



## Ohio Revised Code

### Section 308.23 Airport development districts - organization and powers.

Effective: April 12, 2021

Legislation: Senate Bill 259 - 133rd General Assembly

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(A) Except as otherwise provided in this section, the nonprofit corporation that governs an airport development district shall be organized in the manner described in Chapter 1702. of the Revised Code. The nonprofit corporation may do the following:

- (1) Exercise all powers of nonprofit corporations granted under Chapter 1702. of the Revised Code that do not conflict with this chapter;
- (2) Develop, adopt, revise, implement, and repeal plans for public infrastructure improvements that benefit the qualifying airport that is encompassed by or contiguous to the district and make expenditures to attract or retain airlines, increase the number of scheduled flights to and from the qualifying airport, or increase use of the airport by aircraft having greater passenger capacity or greater first-class seating availability;
- (3) Contract with any person, community improvement corporation, or state agency or with a political subdivision as defined in section 2744.01 of the Revised Code to develop, manage, or implement all or part of the development plan for the district;
- (4) Contract and pay for insurance for the district and for directors, officers, agents, contractors, employees, or members of the district for any consequences of the implementation of any plan adopted by the district or any actions of the district;
- (5) Negotiate and enter into voluntary development charge agreements with the owner or owners of any parcel of real property located in the district and the owner or owners of any business that operates within the district, whereby the owner or owners agree to subject the property or business to a development charge levied by the board and the board agrees to use the proceeds of that charge for the purposes described in the development plan for the district;
- (6) Impose and collect development charges against real property located in the district and



businesses operating within the district pursuant to such voluntary development charge agreements.

(B)(1) A development charge agreement shall specify the amount and duration of the development charge and, if the agreement is between the board and the owner or owners of a business, the manner in which the development charge is to be collected. The duration of the development charge prescribed by the initial agreement shall be for a specified period of ten or more years, or for a continuing period of time. The development charge shall not be collected after the dissolution of the district under section 308.25 of the Revised Code.

(2) The board shall annually certify the amount of each development charge imposed by an agreement under this section to the owner or owners of the parcel or business subject to the charge.

(a) If the development charge is imposed on a parcel of land, the board shall also certify the amount of the charge to the county auditor of the county in which the parcel is located. The county auditor shall enter the charge on the tax list opposite the parcel against which it is charged, and certify the charge to the county treasurer. The charge shall be charged and collected in the same manner as real property taxes and shall be treated in the same manner as real property taxes for all purposes of the lien described in section 323.11 of the Revised Code, including the priority and enforcement of the lien. Money collected from the charge shall be paid immediately to the board of directors of the district. The county treasurer shall maintain a record of all payments of charges under this section.

(b) If the development charge is imposed on a business, it shall be collected in the manner prescribed by the agreement.

(3) The board may negotiate and enter into as many development charge agreements as are necessary or useful in serving the principal purposes and goals described in the development plan for the district. One agreement may impose a development charge on more than one parcel or more than one business only if the owner or owners of all such parcels or businesses approve the agreement. A development charge imposed on a parcel of land shall not be included in the same agreement as a development charge imposed on a business.

(4) An agreement may be amended for the purpose of imposing the development charge on additional parcels or additional businesses by a majority vote of the board and approval of the owner



or owners of the additional parcels or additional businesses. An agreement may be rescinded or may be amended for any purpose other than imposing the development charge on additional parcels or additional businesses by a majority vote of the board and approval of the owner or owners of every parcel or every business that is subject to the agreement.

(C)(1) A development charge agreement is hereby deemed to be a covenant running with each parcel of land that is subject to the agreement. The covenant is fully binding on behalf of and enforceable by the board of directors of the district against any person that owns the land at the time the agreement is executed, any person who subsequently acquires an interest in the land, and all successors and assigns of such persons.

(2) No purchase agreement for real estate or any interest in real estate that is subject to a development charge agreement shall be enforceable by the seller or binding upon the purchaser unless the purchase agreement specifically refers to the agreement and any associated development charge. If a conveyance of such real estate or interest in such real estate is made pursuant to a purchase agreement that does not make such reference, the agreement shall continue to be a covenant running with the land fully binding on behalf of and enforceable by the board of directors of the district against the person accepting the conveyance pursuant to the purchase agreement.

(D) In addition to meeting the requirements for articles of incorporation set forth in Chapter 1702. of the Revised Code, the articles of incorporation for the nonprofit corporation governing an airport development district shall provide all the following:

(1) The name of the district, which shall include the name of the qualifying airport that is encompassed by the district;

(2) A description of the territory included within the district that is specific enough to enable property owners to determine if their property is located within the district and business owners to determine if their business operates within the district;

(3) The full text of the resolution creating the district, the development plan for the district, and any amendments to that plan that are subsequently adopted by the board of directors of the district;



(4) A description of the procedure by which the articles of incorporation and the development plan for the district may be amended, which shall conform to the requirements of division (F) of this section;

(5) The reasons for creating the district and an explanation of how the district will be conducive to the public health, safety, peace, convenience, and welfare of the district.

(E) The articles of incorporation shall be filed in the secretary of state's office. The secretary of state shall not accept articles that do not meet the requirements of this chapter.

(F) Neither the articles of incorporation nor the development plan for the airport development district shall be amended without first obtaining the approval of (1) the majority of the members of the board of directors of the district, (2) the owners of at least sixty per cent of the collective number of parcels of real property and businesses that are subject to development charge agreements, and (3) the majority of the members of the board of trustees of the regional airport authority, board of directors of the port authority, or legislative authority of the municipal corporation that owns, operates, or maintains the qualifying airport. All amendments to the articles shall be filed with the secretary of state along with documentation sufficient to prove that the requirements of this division have been met.