

ORDINANCE NO. 2021 - 06

An Ordinance Determining to Proceed with the Acquisition, Construction, Equipping, Improvement, and Installation of Certain Public Improvements in the Village of Lewisburg, Ohio in Cooperation with the Lewisburg Energy Special Improvement District.

WHEREAS, The Council of the Village of Lewisburg, Ohio (the "Village") duly adopted Resolution No. 2021-10 on June 17, 2021 (the "Resolution of Necessity"), (i) declaring the necessity of acquiring, constructing, equipping, improving, and installing energy efficiency improvements, including, without limitation, LED lighting, HVAC systems, process heating boilers/CHP, and related improvements (the "Project", as more fully described in the Petition referenced in this Ordinance) located on real property owned by Big Belly Building, LLC (the "Owner") within the Village with Preble County Auditor parcel identification number D13001202800012003 (the "Property", as more fully described in Exhibit A to the Petition); (ii) providing for the acquisition, construction, equipping, improvement, and installation of the Project by the Owner, as set forth in the Owner's *Petition for Special Assessments for Special Energy Improvement Projects and Affidavit* (the "Petition"), including by levying and collecting special assessments to be assessed upon the Property (the "Special Assessments") in an amount sufficient to pay the costs of the Project, which is estimated to be \$1,420,915.00, including other related costs of financing the Project, which may 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 administrative fees and expenses of the Lewisburg Energy Special Improvement District, Inc., an energy special improvement district and nonprofit corporation under the laws of the State of Ohio, (the "District"); and (iii) determining that the Project will be treated as a special energy improvement project to be undertaken cooperatively by the Village and the District; and

WHEREAS, The claims for damages alleged to result from and objections to the Project have been waived by 100% of the affected property owners and no claims for damages or objections have been filed; and

WHEREAS, this Ordinance is an ordinance for improvements petitioned for by the owners of a majority of the front footage or of the area of the property benefited and to be assessed.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Lewisburg, Ohio (the "Council") that:

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

Section 2. Determination to Proceed. This Council 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 Council Clerk.

Section 3. Special Assessments. The Special Assessments necessary to pay costs of the Project, which are estimated to be \$1,420,915.00, including other related financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued 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, 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 any principal repayment and interest and administrative fees payable with respect to the Project. The Special Assessments shall be assessed against the Property beginning in tax year 2022 for collection in 2023 and continuing through tax year 2040 for collection in 2041. In addition to the Special Assessments, the County Auditor of Preble 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 County Auditor of Preble County, Ohio.

Section 4. Amount of Assessments. That the estimated Special Assessments for costs of the Project prepared and filed in the offices of the Council and the Village Fiscal Officer, in accordance with the Resolution of Necessity, are adopted.

Section 5. Certification to County Auditor. That in compliance with Ohio Revised Code Section 319.61, the Council and the Village Fiscal Officer are directed to deliver a certified copy of this Ordinance to the County Auditor of Preble County, Ohio within 15 days after the date of its passage.

Section 6. Contracts. That all contracts for the construction of the Project will be let solely by the Owner or its designees in its or their individual capacities in the manner provided by law, subject to the provisions of the Ohio Revised Code and the Petition, and the costs of the Project shall be financed as provided in the Resolution of Necessity.

Section 7. Compliance with Open Meetings Requirements. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this legislative Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council 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 8. Effective Date. As provided under Section 4.07 of the Village Charter, this Ordinance is an ordinance for improvements petitioned for by the owners of a majority of the front footage or of the area of the property benefited and to be assessed and shall therefore take effect immediately upon its passage.

Dated: 06-17-2021

Marsha Jones
Mayor

Attest: Elizabeth A. Wagoner
Clerk of Council

CERTIFICATION OF CLERK OF COUNCIL

I, Elizabeth A. Wagoner, am the duly appointed Clerk of Council of the Village of Lewisburg, Preble County, Ohio, and I hereby certify that the above Ordinance, including any "Exhibits" or other attachments are a true and accurate copy or duplicate original of the original record filed in my office this 17th day of June, 2021.



Elizabeth A. Wagoner
Elizabeth A. Wagoner, Clerk of Council
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