

**CITY OF XENIA, OHIO
ORDINANCE 2021 – 06**

REPEALING ORDINANCE 2019-17 (PROCEEDING WITH CERTAIN PUBLIC IMPROVEMENTS WITH THE XENIA ESID), ORDINANCE 2019-18 (LEVYING ASSESSMENTS FOR CERTAIN PUBLIC IMPROVEMENTS WITHIN THE XENIA ESID), AND ORDINANCE 2019-29 (AMENDING ORDINANCE 2019-18), AND DECLARING AN EMERGENCY

WHEREAS, on August 22, 2019, this Council adopted Ordinance 2019-17, determining to proceed with certain public improvements in cooperation with the Xenia Energy Special Improvement District (ESID), and Ordinance 2019-18, levying special assessments for such improvements;

WHEREAS, on December 30, 2019, this Council adopted Ordinance 2019-29, amending Section 3, Section 5, and Exhibit A of Ordinance 2019-18 to delay the levying on the special assessments;

WHEREAS, Ordinance 2019-17, Ordinance 2019-18, and Ordinance 2019-29, in relevant part, levied certain special assessments on real property owned by BFC Enterprises, LLC, to pay the costs of special energy improvement projects and directed the Finance Director and City to deliver certified copies of Ordinance 2019-17, Ordinance 2019-18, and Ordinance 2019-29 to the County Auditor within twenty (20) days of adoption, in compliance with Ohio Revised Code Section 319.61;

WHEREAS, the project for which said legislation was adopted did not come to fruition and the special assessments do not need to be levied as no funding or financing was made and BFC Enterprises, LLC, has filed a request with this Council to repeal the ESID legislation; and

WHEREAS, this City Council has determined to repeal Ordinance 2019-17, Ordinance 2019-18, and Ordinance 2019-29, and to authorize the Finance Director to work with the County Auditor to remove the special assessments previously levied under Ordinance 2019-17, Ordinance 2019-18, and Ordinance 2019-29 from the County tax list and duplicate.

NOW, THEREFORE, THE CITY OF XENIA HEREBY ORDAINS, at least five (5) members of the City Council concurring, that:

Section 1. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare of the City and for the further reason that this Ordinance is required to be immediately effective in order to allow the City to remove special assessments previously levied by the City prior to collection.

Section 2. Ordinance 2019-17 is hereby repealed in its entirety, as shown on the attached Exhibit A.

Section 3. Ordinance 2019-18 is hereby repealed in its entirety, as shown on the attached Exhibit B. Any agreements authorized or entered into under the authority of Ordinance 2019-18 are hereby declared void.

Section 4. Ordinance 2019-29 is hereby repealed in its entirety, as shown on the attached Exhibit C.


Section 5. The Finance Director is hereby authorized and directed to work with the Greene County Auditor to remove the special assessments previously levied under Ordinance 2019-17, Ordinance 2019-18, and Ordinance 2019-29 from the County tax list and duplicate.

Section 6. The City Clerk is authorized and directed to deliver a certified copy of this Ordinance to the County Auditor immediately after the date of its passage.


Section 7. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 8. This Ordinance shall take effect upon its adoption, in accordance with Section 5.04 of the City's Charter.

Adopted: February 11, 2021


Wesley E. Smith
President, Xenia City Council

Attest:


Michelle D. Johnson
City Clerk

**CITY OF XENIA, OHIO
ORDINANCE 2019—17**

**~~DETERMINING TO PROCEED WITH THE ACQUISITION, CONSTRUCTION, AND
IMPROVEMENT OF CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF XENIA, OHIO,
IN COOPERATION WITH THE XENIA ENERGY SPECIAL IMPROVEMENT DISTRICT,
AND DECLARING AN EMERGENCY~~**

~~WHEREAS~~, the Council (the “City Council”) of the City of Xenia, Ohio (the “City”), duly adopted Resolution 2019-Z on August 22, 2019 (the “Resolution of Necessity”), which: (i) declared the necessity of acquiring, constructing, and improving energy efficiency improvements, including, without limitation, energy efficient windows, energy efficient insulation and building envelope, high efficiency HVAC system, high efficiency water system, LED lighting, and related improvements (the “Project,” as more fully described in the Petition referenced in this Ordinance) located on real property owned by BFC Enterprises, LLC (together with all future owners of the Project Site, as defined below, the “Owner”) at 136 W. Second Street, Xenia, Ohio 45385, within the City (as more fully described in Exhibit A to the Petition, as defined below, the “Project Site”); (ii) provided for the acquisition, construction, and improvement of the Project by the Owner, as set forth in the Owner’s *Petition for Creation of Energy Special Improvement District and for Special Assessments for Special Energy Improvement Projects* (the “Petition”) and the *Xenia Energy Special Improvement District Plan* (the “Plan”) including by levying and collecting special assessments upon and from the Project Site (the “Special Assessments”) in an amount sufficient to pay the costs of the Project, which was then estimated to be \$197,304.80, and which included other related costs of financing the Project, including, without limitation, the payment of principal of and interest on nonprofit corporate obligations issued to pay the costs of the Project and other interest, financing, credit enhancement, and issuance expenses, including City administrative and legal fees and expenses, and ongoing trustee fees and Xenia Energy Special Improvement District (“District”) administrative fees and expenses; and (iii) determined that the Project will be treated as a special energy improvement project to be undertaken cooperatively by the City and the District;

~~WHEREAS~~, the amount of Special Assessments sufficient to pay the costs of the Project has been finalized and is now estimated to be \$197,304.80, which includes other related costs of financing the Project including, without limitation, the payment of principal of and interest on nonprofit corporate obligations issued to pay the costs of the Project and other interest, financing, credit enhancement, and issuance expenses, including City administrative and legal fees and expenses, and ongoing trustee fees and District administrative fees and expenses; and

~~WHEREAS~~, the claims for damages alleged to result from, and objections to, the Project have been waived by 100% of the affected property owners and no claims for damages or objections have been filed,

~~NOW, THEREFORE, THE CITY OF XENIA HEREBY ORDAINS~~, at least five (5) members of the City Council concurring, that:

~~**Section 1.** This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare of the City and for the further reason that this Ordinance is required to be immediately effective in order to allow the City to take advantage of financing available to it for a limited time.~~

~~**Section 2.** Each capitalized term used in this Ordinance where the rules of grammar would otherwise not require and 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 3.** This City Council declares that its intention is to proceed with the acquisition, construction, and improvement of the Project described in the Petition and the Resolution of Necessity. The Project shall be made in accordance with the provisions of the Resolution of Necessity and with the plans, specifications, and profiles previously approved and now on file with the City's Finance Director (the "Fiscal Officer").~~

~~**Section 4.** The Special Assessments to pay costs of the Project, which are estimated to be One Hundred Ninety Seven Three Hundred Four Dollars and Eighty Cents (\$197,304.80), including other related 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, District administrative fees and expenses, and City administrative and legal fees and expenses, shall be assessed against the Project Site in the manner and in the number of semi-annual installments provided in the Petition and the Resolution of Necessity. Each semi-annual Special Assessment payment represents the payment of a portion of the principal of and interest on obligations issued to pay the costs of the Project and the scheduled amounts payable as the District administrative fee and the trustee fee. The Special Assessments shall be assessed against the Project Site commencing in tax year 2019 for collection in 2020 and shall continue through tax year 2038 for collection in 2039. In addition to the Special Assessments, the County Auditor of Greene County, Ohio (the "County Auditor"), may impose a special assessment collection fee with respect to any annual payment certified to the County Auditor for collection, which amount, if any, will be added to the Special Assessments by the County Auditor.~~

~~**Section 5.** The estimated Special Assessments for costs of the Project, which have been prepared and filed in the office of the City Clerk and in the office of the Fiscal Officer in accordance with the Resolution of Necessity and this Ordinance, are adopted, and the usefulness of the services and improvements provided pursuant to the plan are determined to be twenty (20) years.~~

~~**Section 6.** In compliance with Ohio Revised Code Section 319.61, the Fiscal Officer, the City Clerk, and any of their designees are authorized and directed, individually or together, to deliver a certified copy of this Ordinance to the County Auditor within fifteen (15) days after the date of its passage.~~

~~**Section 7.** All contracts for the construction of the Project will be let in the manner provided by law, subject to the provisions of the Ohio Revised Code, the Petition, and the Plan, and the costs of the Project shall be financed as provided in the Resolution of Necessity and this Ordinance.~~

~~**Section 8.** It is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance 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 9.** This Ordinance shall take effect upon its adoption, in accordance with Sections 5.04 of the City's Charter.~~

Adopted: August 22, 2019

**CITY OF XENIA, OHIO
ORDINANCE 2019—18**

~~LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF XENIA, OHIO, IN COOPERATION WITH THE XENIA ENERGY SPECIAL IMPROVEMENT DISTRICT; AUTHORIZING AND APPROVING AN ENERGY PROJECT COOPERATIVE AGREEMENT BY AND AMONG THE CITY OF XENIA, OHIO, THE XENIA ENERGY SPECIAL IMPROVEMENT DISTRICT, BFC ENTERPRISES, LLC, AND GREENWORKS LENDING LLC PROVIDING FOR THE FINANCING OF THOSE PUBLIC IMPROVEMENTS; AUTHORIZING AND APPROVING A SPECIAL ASSESSMENT AGREEMENT BY AND BETWEEN THE CITY OF XENIA OHIO, THE COUNTY TREASURER OF GREENE COUNTY, OHIO, BFC ENTERPRISES, LLC, THE XENIA ENERGY SPECIAL IMPROVEMENT DISTRICT, AND GREENWORKS LENDING LLC REGARDING THOSE SPECIAL ASSESSMENTS; AND DECLARING AN EMERGENCY~~

~~WHEREAS~~, this Council (the “City Council”) of the City of Xenia, Ohio (the “City”), duly adopted Resolution 2019 Z on August 22, 2019 (the “Resolution of Necessity”), and declared the necessity of acquiring, constructing, improving and installing energy efficiency improvements, including, without limitation, energy efficient windows, energy efficient insulation and building envelope, high efficiency HVAC system, high efficiency water system, LED lighting, and related improvements (the “Project”), as described in the Resolution of Necessity and as set forth in the Petition requesting those improvements;

~~WHEREAS~~, the estimated amount of Special Assessments (as defined and set forth in the Resolution of Necessity) sufficient to pay the costs of the Project has been finalized and is now estimated to be \$197,304.80, which includes other related costs of financing the Project including, without limitation, the payment of principal of and interest on nonprofit corporate obligations issued to pay the costs of the Project and other interest, financing, credit enhancement, and issuance expenses, including City administrative and legal fees and expenses, and ongoing trustee fees and District administrative fees and expenses;

~~WHEREAS~~, this City Council duly adopted Ordinance 2019 17 on August 22, 2019, and determined to proceed with the Project and adopted the estimated Special Assessments filed with the City’s Finance Director (the “Fiscal Officer”);

~~WHEREAS~~, the City intends to enter into an Energy Project Cooperative Agreement (the “Cooperative Agreement”) with the Xenia Energy Special Improvement District (the “District”), BFC Enterprises, LLC (the “Owner”), and Greenworks Lending LLC (the “Investor”) to provide for, among other things: (i) making the Project Advance (as defined in the Cooperative Agreement) to pay costs of the Project, (ii) the disbursement of the Project Advance for the acquisition and construction 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 Project Advance and for administration of payments on the Project Advance and related matters, the City intends to enter into an agreement with the County Treasurer of Greene County, Ohio (the “County Treasurer”), the District, the Owner, and the Investor (the “Special Assessment Agreement”);

~~NOW, THEREFORE, THE CITY OF XENIA HEREBY ORDAINS, at least five (5) members of the City Council concurring, that:~~

~~**Section 1.** This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare of the City and for the further reason that this Ordinance is required to be immediately effective in order to allow the District to take advantage of financing available to it for a limited time.~~

~~**Section 2.** Each capitalized term used in this Ordinance where the rules of grammar would otherwise not require and 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 3.** The list of Special Assessments to be levied and assessed on the Project Site in an amount sufficient to pay the costs of the Project, which is One Hundred Ninety Seven Thousand Three Hundred Four Dollars and Eighty Cents (\$197,304.80), and includes other related 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 District 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, District administrative fees and expenses, and City administrative and legal fees and expenses, which estimated costs were set forth in the Petition and previously reported to this City Council and are now on file in the offices of the City Council and the Mayor, is adopted and confirmed, and that the Special Assessments are levied and assessed on the Project Site. 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 City.~~

~~The Special Assessments are assessed against the Property commencing in tax year 2019 for collection in 2020 and shall continue through tax year 2038 for collection in 2039. The semi-annual installments 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 to and incorporated into this Ordinance.~~

~~The Fiscal Officer initially shall collect the unpaid Special Assessments in place of the County Treasurer of Greene County, Ohio, as provided by Ohio Revised Code Section 727.331. Upon any failure by the Owner to pay any installment of the Special Assessments to the Fiscal Officer as and when due, all unpaid and remaining future Special Assessments shall be certified by the Fiscal Officer to the County Auditor of Greene County, Ohio (the "County Auditor"), 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 to and incorporated into this Ordinance as Exhibit A.~~

~~**Section 4.** This City Council 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 5.** The Owner, for itself and for all its successors in interest as owners of the Project Site, 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 Fiscal Officer to be collected in installments in forty (40) semi-annual installments commencing in tax year 2019 for collection in 2020 and shall continue through tax year 2038 for collection in 2039.~~

~~**Section 6.** The Special Assessments will be used by the City to provide 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 7.** The Fiscal Officer shall keep the Special Assessments on file in the Office of the Fiscal Officer.~~

~~**Section 8.** In compliance with Ohio Revised Code Section 319.61, the Fiscal Officer, the City Clerk, and any of their designees are authorized and directed, individually or together, to deliver a certified copy of this Ordinance to the County Auditor within twenty (20) days after its passage.~~

~~**Section 9.** This City Council hereby approves the Cooperative Agreement, a copy of which is on file in the office of the City Clerk. The City Manager is authorized to sign and deliver, in the name and on behalf of the City, the Cooperative Agreement, in substantially the form as is now on file with the City Council. The 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 by the Law Director, which shall be conclusively evidenced by the signing of the Cooperative Agreement or amendments to the Cooperative Agreement by the City Manager on behalf of the City.~~

~~**Section 10.** This City Council hereby approves the Special Assessment Agreement, a copy of which is on file in the office of the City Clerk. The City Manager is 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 City 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 Law Director, which shall be conclusively evidenced by the signing of the Special Assessment Agreement or amendments to the Special Assessment Agreement by the City Manager on behalf of the City. The City is authorized to enter into such other agreements that are not inconsistent with the Resolution of Necessity and this Ordinance and that are approved by the Law Director, which shall be conclusively evidenced by the signing of such agreements or any amendments to them by the City Manager, on behalf of the City.~~

~~**Section 11.** It is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance 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 12.** This Ordinance shall take effect upon its adoption, in accordance with Sections 5.04 of the City's Charter.~~

Adopted: August 22, 2019

**CITY OF XENIA, OHIO
ORDINANCE 2019—29**

~~AMENDING ORDINANCE 2019-18 TO ALTER THE SCHEDULE OF SPECIAL ASSESSMENTS PREVIOUSLY LEVIED FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF XENIA, OHIO, IN COOPERATION WITH THE XENIA ENERGY SPECIAL IMPROVEMENT DISTRICT, AND DECLARING AN EMERGENCY~~

~~WHEREAS~~, this Council (the “City Council”) of the City of Xenia, Ohio (the “City”), duly adopted Ordinance 2019-18 on August 22, 2019, which levied special assessments, at the request of the petitioner, for the purpose of acquiring, constructing, improving and installing energy efficiency improvements, including, without limitation, energy efficient windows, energy efficient insulation and building envelope, high efficiency HVAC system, high efficiency water system, LED lighting, and related improvements (the “Project”), as described in the Resolution of Necessity, duly passed by this Council as Resolution 2019-Z on August 22, 2019, and as set forth in the Petition requesting those improvements;

~~WHEREAS~~, the City entered into an Energy Project Cooperative Agreement (the “Cooperative Agreement”) with the Xenia Energy Special Improvement District (the “District”), BFC Enterprises, LLC (the “Owner”), and Greenworks Lending LLC (the “Investor”) to provide for, among other things: (i) making the Project Advance (as defined in the Cooperative Agreement) to pay costs of the Project, (ii) the disbursement of the Project Advance for the acquisition and construction 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;

~~WHEREAS~~, to provide for the security for the Project Advance and for administration of payments on the Project Advance and related matters, the City entered into an agreement with the County Treasurer of Greene County, Ohio (the “County Treasurer”), the District, the Owner, and the Investor (the “Special Assessment Agreement”); and

~~WHEREAS~~, the Owner and the Investor have requested that the special assessments levied under Ordinance 2019-18 begin in tax year 2020, for collection in 2021, rather than in tax year 2019, for collection in 2020, as originally contemplated in Ordinance 2019-18,

~~NOW, THEREFORE, THE CITY OF XENIA HEREBY ORDAINS~~, at least five (5) members of the City Council concurring, that:

~~**Section 1.** This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare of the City and for the further reason that this Ordinance is required to be immediately effective in order to delay the implementation of the special assessments for the 2019 tax year.~~

~~**Section 2.** Section 3 of Ordinance 2019-18 is hereby amended as follows:~~

~~**Section 3.** The list of Special Assessments to be levied and assessed on the Project Site in an amount sufficient to pay the costs of the Project, which is One Hundred Ninety-Seven Thousand Three Hundred Four Dollars and Eighty Cents (\$197,304.80), and includes other related 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 District 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, District administrative fees and expenses, and City administrative and legal fees and expenses, which estimated costs were set forth in the Petition and previously reported to this City Council and are now on file in the offices of the City Council and the Mayor, is adopted and confirmed, and that the Special Assessments are levied and assessed on the Project Site. 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 City.~~

~~The Special Assessments are assessed against the Property commencing in tax year 2020 2019 for collection in 2021 2020 and shall continue through tax year 2039 2038 for collection in 2040 2039. The semi-annual installments 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 to and incorporated into this Ordinance.~~

~~The Fiscal Officer initially shall collect the unpaid Special Assessments in place of the County Treasurer of Greene County, Ohio, as provided by Ohio Revised Code Section 727.331. Upon any failure by the Owner to pay any installment of the Special Assessments to the Fiscal Officer as and when due, all unpaid and remaining future Special Assessments shall be certified by the Fiscal Officer to the County Auditor of Greene County, Ohio (the "County Auditor"), 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 to and incorporated into this Ordinance as Exhibit A.~~

Section 3. ~~Section 5 of Ordinance 2019-18 is hereby amended as follows:~~

Section 5. ~~The Owner, for itself and for all its successors in interest as owners of the Project Site, 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 Fiscal Officer to be collected in installments in forty (40) semi-annual installments commencing in tax year 2020 2019 for collection in 2021 2020 and shall continue through tax year 2039 2038 for collection in 2040 2039.~~

Section 4. ~~Exhibit A of Ordinance 2019-18 is hereby amended as shown on the attached Exhibit A.~~

Section 5. ~~Existing Sections 3 and 5 and Exhibit A of Ordinance 2019-18 are hereby repealed. All other sections and provisions of Ordinance 2019-18 shall remain in full force and effect.~~

Section 6. ~~The City Manager is hereby authorized to sign any addendums to the Agreements approved by Ordinance 2019-18, specifically the Cooperative Agreement between the City of Xenia, the Xenia Energy Special Improvement District, BFC Enterprises, LLC, and Greenworks Lending, LLC; the Special Assessment Agreement between the City of Xenia, the County Treasurer of Greene County, BFC Enterprises, LLC, the Xenia Energy Special Improvement District, and Greenworks Lending, LLC, which may be necessary as a result of this Ordinance 2019-29.~~

~~**Section 7.** In compliance with Ohio Revised Code Section 319.61, the Fiscal Officer, the City Clerk, and any of their designees are authorized and directed, individually or together, to deliver a certified copy of this Ordinance to the County Auditor immediately upon its adoption.~~

~~**Section 8.** It is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance 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 9.** This Ordinance shall take effect upon its adoption, in accordance with Sections 5.04 of the City's Charter.~~

Adopted: December 30, 2019

EXHIBIT A

LIST OF SPECIAL ASSESSMENTS AND SCHEDULE OF SPECIAL ASSESSMENTS

LIST OF SPECIAL ASSESSMENTS

<u>Name</u>	<u>Assessed Properties Description</u>	<u>Portion of Benefit and Special Assessment</u>	<u>Amount of Special Assessments</u>
BFC Enterprises, LLC	Greene Co. Parcel No.: M40000100090004600	100%	\$197,304.80

SCHEDULE OF SPECIAL ASSESSMENTS FOR GREENE COUNTY PARCEL NO.: M40000100090004600*

The following schedule of Special Assessment charges shall be certified for collection in 40 semi-annual installments to be collected with real property taxes in calendar years ~~2020~~ 2019 through ~~2039~~ 2038, for collection in ~~2021~~ 2020 through ~~2040~~ 2039:

Special Assessment Payment Date [*]	Special Assessment Payment Amount ^{**}
January 31, 2021 2020	\$4,932.62
July 20, 2021 2020	4,932.62
January 31, 2022 2021	4,932.62
July 20, 2022 2021	4,932.62
January 31, 2023 2022	4,932.62
July 20, 2023 2022	4,932.62
January 31, 2024 2023	4,932.62
July 20, 2024 2023	4,932.62
January 31, 2025 2024	4,932.62
July 20, 2025 2024	4,932.62
January 31, 2026 2025	4,932.62
July 20, 2026 2025	4,932.62
January 31, 2027 2026	4,932.62
July 20, 2027 2026	4,932.62
January 31, 2028 2027	4,932.62
July 20, 2028 2027	4,932.62
January 31, 2029 2028	4,932.62
July 20, 2029 2028	4,932.62
January 31, 2030 2029	4,932.62
July 20, 2030 2029	4,932.62
January 31, 2031 2030	4,932.62
July 20, 2031 2030	4,932.62
January 31, 2032 2031	4,932.62
July 20, 2032 2031	4,932.62
January 31, 2033 2032	4,932.62
July 20, 2033 2032	4,932.62
January 31, 2034 2033	4,932.62
July 20, 2034 2033	4,932.62
January 31, 2035 2034	4,932.62
July 20, 2035 2034	4,932.62
January 31, 2036 2035	4,932.62
July 20, 2036 2035	4,932.62
January 31, 2037 2036	4,932.62
July 20, 2037 2036	4,932.62
January 31, 2038 2037	4,932.62
July 20, 2038 2037	4,932.62
January 31, 2039 2038	4,932.62
July 20, 2039 2038	4,932.62
January 31, 2040 2039	4,932.62
July 20, 2040 2039	4,932.62

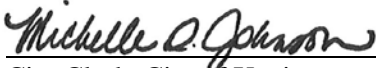
~~* As identified in the records of the Auditor of Greene County, Ohio, as of July 23, 2019.~~

~~** 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 Auditor of Greene County, Ohio, under certain conditions.~~

~~*** The Auditor of Greene County, Ohio, may impose a special assessment collection fee with respect to any annual Special Assessment payment certified to the Auditor for collection. If imposed, this special assessment collection fee will be added by the Auditor of Greene County, Ohio, to each annual Special Assessment payment.~~

CERTIFICATION

The undersigned hereby certifies that this Ordinance 2021-06 was duly passed by the Council of the City of Xenia, Ohio on February 11, 2021.



City Clerk, City of Xenia

RECEIPT OF COUNTY AUDITOR FOR
LEGISLATION REMOVING SPECIAL ASSESSMENTS

I, David Graham, the duly elected, qualified, and acting Auditor in and for Greene County, Ohio hereby certify that a certified copy of Ordinance 2021-06, duly adopted by the Council of the City of Xenia, Ohio on February 11, 2021 removing certain special assessments previously levied by the Council of the City of Xenia by Ordinance 2019-17 and 2019-18, adopted on August 22, 2019, was delivered to me on February 12, 2021.

WITNESS my hand and official seal at Xenia, Ohio on _____, 2021.

[SEAL]

Auditor
Greene County, Ohio