

RESOLUTION NO. 029-2017 AS AMENDED

A RESOLUTION APPROVING A PETITION FOR SPECIAL ASSESSMENTS FOR SPECIAL ENERGY IMPROVEMENT PROJECTS UNDER OHIO REVISED CODE CHAPTER 1710.

WHEREAS, Ohio law was amended by Ohio House Bill 1 of the 128th General Assembly, effective October 15, 2009 and Ohio Senate Bill 232 of the 128th General Assembly effective June 17, 2010, to authorize the creation of Special Improvement Districts (the "District") under Chapter 1710 of the Ohio Revised Code (collectively, the "Act") to allow property owners to petition for special assessments to be levied to pay costs of developing and implementing plans for public improvements and public services that benefit the District, including as provided for in the Act, special energy improvement projects which are defined in Ohio Senate Bill 232 to mean "any property, device, structure, or equipment necessary for the acquisition, installation, equipping, and improvement of any real or personal property used for the purpose of creating a solar photovoltaic project, a solar thermal energy project, a geothermal energy project, a customer-generated energy project, or an energy efficiency improvement, whether such real or personal property is publicly or privately owned"; and

WHEREAS, specifically, the Act provides that a District may be created by petition of the owners of real property within the proposed District. No District may include any property of federal or state government or a county, township or municipal corporation, unless the county, township or municipal corporation specifically requests in writing that the property be included in the District. The Act further provides that any District created may contain non-contiguous parcels of real property if all parcels of real property included in the District contain at least one special energy improvement project and 100% of the owners of the parcels of real property in the District sign a petition requesting inclusion in the District. District boundaries can include parcels of real property located in multiple municipal corporations or townships, so long as each of the municipal corporations or townships is contiguous to one another; and

WHEREAS, Ohio Logistics, Ltd., the owner of real property in the City of Findlay, Hancock County, Ohio, located at 6000 Fostoria Avenue and 1995 Tiffin Avenue, and Ohio Logistics II, LLC, the owner of real property located in the City of Findlay, Hancock County, Ohio, located at 1800 Production Drive and 1800 Industrial Drive, have each executed and delivered a petition attached hereto and addressed to the City Council of the City of Findlay, Hancock County, Ohio and has submitted with the petition, articles of incorporation and an initial plan for the establishment of a special improvement district under the Act; and

WHEREAS, adoption of this legislation represents the first legislative step in the process of creating the City of Findlay, Allen Township (Hancock County), Ohio Energy Special Improvement District ("ESID"). The Articles of Incorporation for the ESID provide that the initial participating political subdivision of the ESID will be the City of Findlay, Hancock County, Ohio, and Allen Township, Hancock County, Ohio; and

WHEREAS, the Act requires that the City Council of the City of Findlay, Hancock County, Ohio act on the petition within 60 days of the submission. This resolution therefore approves the Petition, the Articles of Incorporation, and the initial plan of the ESID, which approvals will permit the initial special energy improvement project petitioned for by Ohio Logistics, Ltd., and Ohio Logistics II, LLC, to be developed in the ESID.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FINDLAY, HANCOCK COUNTY, OHIO, that:

SECTION I.

The City Council of the City of Findlay, Hancock County, Ohio (the "City") hereby approves the Petition that has been submitted to the City on December 19, 2017 and executed and delivered by Ohio Logistics, Ltd., the owner of real property in the City of Findlay, Hancock County, Ohio, located at 6000 Fostoria Avenue and 1995 Tiffin Avenue, and Ohio Logistics II, LLC, the owner of real property located in the City of Findlay, Hancock County, Ohio, located at 1800 Production Drive and 1800 Industrial Drive, as the initial parcels of real property to be included in the ESID. The Petition includes a listing of the parcels of real property owned by Ohio Logistics, Ltd. and Ohio Logistics II, LLC to be included in the ESID. The name of the non-profit corporation that will govern the ESID approved hereunder and shown on the articles of incorporation submitted with the petition is "City of Findlay, Allen Township (Hancock County), Ohio Energy Special Improvement District, Inc."

SECTION II.

The City also hereby approves the Articles of Incorporation of the City of Findlay, Allen Township (Hancock County), Ohio Energy Special Improvement District, Inc. submitted to the City on December 19, 2017, and included with said Petition. The City hereby appoints _____ to the Board of Directors of the ESID. The City authorizes the City Council to submit the Articles of Incorporation, the Petition, and this Resolution to the Ohio Secretary of State pursuant to Ohio Revised Code Section 1710.02.

SECTION III.

The City also hereby approves the Initial Plan for the ESID submitted to the City on December 19, 2017, included with said Petition (the "Initial Plan") and finds that the public improvements of said Initial Plan will benefit the ESID and will promote the welfare of the people of the City by providing energy efficiency improvements and promoting energy efficiency.

SECTION IV.

It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that, except as otherwise provided by Ohio Revised Code Section 121.22, all deliberations of this Council 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.

This Resolution shall become effective immediately upon its passage.

SECTION V.

This Resolution shall become effective immediately upon its passage.

Passed: December 19, 2017

R. Ronald Mondy
Presiding Officer

Passed: December 19, 2017

Attest: Denise DeVore
Clerk of Council

Lydia M. Shuck
Mayor

Approved as to Form:

[Signature]
City Law Director

CERTIFICATE

The undersigned, Clerk of the City Council of the City of Findlay, Ohio does hereby certify that the foregoing is a true and correct copy of a resolution adopted by such City Council on December 19, 2017.

Denise DeVore
Clerk of Council

Dated: December 19, 2017

I Denise DeVore, Clerk of the Council of the City of Findlay, Hancock County, Ohio, do hereby certify that the above is an exact copy of ~~Ordinance No.~~ Resolution No. 029-2017 As Amended as passed by Findlay Council.

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12/4/2017 10:27 am

Denise DeVore
Clerk of Council