2025 at 4:00 p.m. at which time interested parties may express their views.

Resolution Regarding Public Hearing - Excise TIF**RESOLUTION**

WHEREAS, The County Commission of Mason County, West Virginia (the "County Commission") is authorized by the County Economic Opportunity Development District Act, Chapter 7, Article 22, of the Code of West Virginia 1931, as amended (the "Act") to create Economic Opportunity Development Districts, to approve Economic Development District projects, to issue bonds or notes to finance development expenditures and other costs permitted by the Act and to take other actions as are necessary or desirable to stimulate the construction, supplementation, reconstruction and repair of structures and facilities in undeveloped, underdeveloped or seriously deteriorated areas within Mason County, West Virginia (the "County"), which will serve a public purpose and promote the health, safety, prosperity, security and general welfare of all citizens in the State of West Virginia all as more fully set forth in the Act;

WHEREAS, the Mason County Development Authority, a public corporation and county development authority of the State of West Virginia created by the County Commission pursuant to Chapter 7, Article 12 of the West Virginia Code of 1931, as amended (the "Development Authority") has prepared for the County Commission's review and consideration an application (the "Application") for the creation and establishment in accordance with the Act of an Economic Opportunity Development District to be known and designated as "Henderson Economic Opportunity Development District" (the "Excise TIF District");

WHEREAS, the County Commission recognizes the potential of the Excise TIF District to stimulate the construction, supplementation, reconstruction and/or repair of modern and modernized structures and facilities in underdeveloped and/or undeveloped areas of the County, thereby stimulating economic growth and job creation in the County, which would serve a public purpose and promote the health, safety, prosperity, security and general welfare of all citizens in the County and State as provided for in the Act; and

WHEREAS, the Development Authority has requested that the County Commission, under and pursuant to the Act, hold a public hearing at which interested parties be afforded a reasonable opportunity to express their views on the proposed creation of the Excise TIF District and its proposed boundaries.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION OF MASON COUNTY, WEST VIRGINIA, AS FOLLOWS:

1. It is hereby found and determined, subject to a public hearing and other required actions, that the County Commission will consider for approval the Application and, if approved, will submit the Application to the West Virginia Department of Economic Development and the West Virginia Legislature for consideration and obtain all other necessary approvals, all in accordance with the Act.

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2. The County Commission recognizes the potential of the Excise TIF District to stimulate the construction, supplementation, reconstruction and/or repair of modern and modernized structures and facilities in underdeveloped and/or undeveloped areas of the County and State, thereby stimulating economic growth and job creation in the County, which would serve a public purpose and promote the health, safety, prosperity, security and general welfare of all citizens in the County and State as provided for in the Act.

3. The County Commission hereby sets a public hearing regarding the proposed creation of the Excise TIF District for March 13, 2025, at 4:00 p.m. prevailing time (or as soon thereafter on such date as the matter may be heard).

4. The County Commission hereby approves for publication, under and in accordance with the applicable provisions of the Act that certain Notice of Public Hearing, substantially in the form attached hereto as Exhibit A and incorporated herein by reference.

5. This Resolution is effective immediately upon adoption.

[Signature Page Follows]

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CASO & HARRIS, INC., SPENCER, WV RE-ORDER NO. 7393D-99

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Adopted this February 6, 2025.

THE COUNTY COMMISSION OF MASON COUNTY

By: *Rick L. Handley*
Its President

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CARTO & HARRIS, INC., SPENCER, WV RE-ORDER NO. 7393D-99

CERTIFICATION

The undersigned, being the duly qualified, elected and acting Clerk of The County Commission of Mason County, does hereby certify that the foregoing Resolution was duly adopted by the County Commission, at a regular meeting duly held, pursuant to proper notice thereof, on February 6, 2025, a quorum being present and acting throughout, and which Resolution has not been modified, amended or revoked and is a true, correct and complete copy thereof as of this February 6, 2025.

By: _____

Name: Diana Cromley

Title: County Clerk



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CASTO & HARRIS, INC., SPENCER, WV RE-ORDER NO. 7393D-99

EXHIBIT A

[TO BE PUBLISHED IN THE *RIVER CITIES TRIBUNE & REGISTER*
ON TUESDAY, FEBRUARY 18, 2025]

NOTICE OF PUBLIC HEARING**APPLICATION REGARDING CREATION OF
THE COUNTY COMMISSION OF MASON COUNTY
HENDERSON ECONOMIC OPPORTUNITY DEVELOPMENT DISTRICT**

A public hearing will be held at a regular meeting of The County Commission of Mason County, West Virginia (the "County Commission"), on Thursday, March 13, 2025, at 4:00 p.m. (or as soon thereafter on such date as the matter may be heard) at the County Commission Meeting Room located in the Mason County Courthouse at 200 Sixth Street, Point Pleasant, WV, and at such hearing any interested person may appear and present comments, protests, suggestions and otherwise express their views respecting an application regarding the creation of an Economic Opportunity Development District to be designated as "Henderson Economic Opportunity Development District" (the "Excise TIF District") in Mason County, West Virginia, and the approval of an Excise TIF District project (the "Project"). All comments, protests, suggestions and views shall be heard, and the County Commission shall thereafter take such actions as it shall deem proper in the premises regarding the approval, pursuant to Chapter 7, Article 22 of the Code of West Virginia, 1931, as amended (the "Act"), respecting the application regarding the creation of the Excise TIF District and the approval of the Projects. Following is a brief summary of such matters.

Creation of Excise TIF District

The proposed Excise TIF District is comprised of approximately ____ acres of contiguous real property located in the Henderson, Clendenin and Arbuckle property tax districts of Mason County, as set forth on the map below.

[Insert Map]

Purpose of Excise TIF District

The purpose of the Excise TIF District is to facilitate the development by the County Commission and the Mason County Development Authority (the "Development Authority") of certain capital improvements within or contiguous to the Excise TIF District and which serve the Excise TIF District through development expenditures promoting the economic vitality of the Excise TIF District and the general welfare of Mason County consistent with Section 5 of the Act (collectively, the "Project").

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Proposed Method of Financing

To finance the costs of the Project, the County Commission proposes to issue bonds or other obligations (the "Financing Obligations") in an amount not to exceed \$_____, with maturities not to exceed 30 years from the date of the creation of the Excise TIF District. Such obligations may be issued from time to time in one or more series. Proceeds of the Financing Obligations are generally planned and expected to be used to (i) finance all or portion of the costs of the Project; (ii) fund reserves for the Financing Obligations; (iii) fund capitalized interest on the Financing Obligations; and (iv) pay costs of issuance of the Financing Obligations and related costs, including costs relating to the Project and related costs. The Financing Obligations would be payable from and secured by a special district excise tax, which the County Commission may be authorized to impose by the West Virginia Legislature pursuant to Section 9 of the Act and other funds which may be deposited to the credit of the Economic Opportunity Development District Fund subaccount created for the Excise TIF District and maintained by the State Treasurer pursuant to Section 8 of the Act (the "District Fund"). A portion of the costs of the Project may also be paid directly from special district excise tax revenues and other funds deposited to the credit of the District Fund as provided in Section 13 of the Act.

The base of the special district excise tax which may be imposed by the County Commission for the Excise TIF District shall be identical to the base of the consumers sales and service tax imposed pursuant to Chapter 11, Article 15 of the Code of West Virginia, 1931, as amended (the "Sales Tax Act"). Except for the exemption provided in Section 9(f) of the Sales Tax Act, all exemptions and exceptions from the consumers sales and service tax also apply to the special district excise tax. The rate of the special district excise tax shall be identical to the rate or rates of the consumer sales and service tax imposed by the Sales Tax Act on sales made and services rendered within the boundaries of the Excise TIF District.

Further information regarding the proposed Excise TIF District, the Project and the Financing Obligations are on file and available for inspection at the office of the Clerk of the County Commission during regular business hours, located at the County Clerk's office in the Mason County Courthouse, 200 Sixth Street, Suite 7, Point Pleasant, WV.

Dated: _____, 2025.

Resolution Regarding Public Hearing**RESOLUTION**

WHEREAS, The County Commission of Mason County, West Virginia (the "County Commission") is authorized by the West Virginia Tax Increment Financing Act, Chapter 7, Article 11B of the Code of West Virginia 1931, as amended (the "Act"), to create development and redevelopment districts, cause project plans to be prepared, to approve project plans, to issue tax increment financing obligations, and to take such other actions necessary or desirable to facilitate the orderly development and economic stability of Mason County, West Virginia (the "County"), all as more fully set forth in the Act;

WHEREAS, the Mason County Development Authority, a public corporation and county development authority of the State of West Virginia created by the County Commission pursuant to Chapter 7, Article 12 of the West Virginia Code of 1931, as amended (the "Development Authority") has prepared for the County Commission's review and consideration an application (the "Application") for the creation and establishment of a redevelopment district in the County to be known and designated as "The County Commission of Mason County Redevelopment District No. 1 – Henderson" (the "TIF District"), and approval of a project plan for the TIF District to be known and designated as "Project Plan No. 1" (the "Project Plan");

WHEREAS, the County Commission recognizes the potential of the TIF District to encourage economic growth and development in geographic areas characterized by high levels of unemployment, stagnant employment, slow income growth, contaminated property or inadequate infrastructure, and to encourage private investment designed to promote and facilitate the orderly development or redevelopment of such areas, as provided for in the Act; and

WHEREAS, the Development Authority has requested that the County Commission, under and pursuant to the Act, hold a public hearing at which interested parties be afforded a reasonable opportunity to express their views on the proposed creation of the TIF District and its proposed boundaries.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION OF MASON COUNTY, WEST VIRGINIA, AS FOLLOWS:

1. It is hereby found and determined, subject to a public hearing and other required actions, that the County Commission will consider for approval the Application and, if approved, will submit the Application to the West Virginia Department of Economic Development for consideration and obtain all other necessary approvals, all in accordance with the Act.
2. The County Commission hereby sets a public hearing regarding the Application for March 13, 2025, at 4:00 p.m., prevailing time (or as soon thereafter on such date as the matter may be heard).
3. The County Commission hereby approves for publication, under and in accordance with the applicable provision of the Act, that certain Notice of Public Hearing, substantially in the form attached hereto as **Exhibit A** and incorporated herein by reference and the providing of a copy of the Application and Notice of Public Hearing to the levying bodies having the power to levy taxes on property within the TIF District.
4. This Resolution is effective immediately upon adoption.

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CASO & HARRIS, INC. SPENCER, WV RE-ORDER NO. 7393D-99

Adopted this February 6, 2025.

THE COUNTY COMMISSION OF MASON
COUNTY

By:


Its President

CERTIFICATION

The undersigned, being the duly qualified, elected, and acting Clerk of the County Commission of Mason County, does hereby certify that the foregoing Resolution was duly adopted by the County Commission, at a regular meeting duly held, pursuant to proper notice thereof, on February 6, 2025, a quorum being present and acting throughout, and which Resolution has not been modified, amended, or revoked and is a true, correct, and complete copy thereof as of this February 6, 2025.

By:


Name: Diana Cromley
Title: County Clerk

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EXHIBIT A

[TO BE PUBLISHED IN THE *RIVER CITIES TRIBUNE & REGISTER* ONCE A WEEK FOR TWO SUCCESSIVE WEEKS ON FRIDAY, FEBRUARY 28, 2025, AND FRIDAY, MARCH 7, 2025]

NOTICE OF PUBLIC HEARING

**APPLICATION REGARDING CREATION OF
THE COUNTY COMMISSION OF MASON COUNTY REDEVELOPMENT
DISTRICT NO. 1 – HENDERSON AND APPROVAL OF PROJECT PLAN NO. 1 AND
ISSUANCE OF TAX INCREMENT FINANCING OBLIGATIONS**

A public hearing will be held at a regular meeting of The County Commission of Mason County, West Virginia (the "County Commission"), on Thursday, March 13, 2025, at 4:00 p.m. (or as soon thereafter on such date as the matter may be heard) at the County Commission Meeting Room located in the Mason County Courthouse at 200 Sixth Street, Point Pleasant, WV, and at such hearing any interested person may appear and present comments, protests, suggestions, and otherwise express their views respecting an application regarding the creation of a tax increment redevelopment district to be designated as "The County Commission of Mason County Redevelopment District No. 1 – Henderson" (the "TIF District") in Mason County (the "County"), and financing certain projects described in a Project Plan for the TIF District to be designated as "Project Plan No. 1" (the "Project Plan").

Creation of the TIF District

The proposed TIF District is comprised of approximately _____ acres of contiguous real property located in the Henderson, Clendenin, and Arbuckle property tax districts of Mason County, as set forth on the map below.

[Insert Map]

Approval of Project Plan

The purpose of the TIF District is to facilitate the development by the County Commission and the Mason County Development Authority (the "Development Authority") of certain capital improvements within or contiguous to the TIF District and which serve the TIF District. The TIF Projects include the design, permitting, acquisition, construction, and equipping of site, infrastructure, and other improvements, both public and private, that will facilitate industrial and/or commercial development within the TIF District (collectively, the "TIF Projects"). the redevelopment or development of underdeveloped or undeveloped areas within the TIF District (collectively, the "TIF Projects"), including, but not limited to, the following:

- Waterworks, sewerage, stormwater, telecommunications, cable, fiber optic, electric, natural gas and related infrastructure improvements;
- Construction of parking facilities, roads, sidewalks, street lighting, traffic signals and other roadway and streetscape improvements and related appurtenances, and construction or redevelopment of other improvements within the TIF District;
- Demolition, site preparation and excavation and other earthwork necessary for and incidental to the construction and installation of infrastructure and other improvements that will facilitate the redevelopment or development of underdeveloped or undeveloped areas within the TIF District;

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- Other related improvements, extensions, renovations and additions; and
- All professional service fees and consultant fees in connection with the foregoing, including but not limited to engineering, architectural and other design fees, legal fees, fees of property tax revenue consultants, property tax consultants, trustees, continuing disclosure agents and all fees and costs incurred in connection with the preparation and approval of the Project Plan.

All comments, protests, suggestions, and views shall be heard at such public hearing, and the County Commission shall thereafter take such actions as it shall deem proper in the premises regarding the approval, pursuant to Chapter 7, Article 11B of the Code of West Virginia, 1931, as amended (the "Act"), respecting the Application regarding the creation of the TIF District and the approval of the Project Plan. Following is a brief summary of such matters.

Tax Increment Financing Obligations

To finance costs of the TIF Projects, the County Commission proposes to issue tax increment revenue bonds or other obligations (the "TIF Obligations") in an estimated amount of \$30,000,000, with maturities not to exceed 30 years from the date of the creation of the TIF District. Such obligations may be issued from time to time in one or more series. Proceeds of the TIF Obligations are generally planned and expected to be used to (i) finance all or portion of the costs of the TIF Projects; (ii) finance costs of creating the TIF District and obtaining approval of the TIF Projects; (iii) fund reserves for the TIF Obligations; (iv) fund capitalized interest on the TIF Obligations; and (v) pay costs of issuance of the TIF Obligations and related costs. To the extent that surplus tax increment funds are available, portions of the TIF Project may be financed directly with such surplus.

Further information regarding the proposed TIF District, the TIF Projects, and the TIF Obligations are on file and available for inspection at the office of the Clerk of the County Commission during regular business hours, located at the County Clerk's office in the Mason County Courthouse, 200 Sixth Street, Suite 7, Point Pleasant, WV.

Dated _____, 2025


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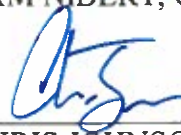
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Upon motion by Handley and unanimous agreement, this meeting was adjourned.


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RICK HANDLEY, PRESIDENT


SAM NIBERT, COMMISSIONER


CHRIS JOHNSON, COMMISSIONER

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DIANA N. CROMLEY, CLERK