

APPENDIX A

PETITION

FOURTH & ELM PARKING GARAGE PROJECT

City of Columbus, Ohio

June __, 2008

To the Council of the City of Columbus, Franklin County, Ohio:

Definitions. Each capitalized term not otherwise defined herein or by reference to another document shall have the meaning assigned to it in **Exhibit A** attached hereto.

Petitioners. The property owners executing this Petition (the "Petitioners") are the owners of certain Parcels within the Special Benefit District (described in **Exhibit B** attached hereto) which would pay in the aggregate more than 75% of the total Special Assessments petitioned for hereunder.

The Project. The Petitioners petition the Council to Develop and operate the Fourth & Elm Parking Garage Project (the "Project"), as set forth in the Plans and Specifications filed with the Clerk of Council, and with such changes as will substantially accomplish the purposes of this Petition. The Petitioners request that the Council adopt the Resolution of Necessity, substantially in the form attached hereto as **Exhibit D**, in order to impose the Special Assessments to fund a portion of the costs of the Project.

Special Assessments to be Assessed and Collected. The Special Assessments shall be calculated as of the Determination Date and allocated to each Assessed Parcel in the Special Benefit District based on the Proportional Benefit to each such Assessed Parcel. The percentage of Proportional Benefit for each Assessed Parcel shall be multiplied by the Special Assessment for the entire Special Benefit District to determine the amount of Special Assessments to be paid by such Assessed Parcel.

The Petitioners agree that the Special Assessments shall be assessed upon the Assessed Properties and that such Special Assessments shall commence and first be assessed in 2009 or as soon thereafter as permitted by law. The Special Assessments shall be collected in 60 consecutive semi-annual installments of \$182,500 each, and the Petitioners agree that said semi-annual installments shall be certified to the County Auditor for collection pursuant to Section 727.33 of the Revised Code.

Prepayment of Special Assessments. The Special Assessment as to any Assessed Parcel may be prepaid at any time by paying the full amount of the aggregate unpaid installments for such Assessed Parcel.

Waiver. The Petitioners consent and request that the Special Assessments be levied and collected, and the Petitioners agree that they will not contest, in a judicial, assessment

equalization board, or other administrative proceeding, the Special Assessments levied against their Assessed Parcels for the Project.

Authority to Sign. By signing this Petition, each Petitioner represents and covenants under penalties of perjury, solely for such Petitioner and not for any other Petitioner, that the signatory or signatories to this Petition have the full right and authority to sign this Petition and that no other signatures or approvals are required.

Captions and Interpretation. Captions in this Petition are for convenience of reference only and in no way define, limit or describe the scope or intent of any paragraphs hereof. All provisions in this Petition shall be construed so as to assure the full collection of the Special Assessments.

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[USE THIS FORM FOR NATURAL PERSONS]

IN WITNESS WHEREOF, this Petition was executed as of the date set forth below, by the undersigned Petitioner(s), the Owner(s) of the Tax Parcel(s) set forth below.

By: _____
Printed Name _____

By: _____
Printed Name _____

By: _____
Printed Name _____

By: _____
Printed Name _____

Tax Parcel Number

Front Footage

Area (sq. ft.)

Totals

=====

=====

STATE OF _____, COUNTY OF _____.

The foregoing instrument was acknowledged before me this _____ day of _____, 2008, by _____

Notary Public

STATE OF _____, COUNTY OF _____.

The foregoing instrument was acknowledged before me this _____ day of _____, 2008, by _____

Notary Public

[USE THIS FORM FOR LEGAL ENTITIES]

IN WITNESS WHEREOF, this Petition was executed as of the date set forth below, by the undersigned Petitioner, the Owner of the Tax Parcel(s) set forth below.

By: _____
Printed Name _____
Its: Authorized Signatory

<u>Tax Parcel Number</u>	<u>Front Footage</u>	<u>Area (sq. ft.)</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
Totals	=====	=====

STATE OF _____, COUNTY OF _____.

The foregoing instrument was acknowledged before me this _____ day of _____, 2008, by _____, Authorized Signatory for _____

_____.

Notary Public

Exhibit A

Fourth & Elm Parking Garage Project Petition

Definitions

"Adjusted Building Area" means the building area above grade for an Assessed Parcel, as shown in the records of the County Auditor, less any building area included therein and used for off-street parking or for any residential use classified as such under the Zoning Code.

"Area" means the square footage of a Parcel.

"Assessed Parcel" means any Parcel within the Special Benefit District, except any Excludable Parcel.

"Assessed Properties" means all of the Assessed Parcels, as identified on **Exhibit C** attached to the Petition.

"Charter" means the Charter of the City.

"City" means the City of Columbus, Ohio, a municipality and political subdivision organized and existing under the constitution of the State and under the Charter.

"City Auditor" means the City Auditor of the City.

"Common Ownership" means the circumstance where two or more Parcels have the same taxpayer of record (as shown on the records of the County Auditor, and as supplemented by reference to the records of the Franklin County Recorder).

"Council" means the City Council of the City.

"County Auditor" means the Auditor of Franklin County, Ohio.

"Determination Date" means the date that of the passage of the Resolution of Necessity by Council.

"Develop" means to acquire, construct, equip, maintain, and repair the Project.

"Excludable Parcel" means a Parcel in the Special Benefit District that is (1) used solely for off-street parking; (2) improved and used (a) solely as a single-family dwelling, two-family dwelling, or for any other residential use classified as such under the Zoning Code, (b) predominately as an auditorium, conference, meeting or special event center, or large place of assembly, (c) as a club facility providing meals, exercise facilities, or diversion for its membership, or (d) as a church, its rectory or parsonage, and its offices and other accessory uses; or (3) used as the site of the Project.

"Front Footage" means the front footage of a Parcel abutting upon a street, alley, public road, place, boulevard, parkway, park entrance, easement, or other public improvement.

"Mechanical Parking Space" means the cubic area of space within a mechanical system that is designed for parking or storing a motor vehicle.

"Off-Site Parking Space" means a Parking Space or Mechanical Parking Space on another Parcel that is used to satisfy some or all of the Parking Demand for an Assessed Parcel, provided that such other Parcel is situated within 800 feet of, and under Common Ownership with, such Assessed Parcel, all as determined on the Determination Date, and provided further that the Owner of such Assessed Parcel and the other Parcel has given an affidavit evidencing facts and circumstances that satisfy the tests for qualifying a Parking Space or Mechanical Parking Space as an Off-Site Parking Space under the Petition, such affidavit to be given to the Clerk of the Council on or before the Determination Date.

"Opinion of Bond Counsel" means an opinion of counsel nationally recognized as having an expertise in connection with the exclusion of interest on obligations of states and local governmental units from the gross income of holders thereof for federal income tax purposes.

"Owner" means the owner or owners of an Assessed Parcel, and any successors in interest thereto.

"Parcel" or "parcel" means a property designated in the records of the County Auditor as a tax parcel with an assigned tax parcel number.

"Parcel Special Assessment" means, with respect to each Assessed Parcel, the Special Assessment allocated to such Assessed Parcel as of the Determination Date based on the Proportional Benefit for such Assessed Parcel.

"Parking Deficit," with respect to each Assessed Parcel, shall be computed as follows:

- (i) Determine the Parking Demand for such Assessed Parcel.
- (ii) Reduce such Parking Demand by the number of Parking Spaces and Mechanical Parking Spaces situated on such Assessed Parcel.
- (iii) Further reduce such Parking Demand by the number of Off-Site Parking Spaces.
- (iv) The resulting Parking Demand is the "Parking Deficit" for such Assessed Parcel, *provided that* if above calculation results in a Parking Deficit that is one Parking Space or less, then there shall be no Parking Deficit for such Assessed Parcel.

The total Parking Deficit for the Assessed Properties shall be equal to the sum of the Parking Deficits for all of the Assessed Parcels.

"Parking Demand," with respect to each Assessed Parcel, shall be computed by multiplying the Adjusted Building Area of any improvements on such Assessed Parcel by two (2) Parking Spaces per 1,000 square feet. For a Public Utility Installation, Parking Demand

shall be calculated at the rate of one (1) Parking Space per employee on the largest shift, plus one (1) Parking Space per motor vehicle used in the operation of such Public Utility Installation and based, for operational purposes, on the premises.

"Parking Space" has the same meaning as in the Zoning Code, which is a rectangular area of not less than nine (9) feet by eighteen (18) feet, exclusive of any driveway or other circulation area, accessible from a street, alley, or maneuvering area and designed for parking a motor vehicle.

"Person" or words importing persons mean firms, associations, partnerships (including without limitation, general and limited partnerships), limited liability companies, joint ventures, societies, estates, trusts, corporations, public or governmental bodies, other legal entities, and natural persons.

"Petition" or "Fourth & Elm Parking Project Petition" means this Petition filed by the Petitioners relating to its request that the City levy Special Assessments to pay a portion of the costs of the Project.

"Petitioners" means the Owners who have signed the Petition.

"Plans and Specifications" means the plans, specifications, and profiles for the Project filed with the Clerk of Council prior to the passage of the Resolution of Necessity.

"Project" or "Fourth & Elm Parking Garage Project" means the acquisition, construction, installation, equipping, or improvement of off-street parking facilities at the southeast corner of the intersection of Fourth and Elm Streets, and acquiring interests in the site thereof, together with all necessary and proper appurtenances, all as more specifically described in the Plans and Specifications.

"Proportional Benefit" means, with respect to each Assessed Parcel, the percentage computed by dividing the Parking Deficit for such Assessed Parcel by the Parking Deficit for the Assessed Properties.

"Public Utility Installation" means a building predominantly used by a Utility and not less than 25% of which is used for the storage or operation of specialized equipment used in the course of business of such Utility. Examples of Public Utility Installations include electrical substations, gas regulating stations, telephone exchanges, and utility stations.

"Resolution of Necessity" means the preliminary resolution declaring the necessity of the Project, in substantially the form set forth in **Exhibit D** attached to the Petition, and required to be passed by the Council pursuant to Section 166 of the Charter and Section 727.12 of the Revised Code.

"Revised Code" means the Ohio Revised Code.

"Special Assessments" means assessments on the Assessed Properties in an amount equal to \$365,000 annually.

"Special Benefit District" means the area comprised of all Parcels having fifty percent (50%) or more of the acreage of each such Parcel situated within 800 feet of the perimeter of the Parcel upon which the Project is located, all as more fully described in **Exhibit B** attached to the Petition.

"State" means the State of Ohio.

"Utility" means a company or other Person subject to regulation by the State or federal government or an agency thereof as a public utility, including, without limitation, electric, natural gas, and telephone companies.

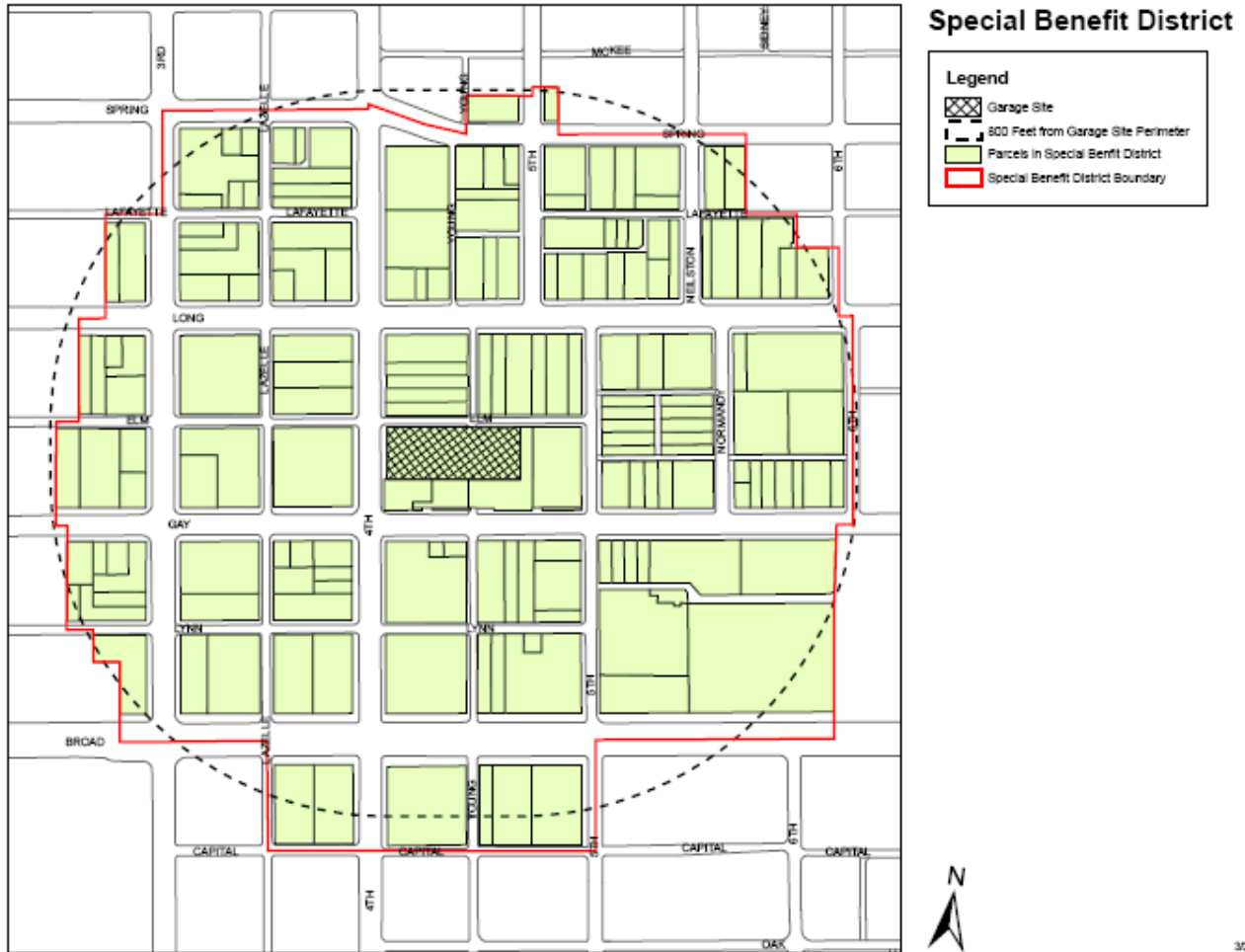
"Zoning Code" means the Zoning Code of the City codified at Title 33 of the codified ordinances of the City.

Exhibit B

Fourth & Elm Parking Garage Project Petition

SPECIAL BENEFIT DISTRICT

Map of the Special Benefit District



List of Parcels in the Special Benefit District

Total Number of Parcels: 298
Total Linear Frontage (ft): 34,036.84
Total Parcel Land Area (sf): 1,706,731.4

Parcel	Linear Frontage	Land Area (sf)
010-000203	60.00	3,783.76
010-000358	117.00	6,349.06
010-001091	54.00	4,919.34
010-001149	370.50	17,349.58
010-001185	256.00	6,071.29
010-001216	64.00	5,916.10
010-001487	242.00	4,541.33
010-002628	64.00	6,261.76
010-002701	128.55	2,113.84
010-002816	327.74	22,267.17
010-003393	31.25	2,892.66
010-003394	47.50	2,942.14
010-003725	437.13	25,280.47
010-004135	104.00	10,175.49
010-004188	60.00	3,819.50
010-004193	34.65	4,360.96
010-004558	125.00	11,557.35
010-004559	312.50	11,870.17
010-004674	130.75	4,467.23
010-004859	60.00	3,693.66
010-004866	91.50	17,155.87
010-004994	31.25	2,973.48
010-004995	156.25	5,725.88
010-005336	102.50	2,574.83
010-006074	55.00	4,817.90
010-006131	60.00	4,010.43
010-006406	312.50	11,661.84
010-006428	447.70	29,044.26
010-006643	168.75	4,359.05
010-006845	248.00	7,339.57

Parcel	Linear Frontage	Land Area (sf)
010-006853	124.00	11,818.73
010-007306	310.00	11,583.22
010-007527	60.00	7,795.82
010-007707	31.50	2,735.15
010-007708	31.25	2,561.00
010-007757	307.50	11,787.75
010-008446	750.00	35,142.25
010-008706	287.50	9,417.16
010-009274	226.00	12,285.08
010-009278	275.68	20,745.83
010-009280	320.00	12,840.16
010-009538	57.00	1,982.47
010-009541	55.00	1,835.85
010-010222	66.00	3,700.19
010-010720	151.50	6,063.59
010-011313	375.00	15,860.63
010-011563	120.00	6,467.91
010-011678	312.50	11,997.56
010-012554	443.88	39,227.35
010-012584	178.76	2,983.32
010-013289	60.00	3,727.34
010-014218	80.00	4,478.93
010-014219	126.00	3,260.25
010-015368	300.00	11,298.65
010-016282	61.83	5,593.48
010-017838	375.00	17,566.32
010-017875	312.50	11,721.53
010-018526	50.00	2,803.14
010-018527	60.00	2,915.23
010-018528	125.00	3,808.56
010-018531	163.50	3,108.40
010-018533	60.00	3,112.17
010-018897	145.00	5,252.92
010-018898	250.00	7,552.81
010-018899	186.00	7,541.96
010-018980	179.75	7,364.10
010-019824	63.17	6,447.03

Parcel	Linear Frontage	Land Area (sf)
010-019825	39.25	2,935.46
010-019921	256.00	6,317.43
010-021129	355.00	10,408.98
010-021234	178.85	3,347.33
010-021441	54.00	3,027.49
010-022606	40.50	2,929.71
010-022874	160.00	8,480.98
010-023128	132.00	7,400.77
010-023192	156.50	5,267.46
010-023193	64.00	6,114.74
010-023194	75.00	7,488.53
010-023307	82.00	4,596.72
010-023433	175.50	3,476.05
010-023447	375.00	17,502.72
010-023594	243.50	7,281.06
010-024000	134.50	2,409.04
010-024197	99.00	2,310.03
010-024777	114.13	2,693.06
010-024852	312.50	11,870.24
010-025173	128.00	11,869.72
010-025231	170.00	3,344.41
010-025236	110.00	6,145.69
010-025289	96.00	7,351.78
010-026421	60.00	3,841.97
010-027637	95.50	2,205.47
010-028127	64.00	6,332.94
010-028455	53.00	4,810.04
010-028456	139.00	4,892.71
010-028534	139.08	10,362.32
010-028744	278.00	5,711.18
010-029277	280.52	19,557.65
010-029278	273.73	19,622.28
010-029280	365.75	31,301.30
010-029473	60.00	3,764.86
010-029525	258.50	6,996.39
010-029616	240.00	15,087.17
010-030956	187.43	4,412.81

Parcel	Linear Frontage	Land Area (sf)
010-031255	60.00	3,896.43
010-031908	309.50	22,874.07
010-032184	64.00	6,486.89
010-032189	750.00	35,351.79
010-032190	62.50	5,897.09
010-032193	450.00	22,648.47
010-032194	166.00	6,826.45
010-032681	139.39	3,493.22
010-032691	266.00	8,743.51
010-034321	62.50	5,961.42
010-034322	54.50	3,396.42
010-034945	312.50	11,805.28
010-035040	360.00	15,136.35
010-035070	759.00	36,178.23
010-035103	251.50	6,199.79
010-035104	43.00	1,930.44
010-035105	585.00	35,473.03
010-035328	126.00	11,645.21
010-035698	283.32	9,884.50
010-036089	179.20	3,241.06
010-036170	98.00	1,943.61
010-036274	379.50	17,757.54
010-038141	320.00	12,881.45
010-038633	237.50	14,224.55
010-039060	617.50	40,112.00
010-040064	51.75	3,998.00
010-040523	87.00	180.94
010-040936	34.00	1,310.85
010-041091	133.00	3,368.62
010-041186	58.00	5,231.20
010-041401	37.55	2,285.00
010-042086	437.50	23,455.20
010-042747	332.34	21,915.87
010-043298	50.00	3,884.82
010-043535	116.00	10,578.45
010-043613	116.00	12,891.07
010-043657	98.00	7,374.48

Parcel	Linear Frontage	Land Area (sf)
010-044777	66.66	4,876.69
010-044982	437.50	23,298.16
010-045571	62.50	5,920.96
010-046136	64.00	5,959.48
010-047532	68.00	3,884.10
010-049598	101.75	2,434.95
010-050379	66.25	5,280.61
010-052596	269.88	9,035.72
010-053401	133.75	3,356.48
010-053568	248.00	11,312.15
010-055700	53.26	2,900.25
010-056033	129.00	257.34
010-056562	256.00	6,159.40
010-057645	191.50	6,868.31
010-057648	183.75	8,444.63
010-062052	26.00	1,985.34
010-062856	131.87	3,301.42
010-066285	234.00	418.69
010-066580	537.50	24,218.75
010-066586	311.50	420.13
010-066680	240.00	7,200.00
010-066844	326.94	40,446.04
010-066879	958.00	89,572.15
010-066890	251.50	6,008.05
010-066944	642.00	33,965.07
010-196303	297.71	18,750.37
010-196304	121.00	2,607.15
010-266480	20.83	2,095.99
010-266481	20.83	2,095.99
010-266482	20.83	2,095.99
010-268729	12.10	569.25
010-268730	12.10	569.25
010-268731	12.10	569.25
010-268732	12.10	569.25
010-268733	12.10	569.25
010-268734	12.10	569.25
010-268735	12.10	569.25

Parcel	Linear Frontage	Land Area (sf)
010-268736	12.10	569.25
010-268737	12.10	569.25
010-268738	12.10	569.25
010-268739	12.10	569.25
010-268740	12.10	569.25
010-268741	12.10	569.25
010-268742	12.10	569.25
010-268743	12.10	569.25
010-268744	12.10	569.25
010-268745	12.10	569.25
010-268746	12.10	569.25
010-268747	12.10	569.25
010-268748	12.10	569.25
010-268749	12.10	569.25
010-268750	12.10	569.25
010-268751	12.10	569.25
010-268752	12.10	569.25
010-268753	12.10	569.25
010-268754	12.10	569.25
010-268755	12.10	569.25
010-268756	12.10	569.25
010-268757	12.10	569.25
010-268758	12.10	569.25
010-268759	12.10	569.25
010-268760	12.10	569.25
010-268761	12.10	569.25
010-268762	12.10	569.25
010-268763	12.10	569.25
010-268764	12.10	569.25
010-268765	12.10	569.25
010-268766	12.10	569.25
010-268767	12.10	569.25
010-268768	12.10	569.25
010-268769	12.10	569.25
010-268770	12.10	569.25
010-268771	12.10	569.25
010-268772	12.10	569.25

Parcel	Linear Frontage	Land Area (sf)
010-268773	12.10	569.25
010-268774	12.10	569.25
010-268775	12.10	569.25
010-268776	12.10	569.25
010-268777	12.10	569.25
010-268778	12.10	569.25
010-268779	12.10	569.25
010-268780	12.10	569.25
010-268781	12.10	569.25
010-268782	12.10	569.25
010-268783	12.10	569.25
010-268784	12.10	569.25
010-268785	12.10	569.25
010-268786	12.10	569.25
010-268787	12.10	569.25
010-268788	12.10	569.25
010-268789	12.10	569.25
010-268790	12.10	569.25
010-283559	3.86	200.28
010-283560	3.86	200.28
010-283561	3.86	200.28
010-283562	3.86	200.28
010-283563	3.86	200.28
010-283564	3.86	200.28
010-283565	3.86	200.28
010-283566	3.86	200.28
010-283567	3.86	200.28
010-283568	3.86	200.28
010-283569	3.86	200.28
010-283570	3.86	200.28
010-283571	3.86	200.28
010-283572	3.86	200.28
010-283573	3.86	200.28
010-283574	3.86	200.28
010-283575	3.86	200.28
010-283576	3.86	200.28
010-283577	3.86	200.28

Parcel	Linear Frontage	Land Area (sf)
010-283578	3.86	200.28
010-283579	3.86	200.28
010-283580	3.86	200.28
010-283581	3.86	200.28
010-283582	3.86	200.28
010-283583	3.86	200.28
010-283584	3.86	200.28
010-283585	3.86	200.28
010-283586	3.86	200.28
010-283587	3.86	200.28
010-283588	3.86	200.28
010-283589	3.86	200.28
010-283590	3.86	200.28
010-283591	3.86	200.28
010-283592	3.86	200.28
010-283593	3.86	200.28
010-283594	3.86	200.28
010-283595	3.86	200.28
010-283596	3.86	200.28
010-283597	3.86	200.28
010-283598	3.86	200.28
010-283599	3.86	200.28
010-283600	3.86	200.28
010-283601	3.86	200.28
010-283602	3.86	200.28
010-283603	3.86	200.28
010-283604	3.86	200.28
010-283605	3.86	200.28
010-283606	3.86	200.28
010-283607	3.86	200.28
010-283608	3.86	200.28
010-283609	3.86	200.28
010-283610	3.86	200.28
010-283611	3.86	200.28
010-283612	3.86	200.28
010-283613	3.86	200.28
010-284035	25.00	139.51

Parcel	Linear Frontage	Land Area (sf)
010-284038	96.00	557.43
010-286420	25.00	6,388.04
010-286508	20.27	1,079.37
010-286509	20.27	1,079.37
010-286510	20.27	1,079.37
010-286511	20.27	1,079.37
010-286512	20.27	1,079.37
010-286513	20.27	1,079.37
010-286514	20.27	1,079.37

Exhibit C

Fourth & Elm Parking Garage Project Petition

ASSESSED PROPERTIES

Total Number of Parcels: 37

Total Assessment: \$365,000.00

Parcel No.	Apparent Owner	Estimated Annual Assessment
010-001091	Falcone, Robert E.	\$ 937.96
010-004193	City Investment Co.	468.98
010-004558	Ohio Bell Telephone Co.	24,051.95
010-004674	JLP 116-124 E. Long Street LLC	1,138.95
010-004866	199-209 E. Broad St. Co. LTD	133.99
010-004995	Metro City Ventures LLC	870.96
010-007707	Pappas Properties LTD	669.97
010-007708	Schottenstein Trustees	468.98
010-009274	Louise V. Vogel & Mary A. Burns	1,272.94
010-011313	Broad-Third Partners LLC	39,059.29
010-011678	Cadles 100 East Broad Street LLC	48,840.86
010-017838	NC Plaza LLC	45,022.03
010-017875	35 N. Fourth Street LTD	7,168.69
010-018528	Schottenstein Stores Corp	1,741.92
010-018898	Bishoff Properties LTD	535.98
010-019921	Columbus Telephone Employees Credit Union	3,282.86
010-022874	Gay Street Properties LTD	6,364.72
010-023433	Elaine P. Jaffy	133.99
010-028534	CKS Investments LLC	2,210.90
010-028744	195 East Broad St. Co. LTD	2,277.90
010-031908	Ohio Education Assn.	1,205.95
010-032189	Continental Centre II LLC	64,719.16
010-032190	Elevator Brewing Co. LLC	803.96
010-032681	Louise V. Vogel & Mary A. Burns	401.98
010-032691	McKeever & Niekamp LLC	401.98
010-035070	180 E. Broad Partners LLC	81,803.41
010-036274	Continental Downtown Properties	2,478.89
010-040064	Homelife Properties LTD	1,071.95
010-044982	Terrapin Columbus Properties LLC	1,942.91
010-053401	JLP 150-156 N. Third Street LLC	1,004.96
010-053568	Glen A. Robbins & Linda J. Sowers	401.98
010-057645	Third Street Properties LTD	5,225.77

Parcel	Apparent Owner	Estimated Annual Assessment
010-057648	Western Ohio Mortgage & Investment Co.	4,555.80
010-066879	Franklin County Commissioners	2,679.88
010-196303	250 E. Broad Street Property LLC	8,307.64
010-266480	Go Downtown LTD	669.97
010-266481	Go Downtown LTD	669.97

Exhibit D

Fourth & Elm Parking Garage Project Petition

[RESOLUTION OF NECESSITY]