

ORDINANCE NO.: 113-2025
INTRODUCED BY: Mayor Thomas

AN ORDINANCE DETERMINING TO PROCEED WITH THE ACQUISITION, INSTALLATION, EQUIPMENT, AND IMPROVEMENT OF CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF RICHMOND HEIGHTS, OHIO IN COOPERATION WITH THE NORTHEAST OHIO ADVANCED ENERGY DISTRICT.

WHEREAS, the Council (“Council”) of the City of Richmond Heights, Ohio (the “City”) duly adopted Resolution No. 112-2025 on September 9, 2025 (the “Resolution of Necessity”), (i) declaring the necessity of acquiring, installing, equipping, and improving energy efficiency improvements, including, without limitation, energy-efficient LED lighting and HVAC systems, and related improvements (as more fully described in the Petition referenced in this Ordinance, the “Project”) located on real property owned by RH Healthcare LLC (the “Owner”) and within the City (the “Project Site”, as more fully described in Exhibit B to the Petition); (ii) providing for the acquisition, installation, equipment, and improvement of the Project by the Owner, as set forth in the Owner’s Petition to Add Territory to the Northeast Ohio Advanced Energy District and for Improvement Project (the “Petition”), including by levying and collecting special assessments to be assessed upon the Project Site (the “Special Assessments”) in an amount sufficient to pay the maximum costs of the Project, which is estimated not to exceed \$5,612,120.00 in the Petition, 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 Northeast Ohio Advanced Energy District (“District”) administrative fees and expenses; 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 Owner; and no claims for damages alleged to result from, or objections to, the Project have been filed within the times prescribed by Ohio Revised Code Sections 727.15 and 727.18.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Richmond Heights, State of 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 Petition or the Resolution of Necessity.

Section 2: That this Council declares that its intention is to proceed or to cooperate with the District to proceed with the acquisition, installation, equipment, 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, profiles, and estimates of cost previously approved and now on file with the Director of Finance and the Clerk of Council.

Section 3: That the maximum Special Assessments to pay costs of the Project, which are estimated not to exceed \$5,612,120.00 including any and all architectural, engineering, legal, insurance, consulting, energy auditing, planning, acquisition, installation, construction, surveying, testing, and inspection costs; the amount of any damages resulting from the Project and the interest on such damages; the costs incurred in connection with the preparation, levy and collection of the special assessments; the cost of purchasing and otherwise acquiring any real estate or interests in real estate; expenses of legal services; costs of labor and material; trustee fees and other financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued or incurred to provide a loan or to secure an advance of funds 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 or incurred, including any credit enhancement fees, trustee fees, program administration fees, financing servicing fees, and District administrative fees and expenses; an amount to reflect an assumed maximum rate of interest on unpaid Special Assessments which shall be treated as part of the cost of the Project for which the Special Assessments are made at an interest rate which shall be determined by the District to be substantially equivalent to the fair market rate that would have been borne by notes or bonds if notes or bonds had been issued by the District or another issuer of notes or bonds to pay the costs of the Project; together with all other necessary expenditures, 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 any principal repayment and interest and administrative fees payable with respect to the Project. The Special Assessments shall be 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. In addition to the Special Assessments, the County Fiscal Officer of Cuyahoga 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 Fiscal Officer of Cuyahoga County, Ohio.

Section 4: That the estimated Special Assessments for costs of the Project prepared and filed in the office of the Clerk of Council and in the office of the Director of Finance, in accordance with the Resolution of Necessity, are adopted.

Section 5: 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 fifteen (15) days after the date of its passage.

Section 6: That all contracts for the construction of the Project will be let in accordance with the Petition, the Program Plan, and the Supplemental Plan, and the costs of the Project shall be financed as provided in the Resolution of Necessity.

Section 7: That this Council hereby finds and determines that all formal actions taken relative to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of its committees, if any, which resulted in formal action were

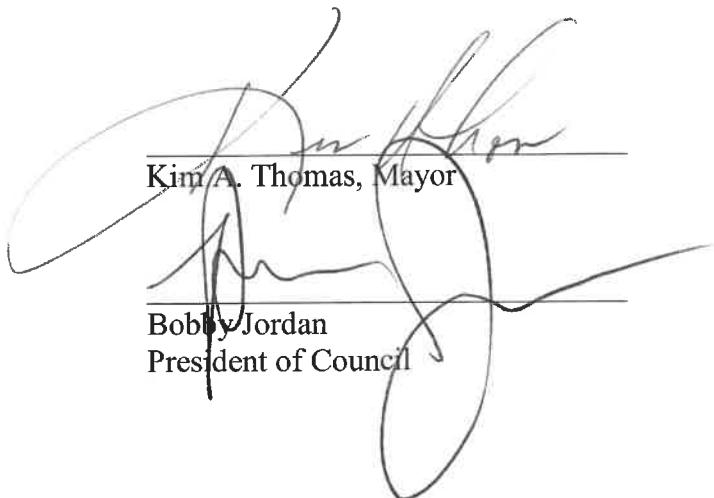
taken in meetings open to the public, in full compliance with all applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 8: 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. 113-2025, 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

RECEIPT OF COUNTY FISCAL OFFICER FOR
LEGISLATION DETERMINING TO
PROCEED WITH ACQUISITION, INSTALLATION,
EQUIPMENT, AND IMPROVEMENT OF 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. 113-2025 duly passed by the Council of the City of Richmond Heights, Ohio on September 9 2025, determining to proceed with the acquisition, installation, equipment, and improvement of certain public improvements in the City of Richmond Heights, Ohio in cooperation with the Northeast Ohio Advanced Energy District, was filed in this office on [] []], 2025.

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

Fiscal Officer
Cuyahoga County, Ohio