

RESOLUTION NO. 41-2016

Approving the Petition for Special Assessments for Special Energy Improvement Projects Under Ohio Revised Code Chapter 1710 (350 W. Wilson Bridge Road).

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, Trivium Worthington LLC (the “Owner”), as the owner of certain real property located within the City of Worthington, Ohio (the “City”), has identified certain real property located at 350 W. Wilson Bridge Road, Worthington, Ohio (the “Project Site”), as an appropriate property for a special energy improvement project pursuant to Ohio Revised Code Chapter 1710; and,

WHEREAS, the Columbus Regional 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. 0261X-2015 of the Council of the City of Columbus, Ohio approved on November 23, 2015 (the “Creation Resolution”).

WHEREAS, pursuant to the Creation Resolution, the Columbus Regional Energy Special Improvement District Program Plan (as amended and supplemented from time to time, the “Plan”) was adopted as a plan for public improvements and public services under Ohio Revised Code Section 1710.02(F), which plan allows for additional properties within the City of Columbus, Ohio and within any municipal corporation or township which is adjacent to any other municipal corporation or township in which a portion of the District’s territory is located to be added to the territory of the District; and,

WHEREAS, the Owner has determined to submit to the City Manager and the Council of the City (the “Council”), a *Petition for Special Assessments for Special Energy Improvement Projects* (the “Petition”), together with a Supplement to Plan for the 350 W. Wilson Bridge Road, Worthington, Ohio Project (the “Supplemental Plan”), all in accordance with Ohio Revised Code Section 1710.02, each of which are now on file with the Clerk of the Council; and,

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

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WHEREAS, the Petition is for the purpose of developing and implementing special energy improvement projects in furtherance of the purposes set forth in Section 2o 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, in furtherance of the addition of the Project Site to the territory of the District, the members of the District and the City of Columbus, Ohio each have approved or will approve an amendment to the *Articles of Incorporation of Columbus Regional Energy Special Improvement District, Inc.* (amended or supplemented from time to time, the “Articles of Incorporation”), the form of which amendment is attached to and incorporated into the Petition, and it is necessary, and this Council has determined, to approve such amended Articles of Incorporation; and,

WHEREAS, in furtherance of the future addition of any real property in any municipal corporation or township contiguous to the municipal corporations or townships in which a portion of the territory of the District is located, it is necessary, and this Council has determined, to approve the addition of such real property to the territory of the District, all in accordance with Ohio Revised Code Chapter 1710; and,

WHEREAS, this Council, as mandated by Ohio Revised Code Section 1710.06, must approve or disapprove the Petition within 60 days of the submission of the Petition; and,

WHEREAS, this Council has determined to approve the Petition, together with the Supplemental Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That this Council approves the Petition, the Supplemental Plan, and the amended Articles of Incorporation now on file with the Clerk of the Council.

SECTION 2. That this Council hereby 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 City of Columbus, Ohio; (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 District; and (iii) any amendment to the Articles of Incorporation necessary to recognize or effect such addition.

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SECTION 3. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this legislative resolution 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 4. That the Clerk of Council be and hereby is instructed to record this Resolution in the appropriate record book.

Adopted October 10, 2016

/s/ Bonnie D. Michael
President of Council

Attest:

/s/ D. Kay Thress
Clerk of Council