

RESOLUTION NO. 2017-59

APPROVING THE AMENDMENT TO THE PETITION FOR SPECIAL ASSESSMENTS FOR SPECIAL ENERGY IMPROVEMENT PROJECTS UNDER OHIO REVISED CODE CHAPTER 1710, APPROVING THE AMENDMENT TO THE SUBURBAN COMMUNITIES ENERGY SPECIAL IMPROVEMENT DISTRICT PROJECT PLAN SUPPLEMENT TO PLAN FOR 11820 SNIDER ROAD, SYMMES TOWNSHIP, OHIO PROJECT, AND AMENDING RESOLUTIONS G2017-49, G2017-50, and G2017-51

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 voluntarily 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 (the “Owner”), as the owner of certain real property located within Symmes Township, Hamilton County, Ohio (the “Township”), previously identified certain real property owned by the Owner and located at 11820 Snider Road, Cincinnati, Ohio (the “Project Site”) as an appropriate property for a special energy improvement project pursuant to Ohio Revised Code Chapter 1710; and

WHEREAS, on August 1, 2017, the Owner submitted to the Board of Trustees of the Township a *Petition for Special Assessments for Special Energy Improvement Projects* (the “Original Petition”) and the *Suburban Communities Energy Special Improvement District Project Plan Supplement to Plan for 11820 Snider Road, Cincinnati, Ohio Project* (the “Original Plan”), all in accordance with Ohio Revised Code Section 1701.02, and on August 1, the Board of Trustees passed Resolution G2017-48 approving the Original Petition and the Original Plan; and

WHEREAS, the Original Petition and the Original Plan provided that the Authorized Improvements consisted of LED lighting, HVAC controls, rooftop solar installation, and insulation; and

WHEREAS, Resolutions G2017-49, G2017-50, and G2017-51 passed by the Board of Trustees on August 1, 2017, provided that the Project consisted of acquiring, constructing, equipping, improving, and installing energy efficiency improvements on its real property,

including, without limitation, high-efficiency LED lighting, HVAC controls, solar photovoltaic improvements, high-efficiency insulation, and related improvements; and

WHEREAS, the Owner now desires to amend the description of the Project and the Authorized Improvements to fully describe the special energy improvement projects to be constructed or installed at the Project Site as provided herein; and

WHEREAS, on _____, 2017, the Owner submitted to the Board of Trustees an *Amendment to the Petition for Special Assessments for Special Energy Improvement Projects* (the “Amendment to the Petition,” and together with the Original Petition, the “Petition”), together with an *Amendment to the Suburban Communities Energy Special Improvement District Project Plan Supplement to Plan for 11820 Snider Road, Cincinnati, Ohio Project* (the “Amendment to the Plan,” and together with the Original Plan, the “Plan”); and

WHEREAS, the Amendment to the Petition and the Amendment to the Plan request that the Township supplement the Original Petition with the Amendment to the Petition and the Original Plan with the Amendment to the Plan in accordance with the replacement sections set forth in the Amendment to the Petition and the Amendment to the Plan; and

WHEREAS, this Board of Trustees has determined to approve the Amendment to the Petition and the Amendment to the Plan; and

WHEREAS, the Board of Trustees has determined to amend Resolution G2017-49, Resolution G2017-50, and Resolution G2017-51, each passed on August 1, 2017 by the Board of Trustees, so that the definition of Project used therein is consistent with the definition of Project contained herein and the description of Authorized Improvements contained in the Amendment to the Plan.

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

SECTION 1. This Board of Trustees hereby approves each of the Amendment to the Petition and the Amendment to the Plan in substantially the forms on file with the Board of Trustees.

SECTION 2. Project, as used in Resolution G2017-49, G2017-50, and G2017-51, means acquiring, constructing, equipping, improving, and installing energy efficiency improvements on its real property, including, without limitation, high-efficiency LED lighting, HVAC controls, HVAC RTU replacements, power quality improvements, and related improvements

SECTION 3. Except to the extent that the provisions of this Resolution conflict with the provisions of Resolution G2017-51 (the “Assessing Resolution), the Assessing Resolution shall remain in full force and effect. To the extent the provisions of this Resolution conflict with the provisions of the Assessing Resolution, the provisions of this Resolution shall control.

SECTION 4.

This Board of Trustees finds and determines that all formal actions of this Board of Trustees concerning and relating to the passage of this 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 actions were in meetings open to the public in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

SECTION 5.

Upon majority vote does hereby dispense with the requirements that this Resolution be read on two separate days and hereby authorizes the adoption of this Resolution upon its first reading.

SECTION 6.

This Resolution is effective upon its adoption.

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VOTE RECORD:

Ms. Leis _____ Mr. Bryant _____ Mr. Beck _____

Passed at a meeting of the Board of Township Trustees of Symmes Township this 12th day of September, 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 12th day of September, 2017.

Carol A. Sims, Fiscal Officer
Symmes Township, Ohio

APPROVED AS TO FORM:

Kevin McDonough, Law Director