

AN ORDINANCE NO. \_\_\_\_\_

Determining to Proceed with the Acquisition, Construction, and Improvement of Certain Public Improvements at 2018 and 2020 East Main Street in the City of Springfield, Ohio in Cooperation with the Springfield Regional Energy Special Improvement District.

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WHEREAS, This Commission (“Commission”) of the City of Springfield, Ohio (the “City”) duly adopted Resolution No. [\_\_\_\_\_] on [\_\_\_\_\_] [\_\_\_\_], 2024, (the “Resolution of Necessity”), (i) declaring the necessity of acquiring, constructing, and improving the special energy improvements defined in the Resolution of Necessity as the Project, located on real property owned by Dutch & Dutch Real Estate, LLC (the “Owner”) at 2018 and 2020 E. Main Street within the City (the “Property”, as more fully described in Exhibit A to the Petition); (ii) providing for the acquisition, construction, and improvement of the Project by the Owner, as set forth in the Owners’ Petition and Supplemental Plan (each as defined in the Resolution of Necessity), including by levying and collecting the Special Assessments (as defined in the Resolution of Necessity and the Petition) to be assessed upon the Property in a maximum amount sufficient to pay the costs of the Project, which is estimated to be \$1,241,115.00, together with other related costs of financing the Project, which include, without limitation, the payment of principal of and interest on nonprofit corporate obligations issued to pay the costs of the Project and other interest, financing, credit enhancement, and issuance expenses and ongoing trustee fees and Springfield Regional Energy Special Improvement District (the “ESID”) administrative fees and expenses; and (iii) determining that the Project will be treated as a special energy improvement project to be undertaken cooperatively by the City and the ESID; and

WHEREAS, The claims for damages alleged to result from and objections to the Project have been waived by one hundred percent (100%) of the affected property owners and following notice of the adoption of the Resolution of Necessity which was personally delivered by the City Clerk to the affected property owners on [\_\_\_\_\_] [\_\_\_\_], 2024, no claims for damages alleged to result from, or objections to, the Project have been filed within the time prescribed by Sections 727.15 and 727.18 of the Ohio Revised Code; NOW, THEREFORE,

BE IT ORDAINED by the City Commission of The City of Springfield, Ohio:

Section 1. Each capitalized term not otherwise defined in this Ordinance or by reference to another document shall have the meaning assigned to it in the Resolution of Necessity and the Petition.

Section 2. This Commission declares that its intention is to proceed with the acquisition, construction, and improvement of the Project described in the Petition and the Resolution of Necessity. The Project shall be made in accordance with the provisions of the Resolution of Necessity and with the plans, specifications, profiles, and estimates of cost

previously approved and now on file with the Director of the Department of Finance and the Clerk of this Commission.

Section 3. The Special Assessments to pay costs of the Project, which are estimated to be \$1,241,115.00, together with other related financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued to provide a loan to the Owner and its affiliates or otherwise to pay costs of the Authorized Improvements in anticipation of the receipt of the Special Assessments, capitalized interest on, and financing reserve funds for, such securities, nonprofit corporate obligations, or other obligations so issued, including any credit enhancement fees, trustee fees, and ESID administrative fees and expenses, shall be assessed against the Property in the manner and in the number of semi-annual installments provided in the Petition and the Resolution of Necessity. Each semi-annual Special Assessment payment represents the payment of a portion of the principal of and interest on obligations issued to pay the costs of the Project and the scheduled amounts payable as the ESID administrative fee. The Special Assessments shall be assessed against the Property commencing in tax year 2025 for collection in calendar year 2026 and shall continue through tax year 2049 for collection in calendar year 2050. In addition to the Special Assessments, the Auditor of Clark County, Ohio may impose a special assessment collection fee with respect to each semi-annual payment, which amount, if imposed, will be added to the Special Assessments by the Auditor of Clark County, Ohio.

Section 4. The estimated Special Assessments for costs of the Project prepared and filed in the office of the Clerk of this Commission and in the office of the Finance Director, in accordance with the Resolution of Necessity, are adopted.

Section 5. In compliance with Ohio Revised Code Section 319.61, the Clerk of this Commission is directed to deliver a certified copy of this Ordinance to the Auditor of Clark County, Ohio within fifteen (15) days after the date of its passage.

Section 6. All contracts for the construction of the Project will be let in the manner provided by law, subject to the provisions of the Ohio Revised Code, the Petition, and the Supplemental Plan, and the costs of the Project shall be financed as provided in the Resolution of Necessity.

Section 7. This Commission finds and determines that all formal actions of this Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this Commission, and that all deliberations of this Commission and of 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 8. That this Ordinance shall take effect and be in force from and after fourteen (14) days from the date of its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2024, A.D.

\_\_\_\_\_  
PRESIDENT OF THE CITY COMMISSION

\_\_\_\_\_  
CLERK OF THE CITY COMMISSION

(Published: Springfield News-Sun)

\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, 2024

I do hereby certify that the foregoing Ordinance No. \_\_\_\_\_ was duly published in the *Springfield News-Sun* on \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, 2024.

\_\_\_\_\_  
CLERK OF THE CITY COMMISSION

CERTIFICATE

The undersigned Clerk of this Commission hereby certifies that the foregoing is a true copy of Ordinance No. [ ] duly adopted by the Commission of the City of Springfield, Ohio on [ ] [ ], 2024.

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Clerk of the Commission  
City of Springfield, Ohio

RECEIPT OF COUNTY AUDITOR FOR  
LEGISLATION DETERMINING TO  
PROCEED WITH THE ACQUISITION, CONSTRUCTION,  
AND IMPROVEMENT OF CERTAIN PUBLIC  
IMPROVEMENTS IN THE CITY OF SPRINGFIELD  
IN COOPERATION WITH THE SPRINGFIELD REGIONAL  
ENERGY SPECIAL IMPROVEMENT DISTRICT

I, Hillary Hamilton, the duly elected, qualified, and acting Auditor in and for Clark County, Ohio hereby certify that a certified copy of Ordinance No. [ ] duly adopted by the City Commission of the City of Springfield, Ohio on [ ] [ ], 2024, determining to proceed with the acquisition, construction, and improvement of certain public improvements in the City of Springfield in cooperation with the Springfield Regional Energy Special Improvement District, was filed in this office on [ ] [ ], 2024.

WITNESS my hand and official seal at Springfield, Ohio on [ ] [ ], 2024.

[SEAL]

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Auditor  
Clark County, Ohio