



RESOLUTION G2017-48

**APPROVING A PETITION FOR SPECIAL ASSESSMENTS
FOR SPECIAL ENERGY IMPROVEMENT PROJECTS
AND A PLAN FOR PUBLIC IMPROVEMENTS, AND
DECLARING AN EMERGENCY**

WHEREAS, as set forth in Ohio Revised Code Chapter 1710, the Ohio General Assembly has authorized property owners to include their properties within energy special improvement districts (“ESIDs”) upon a petition to a municipal corporation or township, which ESIDs are voluntary organizations of property owners who undertake special energy improvement projects for their properties and finance such special energy improvement projects by way of voluntary special assessments; and

WHEREAS, Corporex Realty Acquisitions LLC (the “Owner”), as the owner of certain real property located within the Township of Symmes, Hamilton County, Ohio (the “Township”), has identified certain real property located at 11820 Snider Road, Cincinnati, Ohio (the “Project Site”), as an appropriate property for special energy improvement projects pursuant to Ohio Revised Code Chapter 1710; and

WHEREAS, the Suburban Communities Energy Special Improvement District (the “District”) was created under Ohio Revised Code Chapters 1702 and 1710 as an ESID and established pursuant to Resolution No. 2017-18 of the Board of Township Trustees of Sycamore Township, Hamilton County, Ohio (the “Sycamore Township Trustees”) approved on March 2, 2017 (the “Creation Resolution”); and

WHEREAS, by the Creation Resolution and under Ohio Revised Code Section 1710.02, articles of incorporation (the “Articles of Incorporation”) for a nonprofit corporation, the board of directors of which governs the District, were approved and filed with the Ohio Secretary of State; and

WHEREAS, by Resolution No. 2017-24 of the Sycamore Township Trustees and under Ohio Revised Code Section 1710.06, the District’s Suburban Communities Energy Special Improvement District Project Plan (as duly amended and supplemented from time to time, the “Plan”) was approved as a plan for public improvements and public services for the District; and

WHEREAS, as permitted under Ohio Revised Code Section 1710.02, the Plan and the Articles of Incorporation allow for the addition of real property within any “participating political subdivision” of the District or within any municipal corporation or township which is adjacent to any participating political subdivision of the District to the territory of the District by the approval of the municipal corporation or township in which that real property is located; and

WHEREAS, the Owner has determined to submit to the Board of Township Trustees of the Township (the "Board of Trustees") a Petition for Special Assessments for Special Energy Improvement Projects (the "Petition"), together with a Suburban Communities Energy Special Improvement District Project Plan Supplement to Plan for 11820 Snider Road, Cincinnati, Ohio Project (the "Supplemental Plan"), all in accordance with Ohio Revised Code Section 1710.02, each of which are now on file with the Board of Trustees and the Fiscal Officer of the Township; and

WHEREAS, the Petition and the Supplemental Plan request that the Project Site be added to the District and that the Township levy special assessments on the Project Site to pay the costs of special energy improvement projects to be provided on the Project Site, all as described more particularly in the Petition and the Supplemental Plan (the "Project"); and

WHEREAS, the Petition is for the purpose of developing and implementing special energy improvement projects in furtherance of the purposes set forth in Section 20 of Article VIII of the Ohio Constitution, including, without limitation, the Project, and further, the Petition identifies the amount and length of the special assessments to be imposed with respect to the Project; and

WHEREAS, this Board of Trustees, as mandated by Ohio Revised Code Section 1710.02, must approve or disapprove the Petition within 60 days of the submission of the Petition; and

WHEREAS, this Board of Trustees has determined to approve the Petition, together with the Supplemental Plan; and

WHEREAS, it is necessary for the immediate preservation of public peace, property, health and safety that this Resolution take effect at the earliest possible date in order to allow the Owner to begin work on the special energy improvement project on the Property and the District to take advantage of financing available to it for a limited time.

NOW, THEREFORE, BE IT RESOLVED by the Board of Township Trustees of Symmes Township, State of Ohio:

SECTION 1. This Board of Trustees approves the Petition and the Supplemental Plan now on file with the Board of Trustees and the Fiscal Officer. Under the Creation Resolution, Plan, and the Articles of Incorporation, the Project Site is added to the territory of the District.

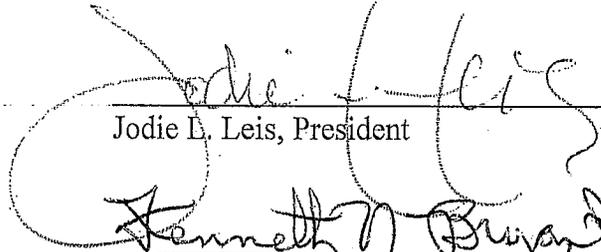
SECTION 2. This Board of Trustees approves and consents to (i) any addition of real property to the territory of the District within the boundaries of any municipal corporation or any township which is contiguous to the municipal corporations or townships in which a portion of the territory the District is located; (ii) the addition of the municipal corporation or township in which such real property is located as a "participating political subdivision," as defined in Ohio Revised Code Section 1710.01(E), of the

ADOPTED AUGUST 1, 2017 – RESOLUTION G2017-48

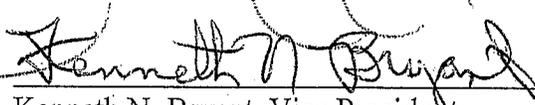
VOTE RECORD:

Ms. Leis ay Mr. Bryant AY Mr. Beck AY

Passed at a meeting of the Board of Township Trustees of Symmes Township this 1st day of August, 2017.



Jodie L. Leis, President



Kenneth N. Bryant, Vice President



Philip J. Beck, Trustee

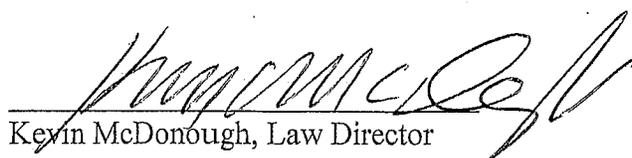
AUTHENTICATION

This is to certify that this resolution was duly passed and filed with the Township Fiscal Officer of Symmes Township this 1st day of August, 2017.



Carol A. Sims, Fiscal Officer
Symmes Township, Ohio

APPROVED AS TO FORM:



Kevin McDonough, Law Director

District; and (iii) any amendment to the Articles of Incorporation necessary to recognize and effect such addition.

SECTION 3.

This Board of Trustees finds and determines that all formal actions of this Board of Trustees concerning and relating to the passage of this legislative resolution were adopted in an open meeting of this Board of Trustees, and that all deliberations of this Board of Trustees and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

SECTION 4.

The Board of Trustees upon at least a majority vote do hereby dispense with any requirement that this Resolution be read on two separate days, and hereby authorize the adoption of this Resolution upon its first reading.

SECTION 5.

For the reasons stated in the preambles to this Resolution, this Resolution is declared to be an emergency measure and shall take effect immediately upon its adoption.

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**PETITION FOR SPECIAL ASSESSMENTS FOR
SPECIAL ENERGY IMPROVEMENT PROJECTS**

A PETITION TO SYMMES TOWNSHIP, HAMILTON COUNTY, OHIO SEEKING THE IMPOSITION OF SPECIAL ASSESSMENTS AGAINST PROPERTY OWNED BY THE PETITIONER TO PAY THE COSTS OF VARIOUS SPECIAL ENERGY IMPROVEMENT PROJECTS WHICH SPECIALLY BENEFIT SUCH PROPERTY, INCLUDING A WAIVER OF ALL RIGHTS TO NOTICES, HEARINGS AND APPEALS RESPECTING THE REQUESTED SPECIAL ASSESSMENTS

To: The Board of Township Trustees of Symmes Township, Hamilton County, Ohio

Corporex Realty Acquisitions LLC, a Kentucky limited liability company (the "Petitioner") is the owner of 100% of the property described on Exhibit A attached hereto (the "Property").

The Board of Directors of the Suburban Communities Energy Special Improvement District, Inc. (the "Corporation"), an Ohio nonprofit formed to govern the Suburban Communities Energy Special Improvement District (the "District") created within the boundaries of Sycamore Township, Ohio has approved a plan (the "Project Plan") for the purpose of developing and implementing special energy improvement projects as defined in Ohio Revised Code Section 1710.01(I).

Pursuant to the Project Plan, the Corporation has caused special energy improvement projects to be provided from time to time. In accordance with Ohio Revised Code Chapter 1710 and the Project Plan, the Project Plan may be amended from time to time by supplemental plans (the "Supplemental Plans") (the Project Plan and every Supplemental Plan together constituting the "Plan") to provide for additional special energy improvement projects, and the District may be enlarged from time to time to include additional property so long as at least one special energy improvement project is designated for each parcel of real property within the additional territory added to the District.

As required by Ohio Revised Code Section 1710.02, the Petitioner, as the owner of the Property, being 100% of the area proposed to be assessed for the Authorized Improvements, hereby petitions the Board of Trustees to approve the addition of the Property to the District, for the Authorized Improvements be undertaken by the District, and for the total cost of those Authorized Improvements be assessed on the Property in proportion to the special benefits that will result from the Authorized Improvements.

In connection with this Petition and in furtherance of the purposes hereof, the Petitioner acknowledges that it has reviewed or caused to be reviewed (i) the Plan, (ii) the plans, specifications and profiles for the Authorized Improvements, (iii) the estimate of cost for the Authorized Improvements included in Exhibit B and (iii) the schedule of estimated special assessments to be levied for the Authorized Improvements also included in Exhibit B. The

Petitioner acknowledges that the estimated special assessment for each parcel is in proportion to the benefits that may result from the Authorized Improvements.

Accordingly, the Petitioner hereby petitions for the construction of the Authorized Improvements identified in this Petition and the Supplemental Plan attached hereto as **Exhibit B**, as authorized under Ohio Revised Code Chapter 1710, and for the imposition of the special assessments identified herein and authorized under Ohio Revised Code Chapters 727 and 1710 (the "Special Assessments") to pay the costs thereof.

In consideration of the Township's acceptance of this Petition and the imposition of the requested Special Assessments, the Petitioner consents and agrees that the Property as identified in **Exhibit A** shall be assessed for all of the costs of the Authorized Improvements, including any and all architectural, engineering, legal, insurance, consulting, energy auditing, planning, acquisition, installation, construction, survey, testing and inspection costs; the amount of any damages resulting from the Authorized Improvements and the interest thereon; the costs incurred in connection with the preparation, levy and collection of the special assessments; the cost of purchasing and otherwise acquiring any real estate or interests therein; expenses of legal services; costs of labor and material; financing costs incurred in connection with the issuance, sale, and servicing of securities or other obligations which provide a loan to the Corporation or the Petitioner or to otherwise pay costs of the Authorized Improvements in anticipation of the provider of such financing receiving the special assessments, capitalized interest on, and financing reserve funds for, such obligations; and the Authority and District program administration fees; together with all other necessary expenditures. The Petitioner agrees to pay the Special Assessments in a timely manner whether or not the Petitioner receives annual and timely notices of the Special Assessments.

The Petitioner further acknowledges and confirms that the Special Assessments set forth herein and in **Exhibit B** are in proportion to, and do not exceed, the special benefits to be conferred on the Property by the Authorized Improvements identified herein. The Petitioner further consents to the levying of the assessments therefore against the Property by the Board of Trustees. The Petitioner acknowledges that these Special Assessments are fair, just, and equitable and being imposed at the specific request of the Petitioner.

The Petitioner hereby waives notice and publication of all resolutions, legal notices, and hearings provided for in the Ohio Revised Code with respect to the Authorized Improvements and the Special Assessments, particularly those in Ohio Revised Code Chapters 727 and 1710 and consents to proceeding with the Authorized Improvements. Without limiting the foregoing, the Petitioner specifically waives any notices and rights under the following Ohio Revised Code Sections:

- The right to notice of the adoption of the Resolution of Necessity under Ohio Revised Code Sections 727.13 and .14;
- The right to limit the amount of the Special Assessment under Ohio Revised Code Sections 727.03 and 727.06;
- The right to file an objection to the Special Assessment under Ohio Revised Code Section 727.15;

- The right to the establishment of, and any proceedings by and any notice from an Assessment Equalization Board under Ohio Revised Code Sections 727.16 and .17;
- The right to file any claim for damages under Ohio Revised Code Sections 727.18 through 727.22 and Ohio Revised Code Section 727.43;
- The right to notice that bids or quotations for the Authorized Improvements may exceed estimates by 15%;
- The right to seek a deferral of payments of Special Assessments under Ohio Revised Code Section 727.251; and
- The right to notice of the passage of the Assessing Ordinance under Ohio Revised Code Section 727.26.

The Petitioner consents to immediately proceeding with all actions necessary to acquire, install and construct the Authorized Improvements and impose the Special Assessments.

The Petitioner further agrees not to take any actions, or cause to be taken any actions, to place the Property in an agricultural district as provided for in Ohio Revised Code Chapter 929, and if the Property is in an agricultural district, the Petitioner, in accordance with Ohio Revised Code Section 929.03, hereby grants permission to collect any assessments levied against such Property.

The Petitioner acknowledges that the Special Assessments set forth herein and in the Exhibits hereto are based upon an estimate of costs, and that the final Special Assessments shall be calculated in the same manner, which, regardless of any statutory limitation thereon, may be more or less than the respective estimated assessments for the Authorized Improvements. In the event the final assessments exceed the estimated assessments, the Petitioner, without limitation of the other waivers contained herein, also waives any rights it may now or in the future have to object to those assessments, any notice provided for in Ohio Revised Code Chapters 727 and 1710, and any rights of appeal provided for in such Chapters or otherwise. The Petitioner further acknowledges and represents that the respective final assessments may be levied at such time as determined by the Township and regardless of whether or not any of the parts or portions of the Authorized Improvements have been completed.

The Petitioner further acknowledges that the final assessments for the Authorized Improvements, when levied against the Property, will be payable in cash within thirty (30) days from the date of passage of the ordinance confirming and levying the final assessments and that if any of such assessments are not paid in cash they will be certified to the Auditor of the County, as provided by law, to be placed on the tax list and duplicate and collected as other taxes are collected. The Petitioner hereby waives the right to pay the final assessments for the Authorized Improvements in cash within thirty (30) days of the passage of the ordinance confirming and levying the final assessments and request that the unpaid final assessments for the Authorized Improvements be payable in seventeen (17) annual special assessments, together with interest at the rate of five and seventy hundredths percent (5.70%) per annum.

Pursuant to Ohio Revised Code Section 1710.03(C), the Petitioner hereby appoints as its designee to carry out the rights and responsibilities of District members under Ohio Revised Code Chapter 1710 such representative as may be duly appointed by the Petitioner from time to

time, which designation shall not expire unless and until Petitioner shall notify the Secretary of the District that said designation is no longer in effect or that Petitioner have made a new designation to replace said designation.

The Petitioner further waives any and all questions as to the constitutionality of the laws under which Authorized Improvements shall be acquired, installed or constructed or the proceedings relating thereto, the jurisdiction of the Township acting in connection therewith, all irregularities, errors and defects, if any, procedural or otherwise, in the levying of the assessments or the undertaking of the Authorized Improvements, and specifically waives any and all rights of appeal, including any right of appeal as provided in Ohio Revised Code Title 7, and specifically but without limitation, Ohio Revised Code Chapters 727 and 1710, as well as all such similar rights under the Constitution of the State of Ohio. The Petitioner represents that it will not contest, in a judicial or administrative proceeding, the undertaking of the Authorized Improvements, the estimated assessments, the final assessments and any Special Assessments levied against the Property for the Authorized Improvements, or any other matters related to the foregoing.

The Petitioner acknowledges and understands that the Township and the Corporation all will be relying upon this Petition in taking actions pursuant thereto and expending resources. Therefore this Petition shall be irrevocable and shall be binding upon the Petitioner, any successors or assigns thereof, the Property, and any grantees, mortgagees, lessees, or transferees thereof. The Petitioner acknowledges that it has had an opportunity to be represented by legal counsel in this undertaking and has knowingly waived the rights identified herein.

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EXHIBIT A

DESCRIPTION OF PROPERTY

The Property subject to this Petition is located at the commonly used addresses 11820 Snider Road, Cincinnati, Ohio, with Hamilton County Auditor Parcel ID No. 620-0203-0011-00:

Situated in Section 31, Town 4, Range 2, Miami Purchase, Symmes Township, Hamilton County, Ohio and being more particularly described as follows:

Beginning at the southwest corner of said Section 31 said point being in the centerline of Snider Road;

Thence N-05D-17'-50"E in and along the west line of said section 31 and said centerline of said Snider Road a distance of 1623.28 feet to a PK nail set and real point-of-beginning for this description, passing at 1244.31 feet a PK nail set and passing at 1752.06 feet a PK nail set;

Thence continuing in and along said west line said Section 31 and said centerline of said Snider Road N-05D-17'-50"-E a distance of 326.45 feet to a PK nail set;

Thence leaving said west line of said Section 31 and said centerline of said Snider Road S-63D-26'-51"-E a distance of 280.69 feet to an iron pin set, passing at 32.19 feet an iron pin set;

Thence N-68D-40'-09"-E a distance of 400.00 feet to an iron pin set;

Thence S-05D-17'-50"-W a distance of 166.84 feet to an iron pin set;

Thence S-74D-20'-26"-W a distance of 663.03 feet to the real point of beginning for this description, passing at 630.90 feet an iron pin set;

Containing in all 2.5499 acres more or less.

Previous deed reference: Official Record 7534, Page 2057, of the Hamilton County, Ohio, Deed Records.

This description was prepared from a survey by J.T. King & Co. Inc., Civil Engineers and Land Surveyors, Dated October 7, 1998, and written by J. Timothy King, PE-PS, Registered Surveyor No. 6549.

EXHIBIT B
SUPPLEMENTAL PLAN

[See Attached]

**SUBURBAN COMMUNITIES ENERGY SPECIAL IMPROVEMENT DISTRICT
PROJECT PLAN**

SUPPLEMENT TO PLAN FOR 11820 SNIDER ROAD, CINCINNATI, OHIO PROJECT

As more fully provided by the Suburban Communities Energy Special Improvement District Project Plan (together with all previously approved supplemental plans, the "Plan"), the Suburban Communities Energy Special Improvement District (the "District") has undertaken the administration of a property assessed clean energy ("PACE") program (the "Program"). The Program will provide financing secured by special assessments on real property for special energy improvement projects.

Through a Petition submitted in connection with this Supplemental Plan, Corporex Realty Acquisitions LLC (the "Property Owner") has requested and consented to certain special assessments by the Township of Symmes, Hamilton County, Ohio (the "Township") in cooperation with the District with respect to certain real property owned by the Property Owner and located at the commonly used addresses of 11820 Snider Road, Cincinnati, Ohio 45249, with Hamilton County Auditor Parcel ID No. 620-0203-0011-00, and which is more fully described in Attachment A (the "Property"). A proposed schedule for special assessments to be assessed against the Property to pay the costs of the Authorized Improvements is attached hereto as Attachment B.

The Authorized Improvements applicable to the Property will include: the acquisition, construction, installation, improvement, and equipping of high-efficiency LED lighting, HVAC controls, solar photovoltaic improvements, high-efficiency insulation, and related improvements. As required by Ohio Revised Code Section 1710.01(K), said Authorized Improvements are anticipated to reduce or support the reduction of energy consumption, allow for reduction in demand, or support the production of clean, renewable energy. A detailed description of the Authorized Improvements is attached to this Supplemental Plan as Attachment C.

The Property Owner will cause this Supplemental Plan promptly to be filed with the Board of Directors of the District and with the Board of Township Trustees of the Township (the "Board of Trustees").

The undersigned owner of real property located within the District acknowledges that the District is subject to Ohio public records laws, including Ohio Revised Code Section 149.43 *et seq.* The undersigned property owner agrees to the disclosure of certain property owner information by the District to the extent required by law.

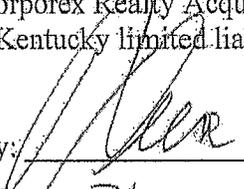
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BY EXECUTING THIS SUPPLEMENTAL PLAN, THE PROPERTY OWNER IDENTIFIED BELOW HEREBY AUTHORIZES AND CONSENTS TO THIS SUPPLEMENTAL PLAN AND ALL DISTRICT DOCUMENTS (AS DEFINED IN THE PLAN) AND AGREES TO PERFORM THE OBLIGATIONS OF THE PROPERTY OWNER CONTAINED IN THIS SUPPLEMENTAL PLAN.

PROPERTY OWNER:

PETITIONER:

Corporex Realty Acquisitions LLC,
a Kentucky limited liability company

By:  _____

Name: Thomas J. Sears

Title: SRP/COD

Address for notices to Petitioner:

Corporex Realty Acquisitions LLC
Attn:
100 E. Rivercenter Blvd.
Covington, Kentucky 41011

SUPPLEMENTAL PLAN—ATTACHMENT A

DESCRIPTION OF PROPERTY

The Property subject to this Supplemental Plan is located at the commonly used addresses 11820 Snider Road, Cincinnati, Ohio, with Hamilton County Auditor Parcel ID No. 620-0203-0011-00:

Situated in Section 31, Town 4, Range 2, Miami Purchase, Symmes Township, Hamilton County, Ohio and being more particularly described as follows:

Beginning at the southwest corner of said Section 31 said point being in the centerline of Snider Road;

Thence N-05D-17'-50"E in and along the west line of said section 31 and said centerline of said Snider Road a distance of 1823.28 feet to a PK nail set and real point-of-beginning for this description, passing at 1244.31 feet a PK nail set and passing at 1752.06 feet a PK nail set;

Thence continuing in and along said west line said Section 31 and said centerline of said Snider Road N-05D-17'-50"-E a distance of 326.45 feet to a PK nail set;

Thence leaving said west line of said Section 31 and said centerline of said Snider Road S-63D-26'-51"-E a distance of 280.69 feet to an iron pin set, passing at 32.19 feet an iron pin set;

Thence N-68D-40'-09"-E a distance of 400.00 feet to an iron pin set;

Thence S-05D-17'-50"-W a distance of 166.84 feet to an iron pin set;

Thence S-74D-20'-26"-W a distance of 663.03 feet to the real point of beginning for this description, passing at 630.90 feet an iron pin set;

Containing in all 2.5499 acres more or less.

Previous deed reference: Official Record 7534, Page 2057, of the Hamilton County, Ohio, Deed Records.

This description was prepared from a survey by J.T. King & Co. Inc., Civil Engineers and Land Surveyors, Dated October 7, 1998, and written by J. Timothy King, PE-PS, Registered Surveyor No. 6549.

SUPPLEMENTAL PLAN—ATTACHMENT B

Schedule of Special Assessments

The Property will be subject to special assessments for the Authorized Improvements in accordance with Ohio Revised Code Chapter 1710.

Total assessment costs—\$1,524,073.29

Estimated average annual special assessments for 17 years: \$89,651.37

Number of annual assessments: 17

First annual installment due: approximately January 1, 2018

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The schedule of Special Assessments for the Project is as follows:

Delinquent After Date	Total Payment Due
2/1/2018	\$89,651.37
2/1/2019	\$89,651.37
2/1/2020	\$89,651.37
2/1/2021	\$89,651.37
2/1/2022	\$89,651.37
2/1/2023	\$89,651.37
2/1/2024	\$89,651.37
2/1/2025	\$89,651.37
2/1/2026	\$89,651.37
2/1/2027	\$89,651.37
2/1/2028	\$89,651.37
2/1/2029	\$89,651.37
2/1/2030	\$89,651.37
2/1/2031	\$89,651.37
2/1/2032	\$89,651.37
2/1/2033	\$89,651.37
2/1/2034	\$89,651.37

* Pursuant to Ohio Revised Code Chapter 323, the Special Assessment Payment Dates identified in this Attachment B are subject to adjustment by the Hamilton County Auditor under certain conditions.

** Pursuant to Ohio Revised Code Section 727.36, the Hamilton County Auditor may charge and collect a fee in addition to the amounts listed in this Attachment B.

SUPPLEMENTAL PLAN—ATTACHMENT C

Description of Authorized Improvements

The Authorized Improvements are expected to consist of the following special energy improvement projects:

1. LED Lighting: \$36,828
2. HVAC Controls: \$10,000
3. Rooftop Solar Installation: \$525,000
4. Insulation: \$84,510

Total estimated annual savings—\$215,930

Total estimated savings during assessment term —\$3,670,810

