

RESOLUTION NO. 013-18R

A RESOLUTION APPROVING AND ACCEPTING THE PETITION OF JOHN AND ADRIENNE O'DONNELL, LLC, (D.B.A. IMAGINE BAKING, INC.) FOR SPECIAL ENERGY IMPROVEMENT PROJECTS IN ACCORDANCE WITH OHIO REVISED CODE CHAPTERS 727 AND 1710; AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AN ENERGY PROJECT AGREEMENT IN RELATION TO THE SPECIAL ENERGY IMPROVEMENT PROJECTS; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City of Sandusky created an Energy Special Improvement District ("District") under Ohio Revised Code Chapter 1710 and a non-profit corporation, known as the City of Sandusky, Ohio Energy Improvement District, Inc. ("Corporation"), to govern the District by Resolution No. 018-16R, passed on March 14, 2016; and

WHEREAS, pursuant to said Resolution, property owners within the District are permitted to make certain "energy efficiency improvements" to their properties, which constitute a "special energy improvement project", and pay for the cost of the special energy improvement project by way of special assessments in accordance with the process set out in Chapters 727 and 1710 of the Ohio Revised Code and Section 1710.01(G) provides that special energy improvement projects (including energy efficiency improvements) constitute public improvements and are therefore subject to special assessments; and

WHEREAS, the City of Toledo and the Toledo-Lucas County Port Authority ("Port Authority") have partnered to create an Energy Special Improvement District under Ohio Revised Code Chapter 1710 and a non-profit corporation, known as the Northwest Ohio Advanced Energy Improvement District, to govern the District. The Northwest Ohio Advanced Energy Improvement District and Port Authority have provided technical and financial assistance to the District for this project; and

WHEREAS, John and Adrienne O'Donnell, LLC, d.b.a. Imagine Baking, Inc. (herein known as the "Petitioners") are the owners of 100% of the property described on Exhibit "A" attached hereto (the "Properties") and will execute an Energy Project Agreement (the "Agreement") with the City of Sandusky Energy Improvement District and the Northwest Ohio Advanced Energy Improvement District ("NW Ohio ESID") upon passage of this Resolution, a copy of the Energy Project Agreement is attached to the Petition as Exhibit "1"; and ; and

WHEREAS, pursuant to the Agreement, and upon Application to the City of Sandusky, Ohio Energy Improvement District, Inc. for membership and financing of special energy improvement projects to the Properties; the Corporation, NW Ohio ESID, and John and Adrienne O'Donnell, LLC have caused an energy audit to the property to be completed; and; and

WHEREAS, the energy audit has identified energy conservation measures, all of which qualify as energy efficiency improvements as defined in Revised Code Section 1710.01(K), which John and Adrienne O'Donnell, LLC has determined to proceed with implementation, and to pay by way of special assessments; and

WHEREAS, John and Adrienne O'Donnell, LLC has submitted to this City Commission a petition ("Petition") seeking (i) the addition certain of its property

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to the District and (ii) approval of an amendment to the District's comprehensive plan for special energy improvement projects to include John and Adrienne O'Donnell Special Energy Improvement Projects and requesting that those Projects be undertaken by the District and that the costs thereof be specially assessed against the properties; and

WHEREAS, a complete list and description of the John and Adrienne O'Donnell Special Energy Improvement Projects is on file with the Clerk of the Sandusky City Commission, a copy of which is attached to this Resolution and marked Exhibit "B", and provides the following information for the John and Adrienne O'Donnell Special Energy Improvement Projects:

1. Identification of the parcels numbers and name of the property/building to be improved;
2. A description of the nature of the special energy improvement projects for the particular parcels; and
3. The estimated amount of the special assessment to be levied against each parcel of property and the number of years the special assessment will be collected (if not paid in cash within 30 days after the passage of the assessing ordinance as provided by law); and

WHEREAS, the annual special assessments for the Project are to be paid in semi-annual payments over fourteen (14) years. The plans and specifications for the John and Adrienne O'Donnell Special Energy Improvement Projects are on file with the Clerk of the City Commission. The John and Adrienne O'Donnell, LLC petition also waives 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, Chapter 727 of the Revised Code, the Sandusky City Charter and the Sandusky Codified Ordinances. John and Adrienne O'Donnell, LLC consents to the immediate imposition of the special assessments upon the various properties specially benefited by Special Energy Improvement Projects; and

WHEREAS, this special assessment process is a voluntary process with one hundred percent of the cost of the special energy improvement projects being assigned to the specially benefited properties. This resolution accepts and approves the petition from John and Adrienne O'Donnell, LLC, (d.b.a. Imagine Baking, Inc.) to begin that special assessment process, and is accompanied by an ordinance to proceed with John and Adrienne O'Donnell, LLC. When the John and Adrienne O'Donnell Special Energy Improvement Projects are complete and the final costs known, an assessing ordinance directing that the necessary special assessments be made against the benefited properties will be presented to this City Commission; and

WHEREAS, the addition of John and Adrienne O'Donnell, LLC property into the City of Sandusky, Ohio Energy Special Improvement District as well as the said projects on said parcel were considered by the Board of the Directors of the Sandusky Energy Special Improvement District on February 13, 2018, and was unanimously approved; and

WHEREAS, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in

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order to allow the owners to immediately begin commencement of the John and Adrienne O'Donnell Special Energy Improvement Projects and to expedite the levying of assessments upon completion; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Community Development, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Resolution** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This City Commission accepts and approves the Petition of John and Adrienne O'Donnell, LLC (d.b.a Imagine Baking, Inc.) for the John and Adrienne O'Donnell Special Energy Improvement Projects described herein and in Exhibit "B" attached to this Resolution, which is on file with the Clerk of the City Commission. All of the findings and determinations contained in the preceding preambles are incorporated herein and adopted as substantive findings and determinations of this City Commission.

Section 2. This City Commission (i) accepts and confirms the inclusion of the property listed in Exhibit "A" in the District, which, pursuant to Chapter 1710 of the Ohio Revised Code, is governed by the Corporation, and (ii) declares the necessity of the acquisition, installation and construction of the John and Adrienne O'Donnell Special Energy Improvement Projects, which shall be constructed on the property identified in Exhibit "A".

Section 3. This City Commission approves the form of the Energy Project Agreement and authorizes and directs the City Manager to execute the Agreement on behalf of the City in substantially the form attached to this Resolution, marked Exhibit "1", together with such revisions or additions as are approved by the Law Director as being consistent with the objectives and requirements of this Resolution and with carrying out the City's public purposes.

Section 4. This City Commission hereby confirms its approval of the plan for the District, including (and as supplemented and amended by and to include) the plans for the John and Adrienne O'Donnell Special Energy Improvement Projects, and the Corporation is authorized and directed to cause the John and Adrienne O'Donnell Special Energy Improvement Projects to be constructed under



such contracts as it determines to be appropriate under law and in accordance with the plan for the District, including (and as supplemented and amended by and to include) the plans for the John and Adrienne O'Donnell Special Energy Improvement Projects.

Section 5. The plans, specifications, estimates of costs, and profiles of the proposed John and Adrienne O'Donnell Special Energy Improvement Projects identified in Exhibit "B" on file with the Clerk of the City Commission and open to inspection are hereby approved, and the John and Adrienne O'Donnell Special Energy Improvement Projects shall be acquired, installed and constructed in accordance with those plans and specifications.

Section 6. This City Commission hereby finds and determines that (i) the John and Adrienne O'Donnell Special Energy Improvement Projects are conducive to the public health, convenience and welfare of the City and its inhabitants and (ii) the properties of John and Adrienne O'Donnell, LLC, identified in Exhibit "A" are specially benefited by those Projects.

Section 7. This City Commission hereby 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, Chapter 727 of the Revised Code, the Sandusky City Charter and the Sandusky Codified Ordinances, and consents to the immediate imposition of the special assessments upon the properties as identified in Exhibit "A". This waiver encompasses but is not limited to waivers of the following rights under the Revised Sections referred to below:

- The right to notice of the adoption of the Resolution of Necessity under Sections 727.13 and 727.14;
- The right to limit the amount of the special assessment under Sections 727.03 and 727.06;
- The right to file an objection to the special assessment under Section 727.15;
- The right to the establishment of, and any proceedings by and any notice from an Assessment Equalization Board under Sections 727.16 and 727.17;
- The right to file any claim for damages under Sections 727.18 through 727.22 and Section 727.43;

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- The right to notice that bids or quotations for John and Adrienne O'Donnell Special Energy Improvement Projects may exceed estimates by 15%;
- The right to seek a deferral of payments of special assessments under Section 727.251; and
- The right to notice of the passage of the assessing ordinance under Section 727.26.
- Any and all procedural defects, errors or omissions in the special assessment process.

Section 8. The total cost of the John and Adrienne O'Donnell Special Energy Improvement Projects shall be assessed against the properties of John and Adrienne O'Donnell, LLC identified in Exhibit "A" in proportion to the benefits resulting from the John and Adrienne O'Donnell Special Energy Improvement Projects.

Section 9. The total cost of the John and Adrienne O'Donnell Special Energy Improvement Projects shall include any and all architectural, engineering, legal, insurance, consulting, energy auditing, planning, acquisition, installation, construction, survey, testing and inspection costs, the amount of any damages resulting from those Projects and the interest thereon, 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 therein, expenses of legal services, costs of labor and material, trustee fees and other financing costs incurred in connection with the issuance, sale and servicing of securities issued by the Port Authority to provide a loan to the Corporation to pay costs of those Projects in anticipation of its receipt of the special assessments, capitalized interest on, and financing reserve funds for, such securities issued by the Port Authority, the administrative fee, together with all other necessary expenditures.

Section 10. The estimated assessments heretofore prepared and now on file with the Clerk of City Commission and amounting in the aggregate to \$593,077.96 be and are hereby adopted. The special assessments to be levied shall be paid according to the following schedule: in fourteen annual (28 semi-annual) installments, with interest thereon at the same rate or rates as shall be borne by the securities to be issued by the NW Ohio ESID and loaned to the Corporation for the John and Adrienne O'Donnell Special Energy Improvement Projects in anticipation of its receipt of the special assessments.



Section 11. The City does not intend to issue its own securities in anticipation of the levy or collection of the special assessments for the John and Adrienne O'Donnell Special Energy Improvement Projects, which instead shall be paid for initially from proceeds of the securities issued by the Port Authority for that purpose, and repaid through the special assessment process described herein.

Section 12. If any section, phrase, sentence, or portion of this Resolution is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 13. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Resolution were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 14. That this Resolution is declared to be an emergency measure and shall take effect and be in force from and after its passage in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio. The reason for the emergency lies in the fact that this Resolution is necessary for the immediate preservation of the public peace, health, safety and property; and for the further reason that immediate action is necessary in order to conserve energy, protect the environment of the City, and undertake construction of necessary public improvements, as well as, provide and enable the timely levying, certification and collection of the special assessments for the John and Adrienne O'Donnell Special Energy Improvement Projects.



DENNIS E. MURRAY, JR.
PRESIDENT OF THE CITY COMMISSION

ATTEST:



KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

Passed: February 26, 2018



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

A PETITION TO THE COUNCIL OF THE CITY OF SANDUSKY SEEKING THE IMPOSITION OF SPECIAL ASSESSMENTS TO PAY THE COSTS OF VARIOUS SPECIAL ENERGY IMPROVEMENT PROJECTS AGAINST PROPERTY OWNED BY THE PETITIONER AND SPECIALLY BENEFITED THEREBY, INCLUDING A WAIVER OF ALL RIGHTS TO NOTICES, HEARINGS AND APPEALS RESPECTING THE REQUESTED SPECIAL ASSESSMENTS

To the Council of the City of Sandusky, Erie County, Ohio:

John and Adrienne O'Donnell, LLC, an Ohio limited liability ("Owner") is the owner of 100% of the property described on **Exhibit A** attached hereto (the "Property"). The Property is currently leased and operated by Imagine Baking, Inc., an Ohio corporation for profit ("Lessee") (jointly with Owner hereinafter as "Petitioner"). The undersigned represent that he or she is the duly authorized signatory or officer of the Owner or Lessee.

The Petitioner respectfully petitions the City of Sandusky, Ohio (the "City") for the addition of the Property to the City of Sandusky, Ohio Energy Special Improvement District (the "District") pursuant to Ohio Revised Code Chapter 1710 and amendments thereto (the "Act"). The District's boundaries will be expanded to include the Property as described and shown in **Exhibit B**, attached to and incorporated into this Petition and for the purposes of developing and implementing special energy improvement projects. The Petitioner represents that a special energy improvement project will be developed and implemented on each parcel of real property with respect to the Petitioner as set forth below and as further described in **Exhibit C**.

The Board of Directors of the District have approved initial and amended plans for special energy improvement projects in the District (the "Current Comprehensive Plan"), pursuant to which the Energy Corporation has caused special energy improvement projects to be provided from time to time. In accordance with Chapter 1710 of the Revised Code and the Current Comprehensive Plan, the Current Comprehensive Plan may be amended from time to time to provide for additional special energy improvement projects, and 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 each parcel of real property within the additional territory added to the District.

The Board of Directors of the District have reviewed the plans for the special energy improvement projects described on **Exhibit B** attached hereto (the "John and Adrienne O'Donnell Energy Improvement Project") proposed to be constructed or installed on the Property and related and supporting materials and, subject to an approval by the City Council of an expansion of the District to include the Property, has approved an amendment of the Current Comprehensive Plan to include provision for the Imagine Baking Special Energy Improvement Projects.

As required by Section 1710.06 of the Revised Code, the Petitioner, as the owner of Property, being 100% of the area proposed to be added to the District and 100% of the area proposed to be assessed for the Imagine Baking Special Energy Improvement Projects, hereby (a) petitions the City Council to (i) approve the addition of the Property to the District and (ii) approve an amendment to the Current Comprehensive Plan to include the Imagine Baking Special Energy Improvement Projects and (b) requests that (i) the Imagine Baking Special Energy Improvement Projects be undertaken by the District and (ii) the total cost of those Projects be assessed on the Property in proportion to the special benefits that will result from the Projects.

In connection with this Petition and in furtherance of the purposes hereof, the Petitioner acknowledges that it has reviewed or caused to be reviewed (i) the Current Comprehensive Plan, (ii) the plans, specifications and profiles for the Imagine Baking Special Energy Improvement Projects, (iii) the estimate of cost for the Imagine Baking Special Energy Improvement Projects included in **Exhibit B** and (iii) the schedule of estimated special assessments to be levied for the Imagine Baking Special Energy Improvement Projects 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 Imagine Baking Special Energy Improvement Projects.

Accordingly, the Petitioner hereby petitions for the construction of the Imagine Baking Special Energy Improvement Projects identified in this Petition and the attached **Exhibit B**, as authorized under Revised Code Chapter 1710, and for the imposition of the special assessments identified herein and authorized under Revised Code Chapters 727 and 1710 ("the Special Assessments") to pay the costs thereof.

In consideration of the Council'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 Imagine Baking Special Energy Improvement Projects, including any and all architectural, engineering, legal, insurance, consulting, energy auditing, planning, acquisition, installation, construction, survey, testing and inspection costs, the amount of any damages resulting from the Projects and the interest thereon, 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 therein, expenses of legal services, costs of labor and material, trustee fees and other financing costs incurred in connection with the issuance, sale and servicing of securities issued by the Northwest Ohio Advanced Energy Improvement District to provide a loan to the District to pay costs of the Projects in anticipation of its receipt of the special assessments, capitalized interest on, and financing reserve funds for, such securities issued by the Port Authority and the Port Authority program administration fee, 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 set forth herein and in **Exhibit B** are in proportion to, and do not exceed, the special benefits to be conferred on the Property by the Imagine Baking Special Energy Improvement Projects

identified herein. The Petitioner further consents to the levying of the assessments therefore against the Property by the Council. The Petitioner acknowledges that these Special Assessments are fair, just and equitable and being imposed at the specific request of the Petitioners.

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 Imagine Baking Special Energy Improvement Projects and the Special Assessments, particularly those in Chapter 727 and 1710 of the Revised Code and consents to proceeding with the Imagine Baking Special Energy Improvement Projects. Without limiting the foregoing, the Petitioner specifically waives any notices and rights under the following Revised Code Sections:

- The right to notice of the adoption of the Resolution of Necessity under Sections 727.13 and .14;
- The right to limit the amount of the Special Assessment und Sections 727.03 and 727.06;
- The right to file an objection to the Special Assessment under Section 727.15;
- The right to the establishment of, and any proceedings by and any notice from an Assessment Equalization Board under Sections 727.16 and .17;
- The right to file any claim for damages under Sections 727.18 through 727.22 and Section 727.43;
- The right to notice that bids or quotations for the Special Energy Improvements may exceed estimates by 15%;
- The right to seek a deferral of payments of Special Assessments under Section 727.251; and
- The right to notice of the passage of the Assessing Ordinance under Section 727.26.

The Petitioner consents to immediately proceeding with all actions necessary to acquire, install and construct the Imagine Baking Special Energy Improvement Projects and impose the Special Assessments.

The Petitioner further agrees not to take any actions, or cause to be taken any actions, to place any of the Property in an agricultural district as provided for in Chapter 929 of the Revised Code, and if any of the Property is in an agricultural district, the Petitioners, in accordance with Section 929.03 of the Revised Code, hereby grants permission to collect any assessments levied against such Property.

The Petitioner acknowledges that the Special Assessments set forth herein and in the Exhibits hereto 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 thereon, may be more or less than the respective estimated assessments for the Imagine Baking Special Energy Improvement Projects. In the event the final assessments exceed the estimated assessments, the Petitioners, without limitation of the other waivers contained herein, also waives any rights it may now or in the future have to object to those assessments, any notice provided for in Chapters 727 and 1710 of the Revised Code, and any rights of appeal provided for in such Chapters or otherwise. The Petitioner further acknowledges and represents that the respective final assessments may be levied at such time as determined by the City and regardless of whether or

not any of the parts or portions of the Imagine Baking Special Energy Improvement Projects have been completed.

The Petitioner further acknowledges that the final assessments for the Imagine Baking Special Energy Improvement Projects, when levied against the Property, will be payable in cash within thirty (30) days from the date of passage of the ordinance confirming and levying the final assessments and that if any of such 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, or collected by the City Treasurer as the City may elect. The Petitioner requests that the unpaid final assessments for the Imagine Baking Special Energy Improvement Projects be payable in 28 semi-annual installments, together with interest at the same rate as shall be borne by any bonds or other securities which may be issued in anticipation of the collection of all or a portion of any such final assessments.

The Petitioner further waives any and all questions as to the constitutionality of the laws under which the Imagine Baking Special Energy Improvement Projects shall be acquired, installed or constructed or the proceedings relating thereto, the jurisdiction of the City acting in connection therewith, all irregularities, errors and defects, if any, procedural or otherwise, in the levying of the assessments or the undertaking of the Special Energy 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, Chapters 727 and 1710 of the Revised Code, as well as all such similar rights under the Constitution of the State of Ohio, the Charter of the City of Sandusky and the Sandusky Municipal Code. The Petitioner represents that it will not contest, in a judicial or administrative proceeding, the undertaking of the Special Energy Improvements, the estimated assessments, the final assessments and any Special Assessments levied against the Property for the Special Energy Improvements, or any other matters related to the foregoing.

The Petitioner acknowledges and understands that the City, the District (a/k/a the Energy Special Improvement District created under Revised Code Chapter 1710), and the Northwest Ohio Advanced Energy Improvement Corporation all will be relying upon this petition in taking actions pursuant thereto and expending resources. Therefore this petition shall be irrevocable and shall be binding upon the Petitioners, any successors or assigns thereof, the Property, and any grantees, mortgagees, lessees, or transferees thereof. The Petitioner acknowledges that it has had an opportunity to be represented by legal counsel in this undertaking and has knowingly waived the rights identified herein.

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IN WITNESS WHEREOF, John and Adrienne O'Donnell, LLC, has caused this petition to be executed by Adrienne O'Donnell, in her official capacity as Member, John and Adrienne O'Donnell, LLC, 1034 Hancock Street, Sandusky, Ohio 44870, on January 17, 2018.

John and Adrienne O'Donnell, LLC

By Adrienne O'Donnell

STATE OF California
COUNTY OF Santa Barbara) SS:

On the 17th day of January, 2018, before me, a Notary Public, in and for said County and State, personally appeared, Adrienne O'Donnell, Member, for John and Adrienne O'Donnell, LLC, 1034 Hancock Street, Sandusky, Ohio 44870, who affirmed that pursuant to due authorization she executed the within and foregoing instrument for and on behalf of John and Adrienne O'Donnell, LLC, in her official capacity, and that the same is the free act and deed of John and Adrienne O'Donnell, LLC.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year aforesaid.

Notary Public

see attached

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

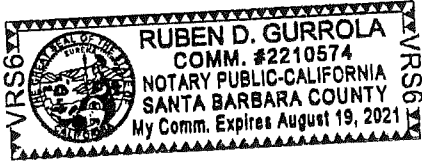
State of California
County of Santa Barbara)

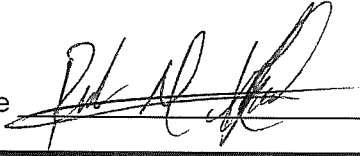
On January 17, 2018 before me, Ruben D. Gurrola, Notary Public
(insert name and title of the officer)

personally appeared Adrienne O'Donnell,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
~~his/her/their~~ authorized capacity(ies), and that by ~~his/her/their~~ signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature 

(Seal)

IN WITNESS WHEREOF, Imagine Baking, Inc., has caused this petition to be executed by Adrienne O'Donnell, in her official capacity as President, Imagine Baking, Inc., 1034 Hancock Street, Sandusky, Ohio 44870, on January 18, 2018.

Imagine Baking, Inc.

By: *Adrienne O'Donnell*

STATE OF _____)
) SS:
COUNTY OF _____)

On the ___ day of January, 2018, before me, a Notary Public, in and for said County and State, personally appeared, Adrienne O'Donnell, _____, for Imagine Baking, Inc., 1034 Hancock Street, Sandusky, Ohio 44870, who affirmed that pursuant to due authorization she executed the within and foregoing instrument for and on behalf of Imagine Baking, Inc., in her official capacity, and that the same is the free act and deed of Imagine Baking, Inc..

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year aforesaid.

see attached
Notary Public

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

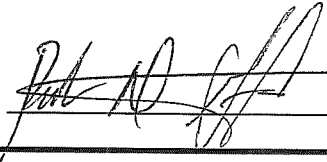
State of California
County of Santa Barbara)

On January 17, 2018 before me, Ruben D. Gurrola, Notary Public
(insert name and title of the officer)

personally appeared Adrienne O'Donnell
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
~~his/her/their~~ authorized capacity(ies), and that by ~~his/her/their~~ signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)

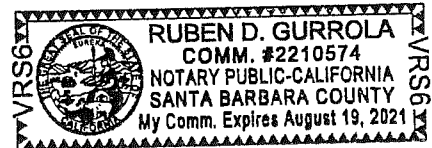


EXHIBIT A

DESCRIPTION OF REAL PROPERTY SUBJECT TO THIS PLAN:

The real property subject to this Petition is located at the commonly used mailing address: 1034 Hancock Street, Sandusky, Ohio 44870. The area of the real property subject to this Petition is approximately 1 acre. The Erie County Auditor Parcel IDs for the real property subject to this Petition are: 57-00902.000. The following is the legal description for the real property subject to this Petition:

Situated in the City of Sandusky, County of Erie and State of Ohio:

Known as being the whole of Lots 47, 49, 51, 53 on Franklin Street, the whole of Lots 71, 73, 75 and 77 on Hancock Street, part of Lots 55 and 61 on Franklin Street and part of Lots 67 and 69 on Hancock Street, Second Ward, City of Sandusky, Erie County, Ohio and being more particularly described as follows:

Beginning at a 1/2" iron pin set at the most northerly corner of Lot 47, said point being on the southwesterly right of way of Franklin Street, where the same intersects the southeasterly right of way of Neil Street;

Thence South 26 deg. 45' 56" East along the northeasterly line of Lots 47, 49, 51, 53 and 55, the same being the southwesterly right of way line of Franklin Street, a distance of 333.26 feet to a 1/2" iron pin set at the most northerly corner of lands now or formerly owned by Theodore and Eugenia Morey, as recorded in Book 49, Page 966 of the Erie County Deed Records;

Thence South 03 deg. 41' 54" East along the westerly line of said Morey's land, a distance of 74.27 feet to a drill hole cut in a concrete sidewalk at said Morey's most southerly corner, said point also being on the northwesterly right of way line of Scott Street; Thence South 63 deg. 06' 04" West along the southeasterly line of Lots 61 and 77, the same being the northwesterly right of way line of Scott Street, a distance of 368.14 feet to a drill hole cut in a concrete sidewalk at the most southerly corner of Lot 77, said point also being on the northeasterly right of way line of Hancock Street;

Thence North 26 deg. 49' 56" West along the southwesterly line of Lots 77, 75, 73 and 71, the same being the northeasterly right of way line of Hancock Street, a distance of 267.76 feet to the most westerly corner of Lot 71, the same being the most southerly corner of Lot 69 and lands now or formerly owned by Lawrence H. Schell, as recorded in Book 101, Page 220 of the Erie County Deed Records;

Thence North 63 deg. 06' 44" East along the southeasterly line of Lot 69 and lands of said Schell, a distance of 132.52 feet to a 1/2" iron pin set at the most easterly corner of said Schell's land;

Thence North 26 deg. 48' 36" West along the northeasterly line of said Schell's land and the northeasterly line of lands now or formerly owned by St. Stephen African Methodist Episcopal Church of Sandusky, Ohio, as recorded in Volume 348, Page 210 of the Erie County Deed Records, a distance of 133.87 feet to a drill hole set in a concrete sidewalk at the most northerly corner of said church land;

Thence North 63 deg. 07' 04" East along the northwesterly line of Lots 67 and 47, the same being the southeasterly right of way line of Neil Street, a distance of 265.14 feet to the Principal Place of Beginning.

Parcel No. 57-00902.000

EXHIBIT B

Project Plan for Imagine Baking Special Energy Improvement Projects

The real property owned by John and Adrienne O'Donnell, LLC at 1034 Hancock Street, Sandusky, Ohio 44870, and consisting of Parcel 57-00902.000, serves as a commercial bakery.

The property will be subject to special assessments for energy improvements in accordance with Chapter 1710 of the Ohio Revised Code.

The Project is expected to consist of the following energy efficiency elements:

- LED lighting
- Roof Upgrades
- Equipment upgrades

Total project cost: \$362,000.00

Total cost including financing and other charges: \$417,652.15

Total assessment payments to be collected: \$593,077.96

Estimated Annual assessment payment: \$42,362.72

Estimated semi-annual special assessments for 14 years*: \$21,181.36

Number of semi-annual installments: 28

First annual installment due: January 31, 2019

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

Year Payments Are Due	Total Annual Assessment Parcel	1st Half (Due 1/31)	2nd Half (Due 7/31)
2018	\$42,362.72	\$21,181.36	\$21,181.36
2019	\$42,362.72	\$21,181.36	\$21,181.36
2020	\$42,362.72	\$21,181.36	\$21,181.36
2021	\$42,362.72	\$21,181.36	\$21,181.36
2022	\$42,362.72	\$21,181.36	\$21,181.36
2023	\$42,362.72	\$21,181.36	\$21,181.36
2024	\$42,362.72	\$21,181.36	\$21,181.36
2025	\$42,362.72	\$21,181.36	\$21,181.36
2026	\$42,362.72	\$21,181.36	\$21,181.36
2027	\$42,362.72	\$21,181.36	\$21,181.36
2028	\$42,362.72	\$21,181.36	\$21,181.36
2029	\$42,362.72	\$21,181.36	\$21,181.36
2030	\$42,362.72	\$21,181.36	\$21,181.36
2031	\$42,362.60	\$21,181.30	\$21,181.30
Total Assessment	\$593,077.96		

Pursuant to Ohio Revised Code Chapter 323, the Assessment Payment Dates identified in this Exhibit B to the Plan are subject to adjustment by the Erie County Fiscal Officer under certain conditions.

The County Fiscal Officer of Erie County, Ohio may impose a special assessment collection fee with respect to each Semiannual Assessment payment. If imposed, this special assessment collection fee will be added by the County Fiscal Officer of Erie County, Ohio to each semi-annual Semiannual Assessment payment.

EXHIBIT C

Energy Project Agreement

(See Attached)