

ORDINANCE NO.: 114-2025
INTRODUCED BY: MAYOR THOMAS

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF ACQUIRING, INSTALLING, EQUIPPING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF RICHMOND HEIGHTS, OHIO IN COOPERATION WITH THE NORTHEAST OHIO ADVANCED ENERGY DISTRICT AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN ENERGY PROJECT COOPERATIVE AGREEMENT AND A SPECIAL ASSESSMENT AGREEMENT WITH RESPECT TO THE SAME.

WHEREAS, RH Healthcare LLC (the "Owner") as the Owner of the Project Site (as defined below) has submitted the Petition to Add Territory to the Northeast Ohio Advanced Energy District and for Special Energy Improvement Project (the "Petition") in order to provide for the completion of a special energy improvement project on real property (as more particularly described in Exhibit B to the Petition, the "Project Site") owned by the Owner and in the City of Richmond Heights, Ohio (the "City"); and

WHEREAS, the Council of the City of Richmond Heights, Ohio (the "Council") duly passed Resolution No. 112-2025 on September 9, 2025 (the "Resolution of Necessity"), which approved the Petition and added the Owner's property, subject to the Petition, to the Northeast Ohio Advanced Energy District (the "District") and declared the necessity of acquiring and installing energy-efficient LED lighting and HVAC systems, and related improvements (as more fully described in the Petition, the "Project"), as described in the Resolution of Necessity and as set forth in the Petition requesting those improvements; and

WHEREAS, this Council duly adopted Ordinance No. 114-2025 on September 9, 2025, and determined to proceed with the Project and adopted the maximum Special Assessments (as defined in the Resolution of Necessity) filed with the Clerk of Council and the Director of Finance pursuant to the Resolution of Necessity; and

WHEREAS, the City intends to enter into an Energy Project Cooperative Agreement (the "Energy Project Cooperative Agreement") with the District, the Owner, and The Huntington National Bank (together with its affiliates and successors and assigns the "Investor") to provide for, among other things, (i) financing to be made available by the Investor to the Owner to pay costs of the Project (the "Project Advance"), (ii) the disbursement of the proceeds of the Project Advance to pay certain costs of the acquisition, installation, equipment, and improvement of the Project, and (iii) the transfer of the Special Assessments by the City to the Investor to pay principal and interest and other costs relating to the Project Advance; and

WHEREAS, to provide for the security for the payments to be made to the Investor and for the administration of payments of installments of Special Assessments and related matters, the City intends to enter into the Special Assessment Agreement with the County Treasurer of Cuyahoga County, Ohio, the District, the Owner, and the Investor (the "Special Assessment Agreement"); and

WHEREAS, the actual costs of the Project have been ascertained and have been certified to the City in the Petition for the Project.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Richmond Heights, Ohio, that:

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 Resolution of Necessity.

Section 2: That the maximum list of Special Assessments to be levied and assessed on the Project Site (as further described on Exhibit A) in an amount sufficient to pay the maximum costs of the Project, which is not to exceed \$5,612,120.00, including other related financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued 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, which costs were set forth in the Petition and previously reported to this Council and are now on file in the offices of the Clerk of Council and the Director of Finance, is adopted and confirmed, and that the maximum Special Assessments are levied and assessed on the Project Site. The maximum interest portion of the Special Assessments, together with amounts used to pay administrative expenses, has been determined by the District to be substantially equivalent to the fair market rate that would have been borne by notes or bonds issued by the District.

The Special Assessments are assessed against the Project Site commencing in tax year 2026 for collection in 2027 and shall continue through tax year 2045 for collection in 2046. The semi-annual installment of the Special Assessments shall be collected in each calendar year equal to a maximum semi-annual amount of Special Assessments as shown in Exhibit A, attached hereto and incorporated into this Ordinance.

As requested in the Petition, the final aggregate amount of the Special Assessments may be in an amount less than the aggregate amount of \$5,612,120.00 if the final rate of interest for the financing for the Project is less than the assumed maximum rate of interest. If the rate of interest is less than the assumed maximum rate of interest such that the aggregate amount of Special Assessments necessary to repay the financing for the Project is less than the aggregate amount of \$5,612,120.00, the Owner and the provider of the financing shall certify a final schedule of Special Assessments to the City, which final schedule shall be certified to the County Fiscal Officer of Cuyahoga County, Ohio for collection.

All Special Assessments shall be certified by the Director of Finance to the County Fiscal Officer of Cuyahoga County, Ohio pursuant to the Petition and Ohio Revised Code Chapter 727.33 to be placed 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 Special Assessments shall be allocated among the parcels constituting the Project Site as set forth in the Petition and the List of Special Assessments attached hereto as Exhibit A and incorporated herein.

Section 3: That this Council finds and determines that the Special Assessments are in proportion to the special benefits received by the Project Site as set forth in the Petition and are not in excess of any applicable statutory limitation.

Section 4: That the Owner has waived its right to pay the Special Assessments in cash, and all Special Assessments and installments of the Special Assessments shall be certified by the Director of Finance to the County Fiscal Officer of Cuyahoga County, Ohio 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.

Section 5: That the Special Assessments will be used by the City to pay the cost of the Project in cooperation with the District in any manner, including assigning the Special Assessments actually received by the City to the District or to another party the City deems appropriate, and the Special Assessments are appropriated for such purposes.

Section 6: That the Director of Finance shall keep the Special Assessments on file in the Office of the Director of Finance.

Section 7: That this Council hereby approves the Energy Project Cooperative Agreement, a copy of which is on file in the office of the Clerk of Council. The Mayor is hereby authorized to sign and deliver, in the name and on behalf of the City, the Energy Project Cooperative Agreement, in substantially the form as is now on file with the Clerk of Council. The Energy Project Cooperative Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved the Mayor on behalf of the City, all of which shall be conclusively evidenced by the signing of the Energy Project Cooperative Agreement or amendments to the Energy Project Cooperative Agreement.

Section 8: That Council hereby approves the Special Assessment Agreement a copy of which is on file in the office of the Clerk of Council. The Mayor is hereby authorized to sign and deliver, in the name and on behalf of the City, the Special Assessment Agreement, in substantially the form as is now on file with the Clerk of Council. The Special Assessment Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Mayor on behalf of the City, all of which shall be conclusively evidenced by the signing of the Special Assessment Agreement or amendments to the Special Assessment Agreement.

Section 9: That the City is hereby authorized to enter into such other agreements, certificates, or other instruments that are not inconsistent with the Resolution of Necessity and this Ordinance and that are approved by the Mayor on behalf of the City, all of which shall be

conclusively evidenced by the signing of such agreements, certificates, or other instruments by the appropriate City official or any amendments to such agreements, certificates, or other instruments.

Section 10: That in compliance with Ohio Revised Code Section 319.61, the Clerk of Council is directed to deliver a certified copy of this Ordinance to the County Fiscal Officer of Cuyahoga County, Ohio within twenty (20) days after its passage.

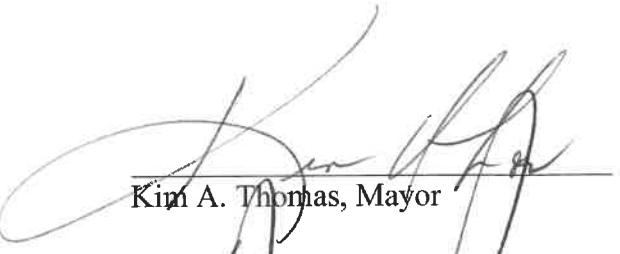
Section 11: Pursuant to Section 2 of Article X of the Charter of the City of Richmond Heights, Ohio, this Ordinance is an ordinance for improvements petitioned for by the owners of a majority of the foot frontage of the property to be benefitted and specially assessed therefor, and shall take effect upon the signature of this Ordinance by the Mayor.

PASSED: September 9, 2025

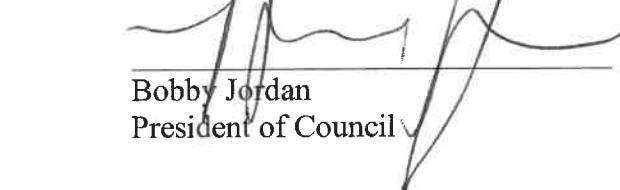
APPROVED: September 9, 2025

ATTEST: Tracey Blair

Tracey Blair
Clerk of Council



Kim A. Thomas, Mayor



Bobby Jordan
President of Council

CERTIFICATE

The undersigned, Clerk of Council of the City of Richmond Heights, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 114-2025, passed by the Council of the City of Richmond Heights, Ohio on the day of September 9, 2025.

Tracey Blair

Tracey Blair
Clerk of Council

EXHIBIT A

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

LIST OF MAXIMUM SPECIAL ASSESSMENTS

| <u>Name</u> | <u>Assessed Property Description</u> | <u>Portion of Benefit and Special Assessment</u> | <u>Amount of Special Assessments</u> |
|-------------------|--|--|--|
| RH Healthcare LLC | 662-14-001 | 100% | \$140,303.00 |
| TOTAL: | | 100% | \$140,303.00 |

SCHEDULE OF SPECIAL ASSESSMENTS
FOR CUYAHOGA COUNTY PARCEL NOS.:

621-14-001¹

The following schedule of Special Assessment charges shall be certified for collection in forty (40) semi-annual installments to be collected with first-half and second-half real property taxes in tax years 2026 through 2045 and calendar years 2027 through 2046:

¹ As identified in the records of the County Fiscal Officer of Cuyahoga County, Ohio as of [_____] [__], 2025.

| Special Assessment Payment Date¹ | Maximum Special Assessment Installment Amount² |
|--|--|
| 2/14/2027 | \$140,303.00 |
| 7/14/2027 | 140,303.00 |
| 2/14/2028 | 140,303.00 |
| 7/14/2028 | 140,303.00 |
| 2/14/2029 | 140,303.00 |
| 7/14/2029 | 140,303.00 |
| 2/14/2030 | 140,303.00 |
| 7/14/2030 | 140,303.00 |
| 2/14/2031 | 140,303.00 |
| 7/14/2031 | 140,303.00 |
| 2/14/2032 | 140,303.00 |
| 7/14/2032 | 140,303.00 |
| 2/14/2033 | 140,303.00 |
| 7/14/2033 | 140,303.00 |
| 2/14/2034 | 140,303.00 |
| 7/14/2034 | 140,303.00 |
| 2/14/2035 | 140,303.00 |
| 7/14/2035 | 140,303.00 |
| 2/14/2036 | 140,303.00 |
| 7/14/2036 | 140,303.00 |
| 2/14/2037 | 140,303.00 |
| 7/14/2037 | 140,303.00 |
| 2/14/2038 | 140,303.00 |
| 7/14/2038 | 140,303.00 |
| 2/14/2039 | 140,303.00 |
| 7/14/2039 | 140,303.00 |
| 2/14/2040 | 140,303.00 |
| 7/14/2040 | 140,303.00 |
| 2/14/2041 | 140,303.00 |
| 7/14/2041 | 140,303.00 |
| 2/14/2042 | 140,303.00 |
| 7/14/2042 | 140,303.00 |
| 2/14/2043 | 140,303.00 |
| 7/14/2043 | 140,303.00 |
| 2/14/2044 | 140,303.00 |
| 7/14/2044 | 140,303.00 |
| 2/14/2045 | 140,303.00 |
| 7/14/2045 | 140,303.00 |
| 2/14/2046 | 140,303.00 |
| 7/14/2046 | 140,303.00 |

¹ Pursuant to Ohio Revised Code Chapter 323, the Special Assessment Payment Dates identified above are subject to adjustment by the Cuyahoga County Fiscal Officer under certain conditions.

² Pursuant to Ohio Revised Code Section 727.36, the Cuyahoga County Fiscal Officer may charge and collect a fee in addition to the amounts listed in the this Exhibit 2.

RECEIPT OF COUNTY FISCAL OFFICER FOR
LEGISLATION LEVYING SPECIAL ASSESSMENTS
FOR THE PURPOSE OF ACQUIRING, INSTALLING, EQUIPPING,
AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS
IN THE CITY OF RICHMOND HEIGHTS, OHIO IN COOPERATION WITH
THE NORTHEAST OHIO
ADVANCED ENERGY DISTRICT

I, Michael W. Chambers, the duly elected, qualified, and acting Fiscal Officer in and for Cuyahoga County, Ohio hereby certify that a certified copy of Ordinance No. 114-2025, duly adopted by the Council of the City of Richmond Heights, Ohio on September 9, 2025 levying special assessments for the purpose of acquiring, installing, equipping, and improving certain public improvements in the City of Richmond Heights, Ohio in cooperation with the Northeast Ohio Advanced Energy District, including the List of Special Assessments and Schedule of Special Assessments, which Special Assessment charges shall be certified for collection in forty (40) semi-annual installments to be collected with first-half and second-half real property taxes tax years 2026 through 2045 in calendar years 2027 through 2046, was filed in this office on [] [], 2025.

WITNESS my hand and official seal at Cleveland, Ohio on [] [], 2025.

Fiscal Officer
Cuyahoga County, Ohio