

## RESOLUTION 2023 – 8

### **A RESOLUTION APPROVING THE PETITION FOR THE ADDITION OF PROPERTY TO THE I-75 ENERGY SPECIAL IMPROVEMENT DISTRICT, APPOINTING THE CITY MANAGER OR THE CITY MANAGER’S DESIGNEES TO THE BOARD OF THE DISTRICT, AND DECLARING AN EMERGENCY.**

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, the Fairfield, Liberty, Monroe, West Chester Energy Special Improvement District, Inc. d/b/a/ I-75 Energy Special Improvement District, Inc. (the “District”) was created under Ohio Revised Code (“R.C.”) Chapters 1702 and 1710 as an ESID and established pursuant to Resolution No. 53-2019 of the City Council of the City of Monroe, Ohio, approved on January 14, 2020 (the “Creation Resolution”); and

WHEREAS, additional territory existing within the boundaries of Liberty Township, Butler County, Ohio was added to the boundaries of the District after passage of the Creation Resolution, pursuant to Resolution No. 2020-024 of the Board of Trustees of Liberty Township, approved on January 21, 2020, and additional territory existing within the boundaries of the City of Fairfield, Ohio was added to the boundaries of the District after passage of the Creation Resolution, pursuant to Resolution No. 2-22 of the City Council of the City of Fairfield, Ohio, approved on January 24, 2022, and additional territory existing within the boundaries of West Chester Township, Butler County, Ohio was added to the boundaries of the District after passage of the Creation Resolution, pursuant to Resolution No. 32-2022 of the Board of Trustees of West Chester Township, approved on November 15, 2022; and

WHEREAS, effective April 12, 2021, House Bill 444 of the 133<sup>rd</sup> General Assembly of the State of Ohio amended, in relevant part, R.C. Section 1710.02(A) and eliminated the requirement that real property be located within the boundaries of any municipal corporation or township contiguous to the municipal corporations or townships in which a portion of the territory of the District is located, in order to be duly added to the territory of the District; and

WHEREAS, pursuant to the Creation Resolution, the Fairfield, Liberty, Monroe, West Chester Energy Special Improvement District Program Plan (as amended and supplemented from time to time, the “Program Plan”) was adopted as a plan for public improvements and public services under R.C. Section 1710.02(F), which plan allows for additional properties within the City of Monroe, Ohio and within any municipal corporation or township which is

adjacent to any other municipal corporation or townships in which a portion of the District's territory is located, to be duly added to the territory of the District; and

WHEREAS, in addition, and pursuant to R.C. Section 1710.02(A), a special improvement district may be created within the boundaries of any one municipal corporation, any one township, or any combination of municipal corporations and townships within a single county, or counties that adjoin one another; and

WHEREAS, the C.M. Paula Company (the "Owner") has identified certain real property owned by the Owner located at 6049 Hi Tek Ct., Mason, Ohio 45040 and further identified by the tax parcel identification number 1505477012 in the records of the Warren County, Ohio Auditor's Office (the "Project Site"), as an appropriate property for a special energy improvement project pursuant to Ohio Revised Code Chapter 1710; and

WHEREAS, the Owner has submitted to the City Council (the "City Council") of the City of Mason, Ohio (the "City") a Petition To the City of Mason, Ohio Requesting The Addition of Property to the I-75 Energy Special Improvement District (the "Petition") in accordance with Ohio Revised Code Section 1710.02; and

WHEREAS, the Petition requests that the Project Site be added to the District; and

WHEREAS, the Petition is for the purpose of developing and implementing special energy improvement projects in furtherance of the purposes set forth in Section 2 of Article VIII of the Ohio Constitution; and

WHEREAS, in furtherance of the future addition of any real property within the boundaries of any one municipal corporation, any one township, or any combination of municipal corporations and townships within a single county, or counties that adjoin one another, this City Council has determined that it is necessary to approve the addition of such real property comprising the Project Site to the territory of the District, all in accordance with R.C. Chapter 1710; and

WHEREAS, the City Council, as required by Ohio Revised Code Section 1710.02, must approve or disapprove of the Petition within 60 days of the submission of the Petition; and

WHEREAS, the City Council has determined to approve the Petition now on file with the Clerk of Council as approval of the Petition serves the public interest and promotes the public good.

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

Section 1. The City Council approves the Petition in substantially the form now on file with the Clerk of Council.

Section 2. That this City Council hereby approves and consents to (i) any addition of real property to the territory of the District within the boundaries any municipal corporation or township in which a portion of the territory of the District is located or any municipal corporation or township which may become a participating political subdivision of the District under Ohio law; (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.

Section 3. The City Council, in accordance with Ohio Revised Code Section 1710.04, hereby appoints to the Board of Directors of the District the following members: (i) the City Manager, or the City Manager’s designee, as the legislative authority member appointed by and serving at the pleasure of the City Council and (ii) the City Manager, or the City Manager’s designee, as the municipal executive member appointed by and serving at the pleasure of the City Manager, provided that any of the City Manager’s designees under this Section are qualified to serve on the Board under Ohio Revised Code Chapter 1710. The qualifications of the remaining Board members are set forth in the Articles of Incorporation or the Code of Regulations of the District in accordance with Ohio Revised Code Section 1702.27.

Section 4. It is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this City Council and that all deliberations of this City Council that resulted in such formal action were in meetings open to the public in compliance with the law.

Section 5. That this Resolution is hereby declared an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare and shall take effect and be in force from and after its passage.

Passed this 13<sup>th</sup> day of February, 2023.

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Mayor

Attest:

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Clerk of Council