

FIRST AMENDMENT TO ADDENDUM NO. 2020-02
TO STANDING ASSIGNMENT AGREEMENT
ASSIGNEE: Columbus-Franklin County Finance Authority

THIS FIRST AMENDMENT TO ADDENDUM NO. 2020-02 (the **First Amendment to Addendum** and together with the Original Addend, as defined below, the **Addendum**) to the STANDING ASSIGNMENT AGREEMENT by and between the CITY OF COLUMBUS, OHIO, a municipal corporation duly organized and validly existing under the constitution and laws of the State of Ohio (the **State**) and its Charter (the **City**), and the BEXLEY, COLUMBUS, DUBLIN, GAHANNA, GRANDVIEW HEIGHTS, GROVE CITY, HILLIARD, MARBLE CLIFF, PERRY TOWNSHIP, SHARON TOWNSHIP, WHITEHALL, WORTHINGTON REGIONAL ENERGY SPECIAL IMPROVEMENT DISTRICT, INC., doing business under the registered trade name COLUMBUS REGIONAL ENERGY SPECIAL IMPROVEMENT DISTRICT, INC., a nonprofit corporation and special improvement district duly organized and validly existing under the laws of the State (the **ESID**) (the **Standing Assignment Agreement**) is executed and delivered by the City and the ESID as of the date stated below, all under Section 2.2 of the Standing Assignment Agreement. Capitalized terms used in this Addendum and not defined in the Addendum have the meanings stated in Exhibit A to the Standing Assignment Agreement:

- A. Trolley Barn LLC, an Ohio limited liability company (the **Owner**) has petitioned the City to include its real property located at 200 and 212 Kelton Avenue, Columbus, Ohio 43205, having Franklin County Auditor ID Number 010-066585-00, and being more particularly described as stated in the Petition for Special Assessments for Special Energy Improvement Projects and Affidavit dated as of February 27, 2020 (the **Original Petition**) (the **Property**) and to add the Property to the territory of the ESID and to levy special assessments on the Property in the amount stated in the Petition.
- B. On March 3, 2020, the Interim Director of Development, on behalf of the City Council, approved the Owner's Petition and a supplemental plan to the Plan attached to the Petition and determined the special assessments to be levied against the Property.
- C. The Columbus-Franklin County Finance Authority (the **Lender**) entered into an agreement with the Owner as of the date of this Addendum to provide financing to pay the costs of the special energy improvement projects described in the Owner's Petition (the **Project**).
- D. In consideration of the Lender's provision of funding to pay the costs of the Project, the City, under the Standing Assignment Agreement, assigned and transfer to the Lender the special assessments levied under the Petition, all under and in accordance with the Standing Assignment Agreement and Addendum No. 2020-02 to the Standing Assignment Agreement (the **Original Addendum**) dated as of March 13, 2020.
- E. Since the date of the Original Addendum, the amount of special assessments necessary to repay the Lender's funding for the costs of the Project has changed.

- F. The Owner has submitted to the City an Amendment to the Petition for Special Assessments for Special Energy Improvement Projects dated as of February 23, 2023 (the **Petition Amendment**, and together with the Original Petition, as amended, the **Petition**) and requested that the amount of each installment of the special assessments be changed to the amounts shown on Exhibit 1 to the Petition Amendment and on **Schedule 1** attached to this First Amendment to Addendum.
- G. The Director of Development, on behalf of the City Council, has approved the Petition Amendment.
- H. The City and the ESID desire to amend the Original Addendum as stated in this First Amendment to Addendum.

In consideration of the mutual promises and agreements contained in the Standing Assignment Agreement and in this Addendum:

- 1. The list of Special Assessments attached to the Original Addendum is hereby deleted and replaced in its entirety with the list of Special Assessments attached to this First Amendment to Addendum as **Schedule 1**.
- 2. Except as expressly modified by this First Amendment to Addendum, all of the terms and conditions of the Original Addendum shall remain unchanged and in full force and effect.

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DATE: March 2, 2023

CITY OF COLUMBUS, OHIO



Name: Michael H. Stevens

Title: Director, Department of Development

Approved as to form:



City Attorney

DATE: _____, 2023

BEXLEY, COLUMBUS, DUBLIN, GAHANNA,
GRANDVIEW HEIGHTS, GROVE CITY,
HILLIARD, MARBLE CLIFF, PERRY TOWNSHIP,
SHARON TOWNSHIP, WHITEHALL,
WORTHINGTON REGIONAL ENERGY SPECIAL
IMPROVEMENT DISTRICT, INC., D/B/A:

COLUMBUS REGIONAL ENERGY
SPECIAL IMPROVEMENT DISTRICT, INC.



Name: BEN KESSLER
Title: CHAIRPERSON

[Counterpart Signature Page to First Amendment to Addendum]

CITY AUDITOR CERTIFICATE

The undersigned, Auditor of the City of Columbus, Ohio, hereby certifies that the moneys required to meet the obligations of the City during the year 2023 under the foregoing First Amendment to Addendum No. 2020-02 to the Standing Assignment Agreement are “other revenue in the process of collection” under Ohio Revised Code Section 5705.41(E), and are therefore deemed to have been lawfully appropriated by the City Council of the City for such purpose and are in the treasury of the City or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. This Certificate is given in compliance with Ohio Revised Code Sections 5705.41 and 5705.44.

Megan N.
Kilgore

Digitally signed by Megan
N. Kilgore
Date: 2023.03.06
08:26:15 -05'00'

Auditor
City of Columbus, Ohio

Dated: 3/6/23, 2023

SCHEDULE 1 TO ADDENDUM NO. 2020-02
ASSIGNEE: Columbus-Franklin County Finance Authority

SCHEDULE OF SPECIAL ASSESSMENTS

The property to which this Addendum No. 2020-02 applies and on which the special assessments shown below are to be levied is located at the commonly used mailing address 200 and 212 Kelton Avenue, Columbus, Ohio 43205, with Franklin County Auditor ID Number 010-066585-00, and more particularly described as stated in the Petition for Special Assessments for Special Energy Improvement Projects and Affidavit dated as of February 27, 2020, as amended (the **Property**). The special assessments to be levied by the City of Columbus, Ohio against such Property shall be in the amount and shall be due on the dates shown below and as and when collected shall be paid to the Columbus-Franklin County Finance Authority:

[See Attached]

Special Assessment Payment Date¹	Special Assessment Amount²
January 31, 2022	\$116,631.07
July 31, 2022	116,631.07
January 31, 2023	116,631.07
July 31, 2023	116,631.07
January 31, 2024	96,988.59
July 31, 2024	96,988.59
January 31, 2025	96,988.59
July 31, 2025	96,988.59
January 31, 2026	96,988.59
July 31, 2026	96,988.59
January 31, 2027	96,988.59
July 31, 2027	96,988.59
January 31, 2028	96,988.59
July 31, 2028	96,988.59
January 31, 2029	96,988.59
July 31, 2029	96,988.59
January 31, 2030	96,988.59
July 31, 2030	96,988.59
January 31, 2031	96,988.59
July 31, 2031	96,988.59
January 31, 2032	96,988.59
July 31, 2032	96,988.59
January 31, 2033	96,988.59
July 31, 2033	96,988.59
January 31, 2034	96,988.59
July 31, 2034	96,988.59
January 31, 2035	96,988.59
July 31, 2035	96,988.59
January 31, 2036	96,988.59
July 31, 2036	96,988.59
January 31, 2037	96,988.59
July 31, 2037	96,988.59
January 31, 2038	96,988.59
July 31, 2038	96,988.59
January 31, 2039	96,988.59
July 31, 2039	96,988.59

¹ Pursuant to Ohio Revised Code Chapter 323, the Special Assessment Payment Dates identified above for first-half and second-half real property taxes are determined by statute and a variety of circumstances and are subject to adjustment by the Franklin County Auditor under certain conditions.

² Pursuant to Ohio Revised Code Section 727.36, the Franklin County Auditor may charge and collect a fee in addition to the amounts listed in the above schedule.