

**ORDINANCE 2023 – 66**

**AMENDING RESOLUTION 2023-19, ORDINANCE 2023-59, AND ORDINANCE 2023-60 FOR THE PURPOSES OF CLARIFYING THE LEVYING OF SPECIAL ASSESSMENTS IN THE CITY OF MASON IN COOPERATION WITH THE I-75 ENERGY SPECIAL IMPROVEMENT DISTRICT**

WHEREAS, this City Council (the “Council”) of the City of Mason, Ohio (the “City”) duly adopted Resolution No. 2023-19 on June 12, 2023 (the “Resolution of Necessity”) and declared the necessity of acquiring, constructing, improving and installing special energy improvement projects defined as the Project, as described in the Resolution of Necessity, and as set forth in the Project Petition, requesting those improvements; and

WHEREAS, this Council duly passed Ordinance No. 2023-59 on June 12, 2023 (the “Ordinance to Proceed”), and determined to proceed with the Project and adopted the maximum estimated Special Assessments (as defined in the Resolution of Necessity) filed with the Clerk of Council and the Director of the Department of Finance pursuant to the Resolution of Necessity; and

WHEREAS, this Council duly passed Ordinance No. 2023-60 on June 12, 2023 (the “Ordinance Levying Special Assessments” which together with the Resolution of Necessity and the Ordinance to Proceed, the “Special Assessment Legislation”), and determined to levy special assessments with respect to the Project on the Property and to enter into (i) an Energy Project Cooperative Agreement by and among The C.M. Paula Company or one or more of its successors or assigns as the owner of the Property, as defined in the Resolution of Necessity (collectively, the “Owner”), the City, the ESID, and PACE Equity LLC (together with its affiliates, the “Investor”), and (ii) a Special Assessment Agreement by and among the Treasurer of Warren County, Ohio (the “County Treasurer”), the City, the Investor, the ESID, and the Owner (collectively, the “Agreements”); and

WHEREAS, for purposes of proper certification of a schedule of special assessments to the Warren County Auditor pursuant to Ohio Revised Code Section 319.61, this Council seeks to further clarify the meaning of the “maximum amount sufficient to pay the costs of the Project” and the “aggregate or maximum amount of the Special Assessments” to be levied to pay the costs of the Project as is described in the Special Assessment Legislation.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mason, Ohio, six members elected thereto concurring:

Section 1. That each capitalized term not otherwise defined in this Ordinance or by reference to another document shall have the meaning assigned to it in the Special Assessment Legislation.

Section 2. That the Special Assessment Legislation is amended to clarify the intention of this Council with respect to the “maximum amount sufficient to pay the costs of the Project” and “the aggregate or maximum amount of the Special Assessments” and no other amendment:

(a) That notwithstanding anything included in the Special Assessment Legislation heretofore, the maximum amount sufficient to pay the costs of the Project shall be Two Million One Hundred Forty Three Thousand Nine Hundred and Seventy Nine Dollars and Zero cents (\$2,143,979.00).

(b) That notwithstanding anything included in the Special Assessment Legislation heretofore, the aggregate or maximum list of Special Assessments to be levied and assessed on the Property in an amount sufficient to pay the costs of the Project shall be Five Million Four Hundred Fifty Three Thousand One Hundred Twenty Eight Dollars and Sixty Eight Cents (\$5,453,128.68) and not Two Million One Hundred Forty Three Thousand Nine Hundred and Seventy Nine Dollars and Zero Cents (\$2,143,979.00), and shall be payable in the fifty-eight (58) semi-annual installment amounts of Ninety Four Thousand Nineteen Dollars and Forty-Six Cents (\$94,019.46) as correctly listed and described in the Special Assessment Legislation, all as is further described in Exhibit A attached hereto.

Section 3. That in compliance with Ohio Revised Code Section 319.61, the Clerk of Council is directed to deliver or cause to be delivered a certified copy of this Ordinance, together with the Special Assessment Legislation, to the Auditor of Warren County, Ohio within twenty (20) days after its passage.

Section 4. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that 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 including Ohio Revised Code Section 121.22.

Section 5. Pursuant to Section 4.08 of the Charter of the City, each ordinance or resolution such as this Ordinance providing for improvements petitioned by the owners of the requisite majority of the front footage or of the area of the property benefitted and to be especially assessed therefor, shall take effect immediately.

[SIGNATURE PAGE FOLLOWS]

Passed this 10<sup>th</sup> day of July, 2023.

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Mayor

Attest:

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Clerk of Council

CERTIFICATE

The undersigned, Clerk of Council of the City of Mason, Ohio hereby certifies this to be a true and exact copy of Ordinance No. 2023-[\_\_\_\_], adopted by the City Council of the City of Mason on July 10, 2023.

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Clerk of Council

**EXHIBIT A**

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

LIST OF SPECIAL ASSESSMENTS

6049 HI TEK CT. PROJECT

| Name                   | Assessed Properties Description | Portion of Benefit and Special Assessment | Maximum Amount of Special Assessments |
|------------------------|---------------------------------|-------------------------------------------|---------------------------------------|
| The C.M. Paula Company | 1505477012                      | 100%                                      | \$5,453,128.68                        |

\*As identified in the records of the Auditor of Warren County, Ohio as of July 10, 2023.

## SCHEDULE OF SPECIAL ASSESSMENTS

The following schedule of Special Assessment charges shall be levied in fifty-eight (58) semi-annual installments with respect to first-half and second-half real property taxes in calendar years 2024 through 2052:

| <b>Special Assessment Date**</b> | <b>Semi-Annual Special Assessment Installment Amount***</b> |
|----------------------------------|-------------------------------------------------------------|
| January 31, 2024                 | \$94,019.46                                                 |
| July 31, 2024                    | 94,019.46                                                   |
| January 31, 2025                 | 94,019.46                                                   |
| July 31, 2025                    | 94,019.46                                                   |
| January 31, 2026                 | 94,019.46                                                   |
| July 31, 2026                    | 94,019.46                                                   |
| January 31, 2027                 | 94,019.46                                                   |
| July 31, 2027                    | 94,019.46                                                   |
| January 31, 2028                 | 94,019.46                                                   |
| July 31, 2028                    | 94,019.46                                                   |
| January 31, 2029                 | 94,019.46                                                   |
| July 31, 2029                    | 94,019.46                                                   |
| January 31, 2030                 | 94,019.46                                                   |
| July 31, 2030                    | 94,019.46                                                   |
| January 31, 2031                 | 94,019.46                                                   |
| July 31, 2031                    | 94,019.46                                                   |
| January 31, 2032                 | 94,019.46                                                   |
| July 31, 2032                    | 94,019.46                                                   |
| January 31, 2033                 | 94,019.46                                                   |
| July 31, 2033                    | 94,019.46                                                   |
| January 31, 2034                 | 94,019.46                                                   |
| July 31, 2034                    | 94,019.46                                                   |
| January 31, 2035                 | 94,019.46                                                   |
| July 31, 2035                    | 94,019.46                                                   |
| January 31, 2036                 | 94,019.46                                                   |
| July 31, 2036                    | 94,019.46                                                   |
| January 31, 2037                 | 94,019.46                                                   |
| July 31, 2037                    | 94,019.46                                                   |
| January 31, 2038                 | 94,019.46                                                   |
| July 31, 2038                    | 94,019.46                                                   |
| January 31, 2039                 | 94,019.46                                                   |
| July 31, 2039                    | 94,019.46                                                   |
| January 31, 2040                 | 94,019.46                                                   |
| July 31, 2040                    | 94,019.46                                                   |
| January 31, 2041                 | 94,019.46                                                   |
| July 31, 2041                    | 94,019.46                                                   |
| January 31, 2042                 | 94,019.46                                                   |

|                  |             |
|------------------|-------------|
| July 31, 2042    | \$94,019.46 |
| January 31, 2043 | 94,019.46   |
| July 31, 2043    | 94,019.46   |
| January 31, 2044 | 94,019.46   |
| July 31, 2044    | 94,019.46   |
| January 31, 2045 | 94,019.46   |
| July 31, 2045    | 94,019.46   |
| January 31, 2046 | 94,019.46   |
| July 31, 2046    | 94,019.46   |
| January 31, 2047 | 94,019.46   |
| July 31, 2047    | 94,019.46   |
| January 31, 2048 | 94,019.46   |
| July 31, 2048    | 94,019.46   |
| January 31, 2049 | 94,019.46   |
| July 31, 2049    | 94,019.46   |
| January 31, 2050 | 94,019.46   |
| July 31, 2050    | 94,019.46   |
| January 31, 2051 | 94,019.46   |
| July 31, 2051    | 94,019.46   |
| January 31, 2052 | 94,019.46   |
| July 31, 2052    | 94,019.46   |

\*\* Pursuant to Ohio Revised Code Chapter 323, the Special Assessment Payment Dates identified in this Schedule of Special Assessments are subject to adjustment by the Warren County Auditor under certain conditions.

\*\*\* The Auditor of Warren County, Ohio may impose a special assessment collection fee with respect to each semi-annual Special Assessment payment. If imposed, this special assessment collection fee will be added by the Auditor of Warren County, Ohio to each semi-annual Special Assessment payment.

RECEIPT OF WARREN COUNTY AUDITOR FOR  
LEGISLATION LEVYING SPECIAL ASSESSMENTS  
FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING,  
AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS  
IN THE CITY OF MASON IN COOPERATION WITH  
THE I-75 ENERGY SPECIAL IMPROVEMENT DISTRICT

I, Matt Nolan, the duly elected, qualified, and acting Auditor in and for Warren County, Ohio hereby certify that a certified copy of Ordinance No. 2023-[\_\_\_\_], duly adopted by the Council of the City of Mason, Ohio on July [\_\_\_\_], 2023 and made effective on July [\_\_\_\_], 2023, levying special assessments for the purpose of acquiring, constructing, and improving certain public improvements in the City of Mason, Ohio in cooperation with the I-75 Energy Special Improvement District, including the List of Special Assessments and Schedule of Special Assessments, which Special Assessment charges are levied in fifty-eight (58) semi-annual installments with respect to real property taxes due in calendar years 2024 through 2052, was filed in this office on July [\_\_\_\_], 2023.

WITNESS my hand and official seal at Lebanon, Ohio on July [\_\_\_\_], 2023.

[SEAL]

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Auditor  
Warren County, Ohio