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**FISCAL OFFICER**

Andy LaGuardia

**TRUSTEES**

Paul G. Buescher, Chair  
Richard H. Reville, Vice-Chair  
Russell F. Mazzola, Trustee

**ADMINISTRATOR**

Steve Wright

**NOTICE & AGENDA  
NORTHFIELD CENTER TOWNSHIP  
BOARD OF TRUSTEES WORK SESSION  
Monday, August 17, 2020 @ 5 pm**

*(Draft as of August 12, 2020-Subject to change prior to meeting)*

**Please silence all electronic devices.  
No decisions will be made at this Work Session.  
There will be no Public Comments at this Work Session.**

The public was notified of this WebEx meeting by Facebook, Twitter, Community Focus, an e-mail Sunshine Law notice to the Meeting Notification List, information placed on the Township’s website, and the electronic sign.

The COVID-19 relief legislation passed out of the state legislature, on March 25, 2020, included language regarding open meeting laws. For the duration of the state of emergency – or until December 1st, whichever comes first – state boards and commissions, local and county governments, and higher education boards are permitted to operate meetings electronically, as long as the public is aware and can participate electronically.

The meeting access information for this Work Session is as follows:

**Internet Access**

Meeting link:

<https://townadministrator.my.webex.com/townadministrator.my/j.php?MTID=m2596282a9d3e9227d46c6f01a520b374>

Meeting Password: ZVv2GWpbu58 (98824972 from phones)

Meeting Number: 163 225 0198

**Call-In Information** (for those without a computer microphone or sufficient Internet access)

Number: 1-650-215-5226 or 1-631-267-4890

Access code for call-in: 163 225 0198

The purpose of this Work Session is the discussion of various topics, which may include (but not necessarily be limited to):

- Sheriff Contract
- Fire Contract
- Asphalt work for Beacon Hills Park
- Criteria Architects for Proposed Safety Building Construction
- Addressing the Issue of Panhandlers in the Township
- ESID/PACE Project Recommendation

**A. THE CHAIR CALLS THE WORK SESSION TO ORDER AT \_\_\_\_ P.M.**

Roll Call: Russell F. Mazzola \_\_\_\_; Richard H. Reville \_\_\_\_; Paul G. Buescher \_\_\_\_.

**B. DISCUSSION:**

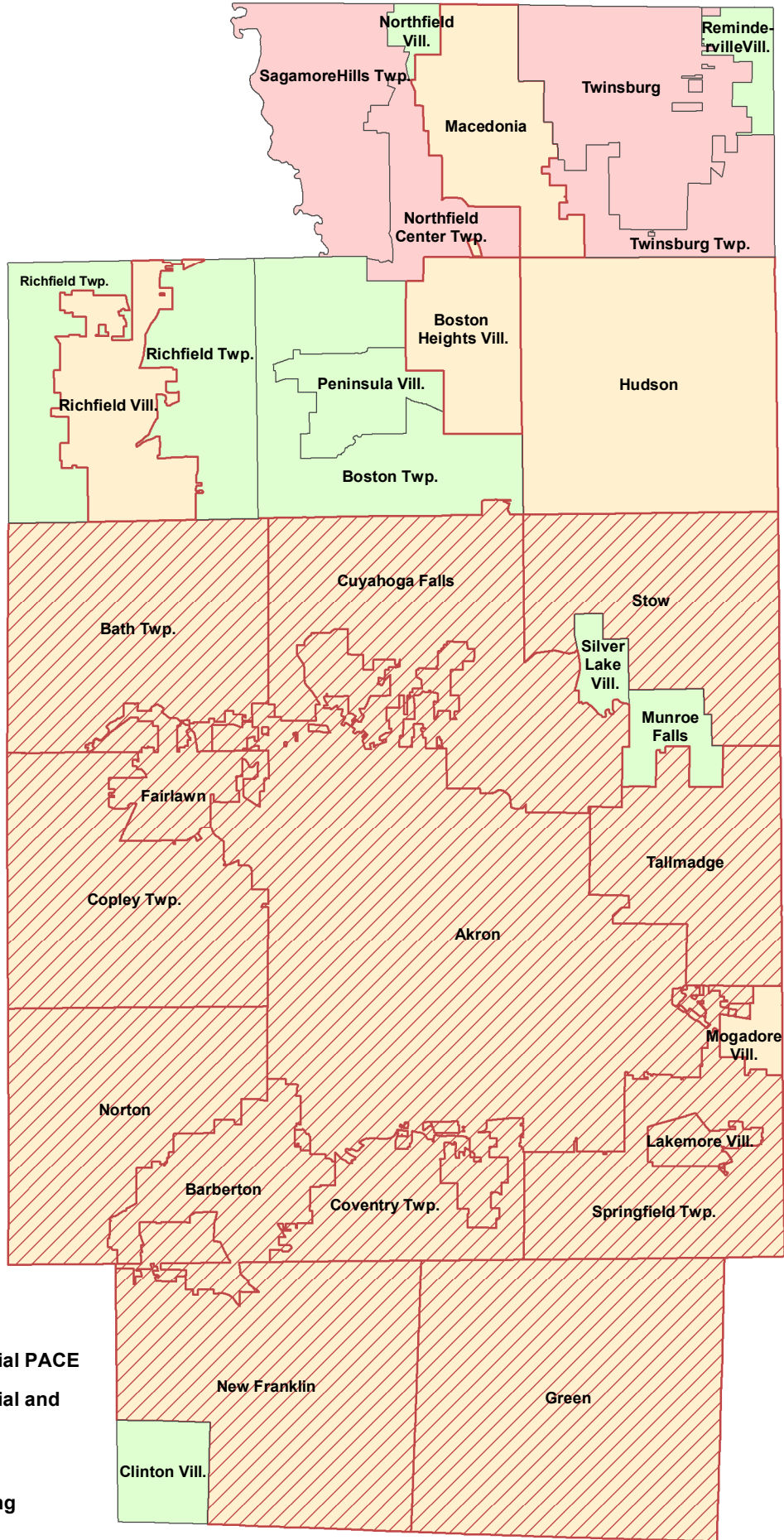
**C. TRUSTEE \_\_\_\_\_ REQUESTS A MOTION FOR ADJOURNMENT.**

\_\_\_\_\_ moves; \_\_\_\_\_ seconds.

Discussion: \_\_\_\_\_

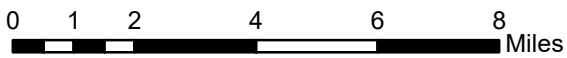
Roll Call: Russell F. Mazzola \_\_\_\_; Richard H. Reville \_\_\_\_; Paul G. Buescher \_\_\_\_.

# Akron - Summit County ESID



## ESID\_Status

- Existing Commercial PACE
- Existing Commercial and Residential PACE
- Next Phase
- Application Pending



July 2020

**PETITION FOR SPECIAL ASSESSMENTS FOR  
SPECIAL ENERGY IMPROVEMENT PROJECTS**

**A PETITION SEEKING THE IMPOSITION OF SPECIAL ASSESSMENTS AGAINST PROPERTY OWNED BY THE PETITIONER TO PAY THE COSTS OF VARIOUS SPECIAL ENERGY IMPROVEMENT PROJECTS WHICH SPECIALLY BENEFIT THE PROPERTY, INCLUDING A WAIVER OF ALL RIGHTS TO NOTICES, HEARINGS, AND APPEALS RELATED TO THE REQUESTED SPECIAL ASSESSMENTS**

To: The Board of Trustees (the “Legislative Authority”) of Northfield Center Township (the “Political Subdivision”), Ohio

The County of Summit, Ohio, an Ohio county and political subdivision (the “Petitioner”), is the owner of 100% of the property described on Exhibit A to this Petition (the “Property”).

The Board of Directors of the Akron, Barberton, Bath Township, Boston Heights, Cuyahoga Falls, Copley Township, Coventry Township, Fairlawn, Hudson, Lakemore, Macedonia, Mogadore, New Franklin, Norton, Richfield, Springfield Township, Stow, and Tallmadge Energy Special Improvement District, Inc. d/b/a Akron-Summit County Energy Special Improvement District, Inc. (the “Corporation”), an Ohio nonprofit corporation formed to govern the Akron-Summit County Energy Special Improvement District (the “District”) initially created within the boundaries of the City of Akron, Ohio, has approved a plan (the “Project Plan”) for the purpose of developing and implementing special energy improvement projects as defined in Ohio Revised Code Section 1710.01(I).

The Corporation has caused special energy improvement projects to be provided from time to time under the Project Plan. Under Ohio Revised Code Chapter 1710 and the Project Plan, the Project Plan may be amended from time to time by supplemental plans (the “Supplemental Plans”). The Project Plan and every Supplemental Plan together constitute the “Plan.” The purpose of each Supplemental Plan is to provide for additional special energy improvement projects. Under the Ohio Revised Code Chapter 1710 and the Plan, the District may be enlarged from time to time to include additional property so long as at least one special energy improvement project is designated for a parcel of real property within the additional territory added to the District.

As required by Ohio Revised Code Section 1710.02, the Petitioner, as the owner of the Property, being 100% of the area proposed to be assessed for improvements for the benefit of the Property as set forth on Exhibit B (the “Authorized Improvements”), hereby petitions the Legislative Authority of the Political Subdivision to: (1) approve the addition of the Property to the District; (2) approve the Authorized Improvements to be undertaken by the District; and (3) to assess the total cost of those Authorized Improvements against the Property in proportion to the special benefits that will result from the Authorized Improvements.

In connection with this Petition and to further its purposes, the Petitioner acknowledges that it has reviewed or caused to be reviewed (1) the Project Plan, (2) the plans, specifications, and profiles for the Authorized Improvements, (3) the estimate of cost for the Authorized Improvements included in **Exhibit B** and (4) the schedule of estimated special assessments to be levied for the Authorized Improvements also included in **Exhibit B**. The Petitioner acknowledges that the estimated special assessment for each parcel is in proportion to the benefits that may result from the Authorized Improvements.

The Petitioner therefore petitions for the construction of the Authorized Improvements identified in this Petition and the Project Plan attached as **Exhibit B**, as authorized under Ohio Revised Code Chapter 1710, and for the imposition of the special assessments identified in this Petition and authorized under Ohio Revised Code Chapters 727 and 1710 (the "Special Assessments") to pay the costs of the Authorized Improvements.

In consideration of the Political Subdivision's acceptance of this Petition and the imposition of the requested Special Assessments, the Petitioner consents and agrees that the Property as identified in **Exhibit A** shall be assessed for all of the costs of the Authorized Improvements, including any and all of the following costs: architectural, engineering, legal, insurance, consulting, energy auditing, planning, acquisition, installation, construction, survey, testing, and inspection costs; the amount of any damages resulting from the Authorized Improvements and the interest on the amount of damages; the costs incurred in connection with the preparation, levy, and collection of the special assessments; the cost of purchasing and otherwise acquiring any real estate or interests in real estate; expenses of legal services; costs of labor and material; financing costs incurred in connection with the issuance, sale, and servicing of securities or other obligations to provide a loan to the Corporation or the Petitioner or to otherwise pay costs of the Authorized Improvements in anticipation of the provider of such financing receiving the special assessments, capitalized interest on, and financing reserve funds for, such obligations; and the Authority and District program administration fees; together with all other necessary expenditures. The Petitioner agrees to pay the Special Assessments in a timely manner whether or not the Petitioner receives annual and timely notices of the Special Assessments.

The Petitioner further acknowledges and confirms that the Special Assessments stated in this Petition and in **Exhibit B** are in proportion to, and do not exceed, the special benefits to be conferred on the Property by the Authorized Improvements. The Petitioner further consents to the levying of the assessments against the Property by the Political Subdivision. The Petitioner acknowledges that these Special Assessments are fair, just, and equitable and being imposed at the specific request of the Petitioner.

The Petitioner hereby waives notice and publication of all resolutions, legal notices, and hearings provided for in the Ohio Revised Code with respect to the Authorized Improvements and the Special Assessments, particularly those in Ohio Revised Code Chapters 727 and 1710 and consents to proceeding with the Authorized Improvements. Without limiting the foregoing, the Petitioner specifically waives any notices and rights under the following Ohio Revised Code Sections:

- The right to notice of the adoption of the Resolution of Necessity under Ohio Revised Code Sections 727.13 and 727.14;
- The right to limit the amount of the Special Assessment under Ohio Revised Code Sections 727.03 and 727.06;
- The right to file an objection to the Special Assessment under Ohio Revised Code Section 727.15;
- The right to the establishment of, and any proceedings by, and any notice from, an Assessment Equalization Board under Ohio Revised Code Sections 727.16 and 727.17;
- The right to file any claim for damages under Ohio Revised Code Sections 727.18 through 727.22 and Ohio Revised Code Section 727.43;
- The right to notice that bids or quotations for the Authorized Improvements may exceed estimates by 15%;
- The right to seek a deferral of payments of Special Assessments under Ohio Revised Code Section 727.251; and
- The right to notice of the passage of the Assessing Ordinance under Ohio Revised Code Section 727.26.

The Petitioner consents to the Political Subdivision immediately proceeding with all actions necessary to acquire, install, and construct the Authorized Improvements and impose the Special Assessments.

The Petitioner further agrees not to take any actions, or cause any actions to be taken, to place the Property in an agricultural district under Ohio Revised Code Chapter 929, and if the Property is in an agricultural district, the Petitioner, under Ohio Revised Code Section 929.03, grants permission to collect any assessments levied against the Property.

The Petitioner acknowledges that the Special Assessments are based upon an estimate of costs, and that the final Special Assessments shall be calculated in the same manner, which, regardless of any statutory limitation, may be more or less than the estimated assessments for the Authorized Improvements. In the event the final assessments exceed the estimated assessments, the Petitioner, without limitation of the other waivers in this Petition, also waives any rights it may now or in the future have to object to those assessments, any notice provided for in Ohio Revised Code Chapters 727 and 1710, and any rights of appeal provided for in those Chapters or otherwise. The Petitioner further acknowledges and represents that the final assessments may be levied at any time determined by the Political Subdivision regardless of whether or not any of the parts or portions of the Authorized Improvements have been completed.

The Petitioner further acknowledges that the final assessments for the Authorized Improvements, when levied against the Property, will be payable in cash within 30 days from the date of passage of the ordinance confirming and levying the final assessments and that if any assessments are not paid in cash they will be certified to the Auditor of the County, as provided by law, to be placed on the tax list and duplicate and collected as other taxes are collected. The Petitioner hereby waives the right to pay the final assessments for the Authorized Improvements in cash within 30 days of the passage of the ordinance confirming and levying the final assessments and requests that the unpaid final assessments for the Authorized Improvements be

payable in two semi-annual special assessments in amounts necessary to pay the costs of the Authorized Improvements.

Under Ohio Revised Code Section 1710.03(C), the Petitioner appoints as its designee to carry out the rights and responsibilities of District members under Ohio Revised Code Chapter 1710 such representative as may be duly appointed by the Petitioner from time to time. That designation shall not expire unless and until the Petitioner shall notify the Secretary of the District that the designation is no longer in effect or that the Petitioner has made a new designation to replace the designation.

The Petitioner further waives any and all questions as to the constitutionality of the laws under which Authorized Improvements shall be acquired, installed, or constructed or the related proceedings, the jurisdiction of the Political Subdivision to act in connection with the Authorized Improvements, all irregularities, errors, and defects, if any, procedural or otherwise, in the levying of the assessments or the undertaking of the Authorized Improvements, and specifically waives any and all rights of appeal, including any right of appeal as provided in Ohio Revised Code Title 7, and specifically but without limitation, Ohio Revised Code Chapters 727 and 1710, as well as all such similar rights under the Constitution of the State of Ohio or any other applicable source of law. The Petitioner will not contest, in a judicial or administrative proceeding, the undertaking of the Authorized Improvements, the estimated assessments, the final assessments, or any Special Assessments levied against the Property for the Authorized Improvements, or any other matters related to the foregoing.

The Petitioner acknowledges and understands that the Political Subdivision and the Corporation will be relying upon this Petition in taking actions and expending resources. This Petition therefore shall be irrevocable and shall be binding upon the Petitioner, any of its successors or assigns, the Property, and any of its grantees, mortgagees, lessees, or transferees. The Petitioner acknowledges that it has had an opportunity to be represented by legal counsel in making this Petition and has knowingly waived the rights waived by this Petition.

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AS EVIDENCE OF ITS INTENT TO BE BOUND BY THIS PETITION, the  
Petitioner has caused this petition to be executed by its authorized representatives.

PETITIONER:  
COUNTY OF SUMMIT, OHIO

By: Deborah S. Matz  
Name: Deborah S. Matz  
Title: Law Director

Address for notices to Property Owner: County of Summit  
Department of Sanitary Sewer Services  
1180 South Main Street  
Akron, Ohio 44301

STATE OF OHIO                    )  
  )  
COUNTY OF SUMMIT            )     SS:

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of July,  
2020, by Deborah S. Matz, the Law Director (title) of the County of  
Summit, on behalf of the County of Summit.

Tracy Lynn Fletcher  
NOTARY PUBLIC



TRACY LYNN FLETCHER  
Notary Public, State of Ohio  
My Commission Expires:  
3/04/2025



**EXHIBIT A**

**DESCRIPTION OF PROPERTY**

The Property is situated on Aurora Road in Northfield Center Township, and is identified in the records of the Summit County Fiscal Officer as Parcel Number 4002771.

**EXHIBIT B**  
**PROJECT PLAN**

[See Attached]

**AKRON-SUMMIT COUNTY ENERGY SPECIAL IMPROVEMENT DISTRICT  
PROJECT PLAN**

**SUPPLEMENT TO PLAN FOR THE SUMMIT COUNTY  
AURORA ROAD PUMP STATION PROJECT (NORTHFIELD CENTER TOWNSHIP)**

As more fully provided by the Akron Energy Special Improvement District Project Plan (together with all previously approved supplemental plans, the “Plan”), the Akron-Summit County Energy Special Improvement District (the “District”) has undertaken the administration of a property assessed clean energy (“PACE”) program (the “Program”). The Program will provide financing secured by special assessments on real property for special energy improvement projects.

Through a Petition submitted in connection with this Supplemental Plan, the County of Summit, Ohio (the “Property Owner”) has requested and consented to certain special assessments by Northfield Center Township, Ohio (the “Political Subdivision”), in cooperation with the District with respect to certain real property owned by the Property Owner situated on Aurora Road in Northfield Center Township, and identified in the records of the Summit County Fiscal Officer as Parcel Number 4002771. (the “Property”). A proposed schedule for special assessments to be assessed against the Property to pay the costs of the Authorized Improvements is attached to this Supplemental Plan as Attachment A.

The Authorized Improvements applicable to the Property will include: the acquisition, construction, installation, improvement, and equipping of interior and exterior high-efficiency light-emitting diode (LED) lighting and related improvements. As required by Ohio Revised Code Section 1710.01(K), said Authorized Improvements are anticipated to reduce or support the reduction of energy consumption, allow for reduction in demand, or support the production of clean, renewable energy. A detailed description of the Authorized Improvements is attached to this Supplemental Plan as Attachment B.


The Property Owner will cause this Supplemental Plan promptly to be filed with the Board of Trustees of the Political Subdivision (the “Legislative Authority”).

**The undersigned owner of real property acknowledges that the District is subject to Ohio public records laws, including Ohio Revised Code Section 149.43 *et seq.* The undersigned property owner agrees to the disclosure of certain property owner information by the District to the extent required by law.**

**BY EXECUTING THIS SUPPLEMENTAL PLAN, THE PROPERTY OWNER IDENTIFIED BELOW HEREBY AUTHORIZES AND CONSENTS TO THIS SUPPLEMENTAL PLAN AND ALL DISTRICT DOCUMENTS (AS DEFINED IN THE PLAN) AND AGREES TO PERFORM THE OBLIGATIONS OF THE PROPERTY OWNER CONTAINED IN THIS SUPPLEMENTAL PLAN.**

**PROPERTY OWNER:  
PETITIONER:**

County of Summit, Ohio

By:   
Name: Deborah S. Matz for Ilene Shapiro, Executive  
Title: Law Director

Address for notices to Petitioner:

County of Summit  
Department of Sanitary Sewer Service  
1180 South Main Street  
Akron, Ohio 44301

**Description of Real Property Subject to this Supplemental Plan:**

The real property subject to this Supplemental Plan is situated on Aurora Road in Northfield Center Township and is identified in the records of the Summit County Fiscal Officer as Parcel Number 4002771.

## **SUPPLEMENTAL PLAN—ATTACHMENT A**

### **Schedule of Special Assessments**

The Property will be subject to special assessments for the Authorized Improvements in accordance with Ohio Revised Code Chapter 1710.

Total assessment costs—\$1,350.00

(Assessment cost - \$1,250.00 + \$100.00 fee = \$1,350.00)

Estimated average semi-annual special assessments for 1 year: \$675.00

Number of semi-annual assessments: Two

First semi-annual installment due: January 31, 2021

[Continued Next Page]

The schedule of Special Assessments for the Authorized Improvements is as follows:

Special Assessment Payment Date*	Special Assessment Installment Amount**
January 31, 2021	\$675.00
July 31, 2021	\$675.00

\* Pursuant to Ohio Revised Code Chapter 323, the Special Assessment Payment Dates identified in this Attachment A are subject to adjustment by the Summit County Fiscal Officer under certain conditions.

\*\* Pursuant to Ohio Revised Code Section 727.36, the Summit County Fiscal Officer may charge and collect a fee in addition to the amounts listed in this Attachment A.

## **SUPPLEMENTAL PLAN—ATTACHMENT B**

### **Description of Authorized Improvements**

The Authorized Improvements are expected to consist of the following special energy improvement projects:

1. The acquisition, construction, installation, improvement, and equipping of interior and exterior high-efficiency light-emitting diode (LED) lighting and related improvements.

Total estimated annual savings—\$1,375.00

Total estimated savings during assessment term —\$1,375.00





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**FISCAL OFFICER**  
Andy LaGuardia

**TRUSTEES**  
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Russell F. Mazzola, Trustee

**ADMINISTRATOR**  
Steve Wright

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## **NORTHFIELD CENTER TOWNSHIP**

### **Resolution 20/08-17\_\_**

**A RESOLUTION APPROVING A PETITION FOR SPECIAL ASSESSMENTS FOR SPECIAL ENERGY IMPROVEMENT PROJECTS AND A PLAN FOR PUBLIC IMPROVEMENTS; APPROVING THE NECESSITY OF ACQUIRING, CONSTRUCTING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE TOWNSHIP IN COOPERATION WITH THE AKRON-SUMMIT COUNTY ENERGY SPECIAL IMPROVEMENT DISTRICT; DETERMINING TO PROCEED WITH SUCH PROJECT; AND DETERMINING TO LEVY SPECIAL ASSESSMENTS IN CONNECTION WITH SUCH PROJECT; 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; and

WHEREAS, 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 Akron-Summit County Energy Special Improvement District (the "District") was created under Ohio Revised Code Chapters 1702 and 1710 as an ESID, and was originally established pursuant to a resolution adopted by the City of Akron, Ohio (the "Creation Resolution"); and

WHEREAS, by the Creation Resolution and under Ohio Revised Code Section 1710.02, articles of incorporation (the "Articles of Incorporation") were approved and filed with the Ohio Secretary of State by the board of director which govern the District; and

WHEREAS, by the Creation Resolution and under Ohio Revised Code Section 1710.06, the District's Akron Energy Special Improvement District Project Plan (as duly amended and supplemented from time to time, the "Plan") was approved as a plan for public improvements and public services for the District; and

WHEREAS, as permitted under Ohio Revised Code Section 1710.02, the Plan and the Articles of Incorporation allow for the addition of real property within any “participating political subdivision” of the District or within any municipal corporation or township which is adjacent to any participating political subdivision of the District, to the territory of the District by the approval of the municipal corporation or township in which that real property is located; and

WHEREAS, the County of Summit, Ohio (the “Owner”), as the owner of certain real property located within Northfield Center Township (the “Township”), has identified certain real property consisting of .316 acres of land and improvements thereon, situated on Aurora Road in Northfield Center Township, and is identified in the records of the Summit County Fiscal Officer as Parcel Number 4002771 (the “Project Site” or “Property”), as an appropriate property for special energy improvement projects pursuant to Ohio Revised Code Chapter 1710; and

WHEREAS, the Owner has submitted to this Board a Petition for Special Assessments for Special Energy Improvement Projects (the “Petition”), together with an Akron-Summit County Energy Special Improvement District Project Plan Supplement to Plan (the “Supplemental Plan”), all in accordance with Ohio Revised Code Section 1710.02, each of which are now on file with this Board and the Fiscal Officer; and

WHEREAS, the Petition and the Supplemental Plan request that the Project Site be added to the District and that the Township levy special assessments on the Project Site to pay the costs of special energy improvement projects to be provided on the Project Site, all as described more particularly in the Petition and the Supplemental Plan (the “Project”); 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 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, this Board, as mandated by Ohio Revised Code Section 1710.02, must approve or disapprove the Petition within 60 days of the submission of the Petition; and

WHEREAS, this Board has determined to approve the Petition, together with the Supplemental Plan; and

WHEREAS, in the Petition, the Owner requests that the Project be paid for by special assessments assessed upon the Property (the “Special Assessments”) in an amount sufficient to pay the costs of the Project, which are estimated to be \$1,350 including other related costs of financing the Project, which include, without limitation, the payment of principal of, and interest on, obligations issued to pay the costs of the Project and other interest, financing, credit enhancement, and issuance expenses and ongoing trustee fees and District administrative fees and expenses, and requests that the Project be undertaken cooperatively by the Township, the District, and such other parties as the Township may deem necessary or appropriate.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF NORTHFIELD CENTER TOWNSHIP, COUNTY OF SUMMIT, AND STATE OF OHIO THAT:**

SECTION 1. This Board approves the Petition and the Supplemental Plan now on file with this Board and the Fiscal Officer. Under the Creation Resolution, Plan, and the Articles of Incorporation, the Project Site is added to the territory of the District. The Township Administrator,

or his or her designee, is hereby appointed to serve on the Board of Directors of the District as provided in Ohio Revised Code Section 1710.04(A).

SECTION 2. This Board 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 municipal corporations or townships in which a portion of the territory of the District is located; (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 and effect such addition.

SECTION 3. Each capitalized term used in this Resolution where the rules of grammar would otherwise not require and not otherwise defined in this Resolution or by reference to another document shall have the meaning assigned to it in the Petition.

SECTION 4. This Board declares necessary, and a vital and essential public purpose of the Township, to improve the Property by providing for the acquisition, construction, and improvement of the Project by the Owner, as set forth in the Petition, and providing for the payment of the costs of the project, including any and all architectural, engineering, legal, insurance, consulting, energy auditing, planning, acquisition, installation, construction, surveying, testing, and inspection costs; the amount of any damages resulting from the Project and the interest on such damages; the costs incurred in connection with the preparation, levy and collection of the special assessments; the cost of purchasing and otherwise acquiring any real estate or interests in real estate; expenses of legal services; costs of labor and material; and other financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued to provide a loan to the Owner or otherwise to pay costs of the Project 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; together with all other necessary expenditures, all as more fully described in the Petition and profiles, specifications, and estimates of cost of the Project, all of which are on file with the Fiscal Officer and open to the inspection of all persons interested.

SECTION 5. This Board determines that the Project’s elements are so situated in relation to each other that in order to complete the acquisition and improvement of the Project’s elements in the most practical and economical manner, they should be acquired and improved at the same time, with the same kind of materials, and in the same manner; and that the Project’s elements shall be treated as a single improvement, pursuant to Ohio Revised Code Section 727.09, and the Project’s elements shall be treated as a joint improvement to be undertaken cooperatively by the Township and the District pursuant to Ohio Revised Code Section 9.482 and Ohio Revised Code Chapter 1710.

SECTION 6. The plans and specifications and total cost of the Project now on file in the office of the Fiscal Officer are approved, subject to changes as permitted by Ohio Revised Code Chapter 727. The Project shall be made in accordance with the plans, specifications, profiles, and estimates for the Project.

SECTION 7. This Board hereby determines and declares that the Project is an essential and vital public, governmental purpose of the Township as a Special Energy Improvement Project, as defined in Ohio Revised Code Section 1710.01(I); and that in order to fulfill that essential and vital public purpose of the Township, it is necessary and proper to provide, in cooperation with the

District, for the acquisition, construction, and improvement of the Project in the manner contemplated by the Petition. This Board determines and declares that the Project is conducive to the public peace, health, safety, and welfare of the Township and the inhabitants of the Township.

SECTION 8. This Board declares that its intention is to proceed with the acquisition, construction, and improvement of the Project described in the Petition and the Plan. The Project shall be made in accordance with the provisions of the Plan.

SECTION 9. Pursuant to, and subject to, the provisions of a valid Petition signed by the owners of 100% of the Property, the entire cost of the Project shall be paid by the Special Assessments levied against the Property, which is the benefited property. The provisions of the Petition are ratified, adopted, approved and incorporated into this Resolution as if set forth in full in this Resolution. The method of levying the Special Assessments shall be in proportion to the benefits received, allocated among the parcels constituting the Property as set forth in the Petition.

SECTION 10. The lots or parcels of land to be assessed for the Project shall be the Property, described in Exhibit "A" to the Petition, all of which lots and lands are determined to be specially benefited by the Project.

SECTION 11. The Special Assessments shall be levied and paid in two semi-annual installments pursuant to the list of estimated Special Assessments set forth in the Petition, and the Owner has waived its option to pay the Special Assessment in cash within 30 days after the passage of this Resolution. The period over which the services and improvements provided pursuant to the Plan are useful is determined to exceed one year.

The aggregate amount of Special Assessments estimated to be necessary to pay the costs of the Project is \$1,350. Each semi-annual Special Assessment payment represents payment of a portion of the principal of and interest on obligations issued to pay the costs of the Project and of administrative expenses. The interest portion of the Special Assessments, together with amounts used to pay administrative expenses, are determined to be substantially equivalent to the fair market rate or rates of interest that would have been borne by securities issued in anticipation of the collection of the Special Assessments if such securities had been issued by the Township. In addition to the Special Assessments, the Summit County Fiscal Officer (the "County Fiscal Officer") may impose a special assessment collection fee with respect to each semi-annual payment, which amount will be added to the Special Assessments by the County Fiscal Officer.

The Special Assessments are assessed against the Property commencing in tax year 2021 for collection in calendar year 2022. The semi-annual installments of the Special Assessments shall be collected in each calendar year equal to the maximum semi-annual amounts of Special Assessments as shown in Exhibit A, attached to and incorporated into this Resolution.

The Special Assessments shall be allocated among the parcels constituting the Property as set forth in the Project Petition and the List of Special Assessments attached to and incorporated into this Resolution as Exhibit A.

SECTION 12. The Fiscal Officer or any designee is authorized, pursuant to Ohio Revised Code Section 727.12, to cause the Special Assessments to be levied and collected at the earliest possible time including, if applicable, prior to the completion of the acquisition and construction of the Project.

SECTION 13. The Fiscal Officer or any designee is authorized, pursuant to Ohio Revised Code Section 727.12, to cause the Special Assessments to be levied and collected at the earliest possible time including, if applicable, prior to the completion of the acquisition and construction of the Project. Pursuant to the Petition, the Owner has waived notice of the adoption of this Resolution and the filing of the estimated Special Assessments, as provided in Ohio Revised Code Section 727.13, and the Township hereby accepts that waiver. The Owner has waived its right to pay the Special Assessments in cash within 30 days after the passage of this Resolution, and all Special Assessments and installments of the Special Assessments shall be certified by the County Fiscal Officer as provided by the Petition and Ohio Revised Code Section 727.33 to be placed by him or her on the tax list and duplicate and collected with and in the same manner as real property taxes are collected and as set forth in the Petition. The Fiscal Officer shall keep the Special Assessments on file in the office of the Fiscal Officer.

SECTION 14. That this Board finds and determines that the Special Assessments are in proportion to the special benefits received by the Property as set forth in the Petition and are not in excess of any applicable statutory limitation.

SECTION 15. The Special Assessments will be used by the Township to provide the Project in cooperation with the District in any manner, including assigning the Special Assessments actually received by the Township to the District or to another party the Township deems appropriate, and the Special Assessments are appropriated for such purposes.

SECTION 16. This Board accepts and approves the waiver of all further notices, hearings, claims for damages, rights to appeal and other rights of property owners under the law, including but not limited to those specified in the Ohio Constitution, Ohio Revised Code Chapter 727 and Ohio Revised Code Chapter 1710 and consents to the immediate imposition of the Special Assessments upon the Property. This waiver encompasses, but is not limited to, waivers by the Owner of the following rights:

- (i) The right to notice of the adoption of the resolution of necessity under Ohio Revised Code Sections 727.13 and 727.14;
- (ii) The right to limit the amount of the Special Assessments under Ohio Revised Code Sections 727.03 and 727.06;
- (iii) The right to file an objection to the Special Assessments under Ohio Revised Code Section 727.15;
- (iv) The right to the establishment of, and any proceedings by and any notice from an Assessment Equalization Board under Ohio Revised Code Sections 727.16 and 727.17;
- (v) The right to file any claim for damages under Ohio Revised Code Sections 727.18 through 727.22 and Ohio Revised Code Section 727.43;
- (vi) The right to notice that bids or quotations for the Project may exceed estimates by 15%;
- (vii) The right to seek a deferral of payments of Special Assessments under Ohio Revised Code Section 727.251;

- (viii) The right to notice of the passage of the assessing Resolution under Ohio Revised Code Section 727.26; and
- (ix) Any and all procedural defects, errors, or omissions in the Special Assessment process.

SECTION 17. This Board hereby approves the Loan Agreement, a copy of which is on file in the office of the Fiscal Officer. The Trustees shall sign and deliver, in the name and on behalf of the Township, the Loan Agreement, in substantially the form as is now on file with the Fiscal Officer. The Loan Agreement is approved, together with any changes or amendments (including the addition or subtraction of any parties) that are not inconsistent with this Resolution and not substantially adverse to the Township and that are approved by the Trustees on behalf of the Township, all of which shall be conclusively evidenced by the signing of the Loan Agreement or amendments thereto.

SECTION 18. This Board hereby approves the Special Assessment Agreement, a copy of which is on file in the office of the Fiscal Officer. The Trustees shall sign and deliver, in the name and on behalf of the Township, the Special Assessment Agreement, in substantially the form as is now on file with the Fiscal Officer. The Special Assessment Agreement is approved, together with any changes or amendments (including the addition or subtraction of any parties) that are not inconsistent with this Resolution and not substantially adverse to the Township and that are approved by the Trustees on behalf of the Township, all of which shall be conclusively evidenced by the signing of the Special Assessment Agreement or amendments thereto.

SECTION 19. In compliance with Ohio Revised Code Section 319.61, the Fiscal Officer is directed to deliver a certified copy of this Resolution to the County Fiscal Officer within 20 days after its passage.

SECTION 20. This Board finds and determines that all formal actions of this Board concerning and relating to the passage of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board 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 21. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare in order to allow the Owner to begin work on the Project, and the District to take advantage of financing available to it for a limited time, and provided this Resolution receives the affirmative vote of two-thirds of the members elected or appointed to Board, it shall take effect and be in force immediately upon its passage and approval by the Trustees, otherwise, it shall take effect and be in force at the earliest time allowed by law.

This Resolution is hereby declared to have been adopted by the Board of Trustees of Northfield Center Township, County of Summit, State of Ohio, at a meeting called and held on the \_\_\_\_ day of \_\_\_\_\_, 2020.

**Paul G. Buescher**

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**Paul Buescher, Chair**

**Richard H. Reville**

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**Rich Reville, Vice Chair**

**Russell F. Mazzola**

\_\_\_\_\_  
**Russell Mazzola, Trustee**

I, the undersigned, do hereby certify that the foregoing is a true and correct copy of this Resolution adopted by the Board of Trustees of Northfield Center Township, County of Summit, State of Ohio, at a meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2020, and that I am duly authorized to execute this certification.

\_\_\_\_\_  
**Andy LaGuardia, Fiscal Officer**