

TEMPORARY ORDINANCE NO. 72-25

PERMANENT ORDINANCE NO. _____

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

WHEREAS, the City Council (“Council”) of the City of Lancaster, Ohio (“City”) duly adopted Temporary Resolution No. 101-25 which became Permanent Resolution No. _____ on December 1, 2025 (the “Resolution Approving Petition and Declaring Necessity”), (i) declaring the necessity of acquiring, constructing, and improving energy efficiency improvements, including, without limitation, renovation and upgrades to electrical and mechanical systems, improvements to building envelope efficiency, installation of solar, and related improvements (the “Project”, as more fully described in the Petition referenced in this Ordinance) located on real property owned by Equity Trust Company Custodian FBO Leung Chee Kwan IRA (the “Owner”) and identified by Fairfield County Auditor Permanent Parcel Identification Number 0535038700 (the “Property”, as more fully described in Exhibit A to the Petition); (ii) providing 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”), including by levying and collecting special assessments to be assessed upon the Property (the “Special Assessments”) in an amount sufficient to pay the costs of the Project, which is estimated to be Eight Hundred Ninety-One Thousand Seven Hundred Fifty-Five Dollars (\$891,755.00) including other related costs of financing the Project, which may include, 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 and ongoing trustee fees and administrative fees and expenses of the Lancaster Regional Energy Special Improvement District, Inc., an energy special improvement district and nonprofit corporation under the laws of the State of Ohio, (the “District”); and (iii) determining that the Project will be treated as a special energy improvement project to be undertaken cooperatively by the City and the District; and

WHEREAS, the claims for damages alleged to result from and objections to the Project have been waived by one hundred percent (100%) of the affected property owners; now, therefore,

BE IT ORDAINED BY COUNCIL OF THE CITY OF LANCASTER, STATE OF OHIO:

SECTION 1. Each capitalized term not otherwise defined in this Ordinance or by reference to another document shall have the meaning assigned to it in the Petition.

SECTION 2. This Council declares that its intention is to proceed with the acquisition, construction, and improvement of the Project described in the Petition and the Resolution Approving Petition and Declaring Necessity. The Project shall be made in

accordance with the provisions of the Resolution Approving Petition and Declaring Necessity and with the plans, specifications, profiles, and estimates of cost previously approved and now on file with the Council and the Clerk of Council.

SECTION 3. The aggregate maximum amount of Special Assessments to pay costs of the Project, which are estimated to be Two Million Four Hundred Eighty Five Thousand Four Hundred Six Dollars and Fourteen Cents (\$2,485,406.14), 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, shall be assessed against the Property in the manner and in the number of semi-annual installments provided in the Petition and the Resolution Approving Petition and Declaring Necessity. Each semi-annual Special Assessment payment represents the payment of a portion of any principal repayment and interest and administrative fees payable with respect to the Project. The Special Assessments shall be assessed against the Property commencing in tax year 2026 for collection in 2027 and shall continue through tax year 2055 for collection in 2056. In addition to the Special Assessments, the County Auditor of Fairfield County, Ohio may impose a special assessment collection fee with respect to each semi-annual payment, which amount, if imposed, will be added to the Special Assessments by the County Auditor of Fairfield County, Ohio.

SECTION 4. The estimated Special Assessments for costs of the Project prepared and filed in the offices of the Council and the Clerk of Council, in accordance with the Resolution Approving Petition and Declaring Necessity, are adopted.

SECTION 5. In compliance with Ohio Revised Code Section 319.61, the Council and the Clerk of Council are directed to deliver a certified copy of this Ordinance to the County Auditor of Fairfield County, Ohio within fifteen (15) days after the date of its passage.

SECTION 6. 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 and the Petition, and the costs of the Project shall be financed as provided in the Resolution Approving Petition and Declaring Necessity.

SECTION 7. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Ohio Revised Code Section 121.22.

SECTION 8. That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is necessary to the timely completion of the Project described above; wherefore this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: _____ after _____ reading. Vote: Yeas _____ Nays _____

Approved: _____

Clerk: _____

President of Council

Mayor

Offered by: _____

Second by: _____

Requested by Economic Development Committee

I, Anitra Scott, Clerk of Council do hereby certify that on _____, 202_ the Lancaster Eagle Gazette will publish the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council

CERTIFICATE

The undersigned Clerk of Council hereby certifies that the foregoing is a true copy of Permanent Ordinance No. [] duly adopted by the City Council of the City of Lancaster, Ohio on December 15, 2025 and that a true copy thereof was certified to the County Auditor of Fairfield County, Ohio within fifteen (15) days of its passage.

Clerk of Council