

RESOLUTION NO. 2022-028

A RESOLUTION LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE TOWNSHIP OF SYCAMORE, HAMILTON COUNTY, OHIO, IN COOPERATION WITH THE SUBURBAN COMMUNITIES ENERGY SPECIAL IMPROVEMENT DISTRICT, AND DECLARING AN EMERGENCY

WHEREAS, this Board of Township Trustees (the “Board of Trustees”) of the Township of Sycamore, Hamilton County, Ohio (“Sycamore Township”), duly adopted Resolution No. 2022-026 on April 5, 2022 (the “Resolution of Necessity”), and declared the necessity of acquiring, constructing, improving and installing energy efficiency improvements on its real property, including, without limitation, building envelope improvements, and related improvements (the “Project”), as described in the Resolution of Necessity and as set forth in the Petition requesting those improvements; and

WHEREAS, this Board of Trustees duly adopted Resolution No. 2022-027 on April 5, 2022 and determined to proceed with the Project and adopted the estimated Special Assessments (as defined in the Resolution of Necessity) filed with the Board of Trustees and the Township Fiscal Officer pursuant to the Resolution of Necessity; and

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

SECTION 1. Each capitalized term used in this Resolution where the rules of grammar would otherwise not require and not otherwise defined in this Resolution or by reference to another document shall have the meaning assigned to it in the Resolution of Necessity.

SECTION 2. The list of Special Assessments to be levied and assessed on the Property in an amount sufficient to pay the costs of the Project, which is \$8,997,653.10, including 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 District 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 District administrative fees and expenses, which costs were set forth in the Petition and previously reported to this Board of Trustees and are now on file in the offices of the Board of Trustees and the

Township Fiscal Officer, is adopted and confirmed, and that the Special Assessments are levied and assessed on the Property. The interest portion of the Special Assessments, together with amounts used to pay administrative expenses, are determined to be substantially equivalent to the fair market rate or rates of interest that would have been borne by securities issued in anticipation of the collection of the Special Assessments if such securities had been issued by Sycamore Township.

The Special Assessments are assessed against the Property commencing in tax year 2023 for collection in 2024 and shall continue through tax year 2051 for collection in 2052. The semi-annual installments of the Special Assessments shall be collected in each calendar year equal to a maximum annual amount of Special Assessments as shown in Exhibit A, attached to and incorporated into this Resolution.

The Property is currently configured as one parcel in the records of the County Auditor of Hamilton County, Ohio. Under the Petition, the Owner requested that in the event that at any time after the date of the Petition and prior to the payment in full of all installments of the Special Assessments the Property is combined or subdivided, such that any resulting parcel or parcels contain any of the Authorized Improvements, the Special Assessments be allocated among the resulting parcels in proportion to the acreage of the existing parcels that are contained in each resulting parcel that contains a portion of an existing parcel. The Petition further certified to the Township, and this Council hereby finds and determines, that the portions of the Special Assessments allocated to each resulting parcel as described above are in proportion to, and do not exceed, the special benefits to be conferred on the parcels by the Project. In the event that at any time after the date of this Resolution and prior to the payment in full of all installments of the Special Assessments the Property is combined or subdivided, such that any resulting parcel or parcels contain any portion of the existing parcels, the Special Assessments shall be allocated among the resulting parcel or parcels as set forth above.

All Special Assessments shall be certified by the Township Fiscal Officer to the Auditor of Hamilton County, Ohio (the "County Auditor"), pursuant to the Petition and Ohio Revised Code Chapter 727.33 to be placed on the tax list and duplicate and collected with and in the same manner as real property taxes are collected and as set forth in the Petition.

The Special Assessments shall be allocated among the parcels constituting the Property as set forth in the Petition and the List of Special Assessments attached to and incorporated into this Resolution as Exhibit A.

SECTION 3.

This Board of Trustees finds and determines that the Special Assessments are in proportion to the special benefits received by the Property as set forth in the Petition and are not in excess of any applicable statutory limitation.

SECTION 4.

The Owner has waived its right to pay the Special Assessments in cash, and all Special Assessments and installments of the Special Assessments shall be certified by the Township Fiscal Officer to the Auditor of Hamilton County, Ohio, as provided by the Petition and Ohio Revised Code Section 727.33 to be placed by him or her on the tax list and duplicate and collected with and in the same manner as real property taxes are collected and as set forth in the Petition.

SECTION 5.

The Special Assessments will be used by Sycamore Township to provide the Authorized Improvements in cooperation with the District in any manner, including assigning the Special Assessments actually received by Sycamore Township to the District or to another party Sycamore Township deems appropriate, and the Special Assessments are appropriated for such purposes.

SECTION 6.

The Township Fiscal Officer shall keep the Special Assessments on file in the Office of the Township Fiscal Officer.

SECTION 7.

In compliance with Ohio Revised Code Section 319.61, the Township Fiscal Officer is directed to deliver a certified copy of this Resolution to the County Auditor within 20 days after its passage.

SECTION 8.

It is found and determined that all formal actions of this Board of Trustees concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board of Trustees, and that all deliberations of this Board of Trustees that resulted in such formal action were in meetings open to the public in compliance with the law.

SECTION 9.

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 10.

This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare of Sycamore Township and for the further reason that this Resolution is required to be immediately effective in order to allow the District to take advantage of financing available to it for a limited time. Therefore, this Resolution shall be in full force and effect immediately upon its adoption and certification.

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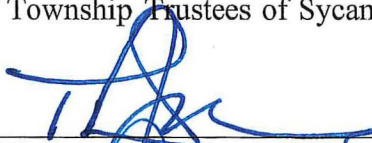
VOTE RECORD:

Mr. James Aye


Ms. Schwegmann Aye

Mr. Weidman Aye


Passed at a meeting of the Board of Township Trustees of Sycamore Township this 5th day of April, 2022.



Thomas J. Weidman, Chairman



Tracy Schwegmann, Vice Chairman



Thomas C. James, Trustee

AUTHENTICATION

This is to certify that this resolution was duly passed and filed with the Township Fiscal Officer of Sycamore Township this 5th day of April, 2022.



Robert C. Porter, III
Fiscal Officer

APPROVED AS TO FORM:



Lawrence Barbieri, Interim Law Director

CERTIFICATION

I, Robert C. Porter, III, Fiscal Officer of Sycamore Township, hereby certify, as official custodian of the records of Sycamore Township, Hamilton County, Ohio, that the foregoing is taken and copied from the Record of Proceedings of Sycamore Township and that the same is a true and accurate copy of the original on file in the township hall at 8540 Kenwood Road, Sycamore Township, Ohio 45236.



Robert C. Porter, III
Fiscal Officer

Date: 04/05/2022

EXHIBIT A

**LIST OF SPECIAL ASSESSMENTS AND
SCHEDULE OF SPECIAL ASSESSMENTS**

LIST OF SPECIAL ASSESSMENTS

<u>Name</u>	<u>Assessed Properties Description</u>	<u>Portion of Benefit and Special Assessment</u>	<u>Amount of Special Assessments</u>
CPX Kenwood, LLC	600-0210-0889-00	100%	\$8,997,653.10

SCHEDULE OF SPECIAL ASSESSMENTS
FOR HAMILTON COUNTY PARCEL NOS.:

600-0210-0889-00*

The following schedule of Special Assessment charges shall be certified for collection in 58 semi-annual installments to be collected with real property taxes in calendar years 2024 through 2052:

Special Assessment Payment Date ¹	Special Assessment Installment Amount ²
1/31/2024	\$155,131.95
7/31/2024	155,131.95
1/31/2025	155,131.95
7/31/2025	155,131.95
1/31/2026	155,131.95
7/31/2026	155,131.95
1/31/2027	155,131.95
7/31/2027	155,131.95
1/31/2028	155,131.95
7/31/2028	155,131.95
1/31/2029	155,131.95
7/31/2029	155,131.95
1/31/2030	155,131.95
7/31/2030	155,131.95
1/31/2031	155,131.95
7/31/2031	155,131.95
1/31/2032	155,131.95
7/31/2032	155,131.95
1/31/2033	155,131.95
7/31/2033	155,131.95
1/31/2034	155,131.95
7/31/2034	155,131.95
1/31/2035	155,131.95
7/31/2035	155,131.95
1/31/2036	155,131.95
7/31/2036	155,131.95
1/31/2037	155,131.95
7/31/2037	155,131.95

* As identified in the records of the Auditor of Hamilton County, Ohio, as of February 4, 2022.

¹ Pursuant to Ohio Revised Code Chapter 323, the Special Assessment Payment Dates identified herein are subject to adjustment by the Hamilton County Auditor under certain conditions.

1/31/2038	\$155,131.95
7/31/2038	155,131.95
1/31/2039	155,131.95
7/31/2039	155,131.95
1/31/2040	155,131.95
7/31/2040	155,131.95
1/31/2041	155,131.95
7/31/2041	155,131.95
1/31/2042	155,131.95
7/31/2042	155,131.95
1/31/2043	155,131.95
7/31/2043	155,131.95
1/31/2044	155,131.95
7/31/2044	155,131.95
1/31/2045	155,131.95
7/31/2045	155,131.95
1/31/2046	155,131.95
7/31/2046	155,131.95
1/31/2047	155,131.95
7/31/2047	155,131.95
1/31/2048	155,131.95
7/31/2048	155,131.95
1/31/2049	155,131.95
7/31/2049	155,131.95
1/31/2050	155,131.95
7/31/2050	155,131.95
1/31/2051	155,131.95
7/31/2051	155,131.95
1/31/2052	155,131.95
7/31/2052	155,131.95

¹ Pursuant to Ohio Revised Code Chapter 323, the Special Assessment Payment Dates identified herein are subject to adjustment under certain conditions.

² 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 A.

RECEIPT

Received this day a certified copy of the foregoing Resolution, including the Schedule of Special Assessments, which special assessment charges shall be certified for collection in 58 semi-annual installments to be collected with the real property taxes in calendar years 2024 through 2052.

Sue Grendle

County Auditor, County of Hamilton, Ohio

Dated: 4/12, 2022