

**A RESOLUTION
DECLARING THE NECESSITY OF ACQUIRING,
CONSTRUCTING, INSTALLING, EQUIPPING, OR
IMPROVING A RECREATIONAL TRAIL WITHIN
ORANGE VILLAGE.**

WHEREAS, the owners of the properties constituting more than 60% of the front footage abutting upon the streets, alleys, public roads, places, boulevards, parkways, park entrances, easements, or other public improvements to be acquired, constructed, installed, equipped, and improved in accordance with this Resolution and more than 75% of the area to be assessed in accordance with this Resolution have executed and filed with this Council a petition (the "Petition") requesting such improvement; and

WHEREAS, this Council finds and determines that the installation of Recreational Trails within Orange Village, acquiring the real estate therefor and maintaining such infrastructure, is a valid public purpose, intended to provide an alternative facility for pedestrians and bicyclists who prefer not to walk in the roadway where vehicular traffic increases the risk to the safety of pedestrians and bicyclists.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF ORANGE VILLAGE, CUYAHOGA COUNTY, OHIO THAT:

Section 1. Capitalized terms not otherwise defined in this Resolution shall have the meaning assigned to each term in the Petition filed with the Clerk of Council, which Petition is hereby accepted, ratified, adopted and approved, and is incorporated into this Resolution as if set forth in full in this Resolution. The form of such Petition is attached as Appendix A.

Section 2. It is hereby declared necessary to acquire, construct, install, equip, and improve in Orange Village, Ohio (the "Orange Village") the recreational trail in the area of the Pinecrest Development as shown on the Plans and Specifications on file in the office of the Clerk of Council (the "Project").

Section 3. The Plans and Specifications and estimated total cost of the Project (the "Estimated Project Cost") now on file in the office of the Clerk of Council (the "Clerk") are approved. The Project shall be made in accordance with the Plans and Specifications, and the grade of the Project and of any street shall be the grade as shown on the Plans and Specifications.

Section 4. This Council finds and determines (i) that the Project is conducive to the public health, convenience, and welfare of Orange Village and its inhabitants and (ii) that the Project specially benefits the Parcels (as identified in Exhibit C to the Petition) to be assessed for the Project.

Section 5. The total principal cost of the Project shall be an amount equal to the costs of acquiring, constructing, installing, equipping, or improving the Project, currently estimated to be \$5,516,774.62; provided, however, that in accordance with the Petition, in no case shall the

costs of the Project assessed on the Parcels exceed \$5,000,000.00 (the “Assessed Project Cost”). The special assessments assessed on Parcels for the Project (the “Special Assessments”) shall fund an amount necessary to pay the Assessed Project Cost, together with any interest and other costs, fees, and expenses associated with financing the Project or with the Special Assessments, including, without limitation, any costs of permanent improvements described in Section 133.15(B) of the Ohio Revised Code. The Special Assessments shall be collected in 40 consecutive semi-annual installments. The Special Assessments shall be assessed in proportion to the special benefits conferred by the Project upon the Parcels. The Special Assessments shall be calculated as of the Determination Date and allocated to each Parcel based on the Apportionment Formula stated in the Definitions attached to the Petition as Exhibit A. The Apportionment Formula shall be applied to each Parcel to determine the annual amount of Special Assessments to be paid by each Parcel. In accordance with Section 727.06 of the Ohio Revised Code, because Orange Village has received the Petition signed by owners of the properties constituting more than 60% of the front footage abutting upon the streets, alleys, public roads, places, boulevards, parkways, park entrances, easements, or other public improvements to be acquired, constructed, installed, equipped, and improved in accordance with this Resolution and more than 75% of the area to be assessed in accordance with this Resolution. The Village intends to issue securities in anticipation of the levy and collection of the Special Assessments in order to fund the Assessed Project Costs.

Section 6. The Clerk is hereby directed to certify a copy of this Resolution to the Treasurer of Orange Village (the “Treasurer”), and the Treasurer is authorized and directed to prepare and file in the office of the Clerk a report containing the estimated amount of the Special Assessment allocated to each Parcel, which Special Assessments shall not exceed the special benefit of the Project to the Parcel as ascertained by applying the Apportionment Formula to each such Parcel;

Section 7. Upon the filing of the estimated Special Assessments with the Clerk, notice of the adoption of this Resolution and the filing of the estimated Special Assessments shall be served upon the Owners of the Parcels as provided in Section 727.13 of the Ohio Revised Code. The appropriate officials of the City shall also comply with the applicable procedural requirements of Chapter 727 of the Ohio Revised Code.

Section 8. The Special Assessment as to any Parcel may be prepaid at any time by paying the full amount of the aggregate unpaid Parcel Special Assessments for such Parcel.

Section 9. The Special Assessment relating to a subdivided Parcel shall be reapportioned to each new Parcel upon the subdivision of the original Parcel. The Special Assessment shall be reapportioned to each new Parcel by applying the Apportionment Formula to the new Parcels.

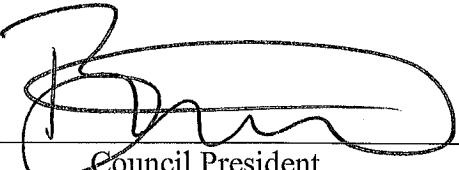
Section 10. An Owner of a Parcel claiming that a calculation error has been made in the amount of the Special Assessment to be collected from such Parcel shall send a written notice describing the error to the Treasurer not later than 30 days after having paid such Special Assessment that is alleged to have been calculated incorrectly, or within 30 days of receiving notice of any other calculation alleged to have been calculated incorrectly, prior to seeking any

other remedy. The Treasurer shall promptly review the notice, and if necessary, meet with the Owner, consider written and oral evidence regarding the alleged error, and decide whether, in fact, such a calculation error occurred. If the Treasurer determines that a calculation error did in fact occur that requires the Special Assessment to be modified or changed in favor of the Owner, a cash refund shall not be made (except for the final year during which the Special Assessment shall be collected), but an adjustment may be made in the amount of the Special Assessment to be paid in the following year.

Section 11. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this Council, and that all such deliberations of this Council and of any of its committees that resulted in any such formal action were in meetings open to the public in compliance with all legal requirements, including Chapter 105 of the Codified Ordinances of Orange Village.

Section 12. Pursuant to Section III-11 of the Charter, this Resolution provides for "improvements petitioned for by the owners of a majority of the foot frontage of the property benefitted and to be specially assessed therefor." Accordingly, this Resolution shall take effect upon its signature by the Mayor, upon the expiration of the time within which it may be vetoed by the Mayor, or upon its passage after it has been vetoed by the Mayor, as the case may be.

PASSED: March 14, 2018

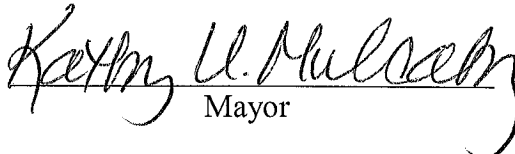

Council President

Submitted to the Mayor for
Approval on this 14 day of March, 2018

Approved by the Mayor this
14 day of March, 2018

ATTEST:


Clerk of Council


Mayor

APPENDIX A

Trail Petition