10-7-2024

PETITION

TO APPROVE THE ADJUSTMENT OF THE DOWNTOWN CLEVELAND IMPROVEMENT DISTRICT AND TO APPROVE THE COMPREHENSIVE SERVICES PLAN OF THE DISTRICT

City of Cleveland, Ohio
_____, 2024

To the Mayor and the Council of the City of Cleveland, Ohio:

The undersigned hereby petition the City of Cleveland (the "**City**") to approve the expansion of the Downtown Cleveland Improvement District (the "**District**") as a special improvement district under Ohio Revised Code (**"Revised Code"**) Chapter 1710, containing the boundaries described in the map included in the proposed Amended Articles of Incorporation further referenced below and attached hereto as **EXHIBIT B**, for the purpose of developing and implementing plans for public improvements and public services that benefit the District.

We are the owners of 60% or more of the front footage of property within the District that abuts upon any street, alley, public road, place, boulevard, parkway, park entrance, easement, or other existing public improvement, excluding, as required by law, the Excluded Parcels (as defined herein). For the purposes hereof, the term "**Excluded Parcels**" includes (a) any properties owned by the federal and state governments, and (b) any properties owned by a church or by city or county governments, unless the church or city or county specifically requested in writing that its designated property be included in the District.

A list of all the properties included in the proposed, adjusted Downtown Cleveland Improvement District (as identified by permanent parcel numbers shown on the records in the Cuyahoga County Fiscal Officer's office) is set forth on the attached **EXHIBIT C**. The parcels described on **EXHIBIT C** are herein referred to as the "**Included Parcels**".

The District is to continue to be governed by the Downtown Cleveland Improvement Corporation ("**DCIC**"), an Ohio nonprofit corporation formed pursuant to Chapters 1702 and 1710 of the Ohio Revised Code. The proposed Amended Articles of Incorporation of DCIC, which amend the current Articles of Incorporation to include the adjusted territory, are attached hereto as **EXHIBIT B**. We petition the Council of the City to approve the Amended Articles of Incorporation of DCIC.

We hereby approve the Comprehensive Services Plan of the District in the form attached as **EXHIBIT A** (the "**District Plan**"). DCIC is to provide, or contract for the provision of, the

services described in the District Plan. The City is to levy special assessments upon the Included Parcels to pay for the costs of the services described in the District Plan.

We petition the Council of the City to approve the District Plan. We request that our properties be assessed under the District Plan in proportion to the benefits. We agree that the determination of the benefits shall be in accordance with the formula outlined in the District Plan. We request that the assessments be payable in 7 annual installments, payable in advance of the services to be provided by the Plan. A schedule of those estimated assessments is shown on **EXHIBIT C**. We acknowledge that the actual final assessments may include an additional amount for the costs expended by the City in levying and collecting the assessments. We further acknowledge that the actual final assessments will be calculated and determined following the City's review and verification of property information and may include other adjustments that may result from the City's assessment equalization processes and related matters.

We further acknowledge and agree that, in consideration of the services of the District Plan, (i) the assessment of our properties does not exceed the benefit to be received from the District Plan by each of the Included Parcels, (ii) no other property other than the Included Parcels will receive special benefits from the District Plan for which any such property should be assessed, (iii) the undersigned will pay promptly all special assessments levied against the properties, respectively, pursuant to this petition as they become due, and (iv) the determination by the Council of the special assessment against the Included Parcels in accordance with this Petition will be final, conclusive and binding upon the undersigned, its successors, assigns and any grantees of the Included Parcels or any portion thereof.

The undersigned hereby (A) consent to the foregoing and request that, subject to the terms hereof, these special assessments be levied and collected without limitation as to the value of the property assessed, (B) consent to our respective properties being included in more than one special improvement district, if applicable, and (C) waive all the following relating to the District Plan and the special assessments described herein:

(1) any and all rights, benefits and privileges specified by Ohio Revised Code Sections 727.03 and 727.06 that may be deemed applicable to the District Plan and thereby restrict these special assessments to 33-1/3% of the actual improved value of the properties as enhanced by the District Plan;

(2) any and all resolutions, ordinances and notices required for the District Plan, including the notice of the adoption of the resolution of necessity and the filing of estimated special assessments, the equalization of the estimated special assessments, any increase in the cost of labor and materials over the estimated cost, and the passage of the assessing ordinance, including but not limited to notices authorized and required by Ohio Revised Code Sections 727.13, 727.16, 727.17, 727.24 and 727.26; and

(3) any and all irregularities and defects in the proceedings.

The undersigned property owners further request that all legislation, to the extent required to be enacted pursuant to Chapter 727 of the Ohio Revised Code to permit the District Plan to commence immediately, be enacted at one Council meeting, and hereby consent to the enactment of such legislation at one meeting.

Each of the undersigned who has executed this Petition on behalf of an entity represents and warrants that he/she has the full power and authority to sign on behalf of such entity and that such execution is binding and effective upon such entity.

Owner of Record:

Name: _____

Type of Entity (if not a natural person): _____

State of Incorporation/Organization (if applicable): _____

Name, Title and Signature of Authorized Representative of Owner

Signature: _____

Name: _____

Title (if applicable): _____

Property Identification:

Address: _____

Cuyahoga County Permanent Parcel No.: _____

Please refer to the enclosed instructions for signing this Petition.

AFFIDAVIT

My legal name is _____ ("Affiant").

Being duly sworn, I hereby swear under oath that:

1. I am the _____(insert title of authorized representative) of _____(insert owner/entity's name) (the "Organization"), and I am duly authorized to execute the foregoing Petition on behalf of the Organization.

2. The Organization is the current owner of all of the parcels listed in the foregoing Petition regardless of any deviations or variations in the name of the titled owner listed on the land records of the County of Cuyahoga, and I am therefore authorized to execute the Petition with respect to each parcel listed in the forgoing Petition.

Under penalty of perjury, I hereby declare and affirm that the above-mentioned statements are, to the best of my knowledge, true and correct.

FURTHER, AFFIANT SAYETH NAUGHT

Affiant's Signature: _____ Date: _____

STATE OF OHIO)
) SS:
COUNTY OF CUYAHOGA)

SWORN TO before me and subscribed
in my presence, this ____ day of _____, 2024.

_____
Notary Public

My commission expires: _____

INSTRUCTIONS FOR EXECUTION OF PETITION

It is very important that this document be executed correctly. Please read these instructions carefully.

The name of the owner must be correct. Please double-check and correct.

Certain information would allow us to better serve you and get the information correct the first time. Please note any requests for information below. If there would be no inconvenience in providing the information, it would be very much appreciated.

1. CORPORATION:

   a. Please indicate the exact name of the corporation, and indicate the state of incorporation.
   b. Note: Only an authorized officer of the corporation can execute this Petition. Below the name of the person who executes the document for the corporation, please state his/her title; i.e. whether the person is President, Vice President, Treasurer or Secretary, etc. of the corporation.

2. GENERAL PARTNERSHIP:

   a. Please indicate the exact name of the partnership, and indicate the state of organization.
   b. Note: Only a partner of the general partnership can execute this Petition. Below the name of the person who executes the document for the partnership, please state his/her title as Partner.

3. LIMITED PARTNERSHIP:

   a. Please indicate the exact name of the partnership, and indicate the state of organization.
   c. Note: Only a general partner, or an authorized officer of a general partner, can execute this Petition. Below the name of the person who executes the document for the limited partnership, please state his/her title.

4. LIMITED LIABILITY COMPANY:

   a. Please indicate the exact name of the limited liability company, and indicate the state of organization.
   d. Note: Only a Managing Member, or an authorized officer of a Managing Member, or an authorized Manager, can execute this Petition. Below the name of the person who executes the document for the limited liability company, please state his/her title.

5. TRUST:

   a. Please indicate the full name of the Trust, and indicate the date of the Trust Agreement.
   b. Note: Only a Trustee of the Trust can execute this Petition. Next to the name of the person who executes the document for the Trust, please state his/her title as Trustee.