

Tax year 2022 BOR no. 2022-094
County Clark Date received 3/22/2023

DTE 1
Rev. 12/22

Complaint Against the Valuation of Real Property

Answer all questions and type or print all information. Read instructions on back before completing form.
Attach additional pages if necessary.

This form is for full market value complaints only. All other complaints should use DTE Form 2

Original complaint Counter complaint

Notices will be sent only to those named below.

Name		Street address, City, State, Zip Code	
1. Owner of Property	ARG SCSPFOH001 LLC, 23425 Commerce Park, Ste. 103, Cleveland, OH 44122		
2. Complainant if not owner	Board of Education of the Clark-Shawnee Local Schools		
3. Complainant's agent	Mark Gillis, Rich & Gillis Law Group, LLC, 5747 Perimeter Dr., Ste 150, Dublin, OH 43017		
4. Telephone number and email address of contact person: (614) 228-5822; mgillis@richgillislawgroup.com			
5. Complainant's relationship to property if not owner: Section 5715.19, Ohio Revised Code			
If more than one parcel is included, see "Multiple Parcels" Instruction. FILED			
6. Parcel numbers from tax bill	Address of property CLARK COUNTY AUDITOR		
See-attached.	See attached.		
			MAR 22 2023
7. Principal use of property: 422 Discount stores and jr. dept. stores		JOHN S. FEDERER	
8. The increase or decrease in market value sought. Counter-complaints supporting auditor's value may have -0-		AUDITOR	
Parcel Number	Column A Complainant's Opinion of Value (Full Market Value)	Column B Current Value (Full Market Value)	Column C Change in Value
See-attached.	14,709,700	11,836,110	2,873,590
9. The requested change in value is justified for the following reasons: Recent arm's length sale of subject property for \$14,709,700			

10. Was property sold within the last three years? Yes No Unknown If yes, show date of sale 05/23/22 and sale price \$14,709,700 and attach information explained in "Instructions for Line 10" on back.

11. If property was not sold but was listed for sale in the last three years, attach a copy of listing agreement or other available evidence.

12. If any improvements were completed in the last three years, show date N/A and total cost \$ N/A

13. Do you intend to present the testimony or report of a professional appraiser? Yes No Unknown .

14. If you have filed a prior complaint on this parcel since the last reappraisal or update of property values in the county, the reason for the valuation change requested must be one of those below. Please check all that apply and explain on attached sheet. See R.C. section 5715.19(A)(2) for a complete explanation.

- The property was sold in an arm's length transaction;
- The property lost value due to a casualty;
- A substantial improvement was added to the property;
- Property's occupancy changed by at least 15% had a substantial economic impact on my property.

15. If the complainant is a legislative authority and the complaint is an original complaint with respect to property not owned by the complainant, R.C. 5715.19(A)(8) requires this section to be completed.

The complainant has complied with the requirements of R.C. section 5715.19(A)(6)(b) and (7) and provided notice prior to the adoption of the resolution required by division (A)(6)(b) of that section as required by division (A)(7) of that section.

I declare under penalties of perjury that this complaint (including any attachments) has been examined by me and to the best of my knowledge and belief is true, correct and complete.

Date 2/28/23 Complainant or agent (printed) Mark H. Gillis, Esq. Title (if Agent) Attorney for Complainant

Complainant or agent (signature) [Signature]

Sworn to and signed in my presence, this 28 day of February, 2023.

Notary [Signature]



Cassidy Beaver
Notary Public, State of Ohio
My Commission Expires 10-25-2026

(7) and (9) Continuation

(7)

(9) Complainant's Opinion Of:

Parcel Number	Address Of Property	(A) Market Value	(B) Current Value	(C) Change in Value
1 330-06-0000-6-300-017	1705 N. Bechtle Ave. Springfield, OH 45504	11,290,600	9,084,980	2,205,620
2 330-06-00012-000-194	1501 N. Bechtle Ave. Springfield, OH 45504	3,419,100	2,751,130	667,970
TOTALS		14,709,700	11,836,110	2,873,590

The Complainant in this matter asserts that the following provisions contained in R.C. §5715.19 violate the Article XII, Section 2 of the Ohio Constitution (the Uniform Rule provision), and the Due Process and Equal Protection clauses of both the United States Constitution and the Ohio Constitution:

1. The requirement that a property must have been “*sold in an arm’s-length transaction, as described in section 5713.03 of the Revised Code*” before a complaint can be filed by a legislative authority of a subdivision, mayor of a municipal corporation, or third-party complainant as to property not owned by the complainant. There is no similar requirement imposed upon property owner complainants.
2. The requirement that a property must have been “*sold in an arm’s-length transaction, as described in section 5713.03 of the Revised Code, before, but not after, the tax lien date for the tax year for which the complaint is to be filed*” before a complaint can be filed by a legislative authority of a subdivision, mayor of a municipal corporation, or third-party complainant as to property not owned by the complainant. There is no similar requirement imposed upon property owner complainants.
3. The requirement that a property must have been “*(i) sold in an arm’s-length transaction, as described in section 5713.03 of the Revised Code, before, but not after, the tax lien date for the tax year for which the complaint is to be filed and (ii) the sale price exceeds the true value of the property appearing on the tax list for that tax year by both ten percent and the amount of the filing threshold determined under division (J) of [R.C. 5715.19]*” before a complaint can be filed by a legislative authority of a subdivision, mayor of a municipal corporation, or third-party complainant as to property not owned by the complainant. There is no similar requirement imposed upon property owner complainants.
4. The requirement that a board of revision “*is without jurisdiction to hear, and shall dismiss, the complaint*” if “*the board of revision has not rendered its decision on the complaint within one year after the date the complaint was filed*” only if the original complaint is filed by the legislative authority of a subdivision, the mayor of a municipal corporation with territory in the county, or a third-party complainant. There is no similar requirement imposed upon original complaints filed by property owner complainants.



20370106

Real Property Conveyance Fee Statement of Value and Receipt

DTE 100 Rev. 5/20

If exempt by Ohio Revised Code section 319.54(G)(3), use form DTE 100(EX).

TYPE OR PRINT ALL INFORMATION.

Type instrument <u>LD</u>	Tax list year <u>2021</u>	County number <u>12</u>	Tax. dist. number <u>3000</u>	Date <u>5/23/2022</u>
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Property located in Springfield OH taxing district _____
 Name on tax duplicate ARCPC MT Springfield OH LLC Tax duplicate year 2021
 Acct. or permanent parcel no 330-06-00000-300-017 Map book _____ Page _____
 Description 330-00 000 12-000-194 Platted _____ Unplatted _____

Auditor's comments: Split _____ New plat _____ New improvements _____ Partial value _____
 C.A.U.V _____ Building removed _____ Other C

Number	2041
No. of Parcels	<u>2</u>
DTE Code No.	<u>422</u>
Neigh. Code	
No. of Acres	
Land Value	
Bldg. Value	
Total Value	
DTE Use Only	
DTE Use Only	
DTE Use Only	
Consideration	
DTE Use Only Valid sale	1. Yes 2. No
Receipt Number	

Grantee or Representative Must Complete All Questions in This Section. See instructions on reverse.

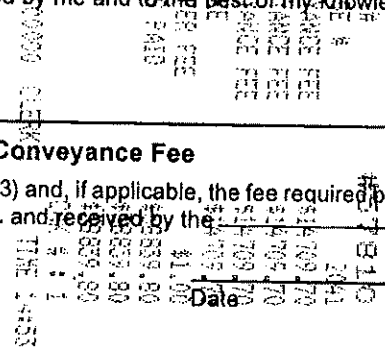
1. Grantor's name ARCPC MT SPRINGFIELD OH, LLC, a Delaware limited liability company Phone _____
 2. Grantee's name ARG SCSPFOH001, LLC, a Delaware limited liability company Phone _____
 Grantee's address 38 Washington Square, Newport RI 02840
 3. Address of property 1501 Bechtle Avenue, Springfield OH 45505
 4. Tax billing address 38 Washington Square, Newport RI 02840
 5. Are there buildings on the land? Yes No If yes, check type:
 1, 2 or 3 family dwelling _____ Condominium _____ Apartment: No. of units _____
 Manufactured (mobile) home _____ Farm buildings _____ Other Commercial _____
 If land is vacant, what is intended use? _____
 6. Conditions of sale (check all that apply) Grantor is relative _____ Part interest transfer _____ Land contract _____
 Trade _____ Life estate _____ Leased fee _____ Leasehold _____ Mineral rights reserved _____ Gift _____
 Grantor is mortgagee _____ Other _____
 7. a) New mortgage amount (if any).....\$ _____
 b) Balance assumed (if any).....\$ 14,709,686.00
 c) Cash (if any).....\$ _____
 d) Total consideration (add lines 7a, 7b and 7c).....\$ 14,709,686.00
 e) Portion, if any, of total consideration paid for items other than real property.....\$ _____
 f) Consideration for real property on which fee is to be paid (7d minus 7e).....\$ 14,709,686.00
 g) Name of mortgagee _____
 h) Type of mortgage Conv. F.H.A. V.A. Other _____
 i) If gift, in whole or part, estimated market value of real property.....\$ _____
 8. Has the grantor indicated that this property is entitled to receive the senior citizen, disabled person or surviving spouse homestead exemption for the preceding or current tax year? Yes No _____ If yes, complete form DTE 101.
 9. Has the grantor indicated that this property qualified for current agricultural use valuation for the preceding or current tax year? Yes No _____ If yes, complete form DTE 102.
 10. Application for owner-occupancy (2.5% on qualified levies) reduction. (Notice: Failure to complete this application prohibits the owner from receiving this reduction until another proper and timely application is filed.) Will this property be grantee's principal residence by Jan. 1 of next year? Yes No _____ If yes, is the property a multi-unit dwelling? Yes No
 I declare under penalties of perjury that this statement has been examined by me and to the best of my knowledge and belief it is a true, correct and complete statement.

[Signature] 4-29-2022
 Signature of grantee or representative Date

Receipt for Payment of Conveyance Fee

The conveyance fee required by Ohio Revised Code section (R.C.) 319.54(G)(3) and, if applicable, the fee required by R.C. 322, in the total amount of \$ _____ has been paid by _____ and received by the _____ county auditor.

County auditor





202200007764 05/24/2022 01:43 PM
 Filed for Record in CLARK County, Ohio
 Nancy Pence, Recorder Rec Fees: \$94.00
 WARR OR Vol 2210 Pgs 1657 - 1663

APPROVED
 Clark County Tax Map

MAY 20 2022

TOM
 Legal Description
 Survey Plat / Lotsplit
 Subdivision / Amendment

Transferred
 Sale Price 14,709,700
 2041 JFL
 MAY 23 2022

John S. Federer
 Auditor

LIMITED WARRANTY DEED
 (O.R.C. Sections 5302.07-08)

KNOW ALL MEN BY THESE PRESENTS:

THAT ARCP MT SPRINGFIELD OH, LLC, a Delaware limited liability company, having a mailing address at c/o CIM Group, 2398 E. Camelback Road, 4th Floor, Phoenix, AZ 85016, hereinafter referred to as "**Grantor**," for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) cash, and other good and valuable consideration to Grantor in hand paid by ARG SCSPFOH001, LLC, a Delaware limited liability company, whose tax mailing address is 38 Washington Square, Newport, RI 02840, Attn: Michael Anderson, hereinafter referred to as "**Grantee**," has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto the said Grantee all that certain lot, tract, or parcel of land situated in the City of Springfield, Clark County, Ohio, more particularly described on **Exhibit "A"** attached hereto;

TOGETHER WITH all of the buildings, improvements, tenements, hereditaments, and appurtenances belonging or in any way appertaining to such real property, and all of Grantor's right, title and interest in and to (i) any and all property lying in a bed of any street, road or avenue, open or proposed, in front of or adjoining such real property to the center line thereof, (ii) any strips and gores of land adjacent to, abutting or used in connection with such real property, mineral rights, and (iii) any easements and rights, if any, inuring to the benefit of such real property or to Grantor in connection therewith (the land and all of the foregoing being hereinafter referred to as the "**Property**");

PROVIDED, HOWEVER, that this conveyance is made and accepted subject to current real property taxes and all unpaid non-delinquent general and special taxes, bonds and assessments; all liens, covenants, conditions, reservations, rights, easements, interests, rights of way, and restrictions of public record; all leases and any other occupancy agreements in effect; all zoning ordinances and regulations and any other laws, ordinances or governmental regulations

FIRST AMERICAN TITLE
 2425 E. CAMELBACK ROAD
 SUITE 300
 PHOENIX, AZ 85016

PT4729 - Springfield Commons - Springfield, OH



202200007764
BK 2210 PG 1658

restricting or regulating the use, occupancy or enjoyment of the Property; and all matters visible upon or about the Property or that would be disclosed by an accurate survey of the Property;

TO HAVE AND TO HOLD the Property, subject to the exceptions and reservation hereinafter stated, together with all and singular the rights and appurtenances thereto in anywise belonging to Grantor, unto the said Grantee, Grantee's successors and assigns forever, and Grantor does hereby bind itself and its successors to Warrant and Forever Defend all and singular the Property unto the said Grantee, Grantee's successors and assigns, against every person whomsoever lawfully claiming by, through or under the said Grantor but against no other subject, however, to all conditions, covenants, restrictions, obligations, encumbrances, and other matters of record.

[Signatures Begin on Next Page]



202200007764
BK 2210 PG 1659

EXECUTED on this 19 day of APRIL, 2022.

ARCP MT SPRINGFIELD OH, LLC,
a Delaware limited liability company

By: CIM Real Estate Finance Management,
LLC, a Delaware limited liability
company, its Manager

By: *Nathan DeBacker*
Nathan DeBacker, Vice President

STATE OF ARIZONA)
)
) ss.
COUNTY OF MARICOPA)

On this 19th day of April, 2022, before me, the undersigned, Notary Public in and for said County and State, personally appeared Nathan DeBacker, who acknowledged himself to be the Vice President of CIM Real Estate Finance Management, LLC, a Delaware limited liability company, the Manager of ARCP MT SPRINGFIELD OH, LLC, a Delaware limited liability company, and as such officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the limited liability companies by himself as such officer, on behalf of such limited liability companies.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Christine D. Riggs
Notary Public

[SEAL]



CHRISTINE D. RIGGS
Notary Public - Arizona
Maricopa Co. / #553845
Expires 11/24/2022

My Commission Expires: 11-24-2022

RETURN TO:
Paul, Weiss, Rifkind, Wharton & Garrison
1285 Avenue of the Americas
New York, New York, 10019
Attention: Peter E. Fisch

PREPARED BY:
Tina A. Smith, Esq.
Buchalter, P.C.
15279 N. Scottsdale Road, Suite 400
Scottsdale, AZ 85254-2659



202200007764
BK 2210 PG 1660

EXHIBIT A
LEGAL DESCRIPTION

Parcel Number: 3300600006300017, 3300600012000194
Prior Deed Reference: 201500006023

Commonly Known As: 1501 Bechtle Avenue, Springfield, OH

PT4729 – Springfield Commons – Springfield, OH



202200007764
BK 2210 PG 1661

EXHIBIT 'A'

File No.: **NCS-FA622-OH4-PHX1 ()**

Property: **1501 Bechtle Avenue, Springfield, OH 45505**

Tract 1:

Situate in Sections 6 and 12, Township 4, Range 9 M.R.S., City of Springfield, County of Clark, State of Ohio, and being part of lot 1 (24.127 acres original) of Springfield commons as recorded in Plat Book 16, Page 240, said lot also being part of City Lot No. 18767 of the consecutive numbers of lots of said City of Springfield (all references to deeds, microfiche, plats, surveys, etc. refer to the records of the Clark County Recorder's Office, unless noted otherwise).

Excepting from the above land all of lot 4 of Springfield Commons as recorded in Plat Book 18, Page 98 of the Plat Records of Clark County, Ohio, said lot also known as city Lot No. 19012 of the consecutive numbers of lots of said City of Springfield, leaving a net area of 22.883 acres.

Said tract of land being more particularly described as follows:

Beginning at an iron pin found at the intersection of the Easterly extension of the North line of a 4.022 acre tract of land as conveyed to USPG Portfolio by deed recorded in Deed Volume 1559, Page 891 with the West right of way of Bechtle Avenue, said point also being North forty-three degrees fifty-one minutes nineteen seconds West (N 43° 51' 19" W) for one thousand three hundred ninety-one and 18/100 feet (1391.18') from NGS Monument "Clark 22";

Thence along the North line of said 4.022 acre tract and the North line of a tract of land as conveyed to the state of Ohio by deed recorded in Deed Volume 645, Page 23 North eighty-four degrees twelve minutes thirty seconds West (N 84° 12' 30" W) for nine hundred and 57/100 feet (900.57') to an iron pin found on the East right of way line of Consolidated Rail Corporation;

Thence along said East line North thirty-six degrees forty-eight minutes forty seconds East (N 36° 48' 40" E) for one thousand nine hundred fifty-nine and 35/100 feet (1959.35') to an iron pin found at a corner of City Lot No. 18845 as conveyed to H&A Properties, LLC, by deed recorded in official records Volume 1530, Page 964;

Thence along the West line of said City Lot No. 18845 South six degrees twenty-eight minutes fifty-five seconds West (S 06° 28' 55" W) for two hundred seventy-five and 39/100 feet (275.39') to an iron pin found at the Southwest corner thereof;

Thence along the South line of said City Lot No. 18845 South eighty- three degrees forty-five minutes two seconds East (S 83° 45' 02" E) for two hundred eighty-five and 00/100 feet (285.00') to an iron pin found on the West right of way line of said Bechtle Avenue;

Thence along said West line South six degrees fourteen minutes fifty-eight seconds West (S 06° 14' 58" W) for ninety-one and 24/100 feet (91.24') to an iron pin found at the Northeast corner of Lot 4 of said Springfield Commons;

Thence along the North line of said lot 4 North eighty-five degrees thirty-three minutes forty-three seconds West (N 85° 33' 43" W) for one hundred forty-five and 08/100 feet



(145.08') to an iron pin found at the Northwest corner thereof;

thence along a West line of said lot 4 South six degrees fourteen minutes fifty-eight seconds West (S 06° 14' 58" W) for two hundred fifty-eight and 70/100 feet (258.70') to an iron pin found at a corner thereof; thence along a North line of said Lot 4 North eighty-three degrees forty-five minutes two seconds West (N 83° 45' 02" W) for nineteen and 99/100 feet (19.99') to an iron pin found at a corner thereof;

Thence along a West line of said lot 4 South six degrees fourteen minutes fifty-eight seconds West (S 06° 14' 58" W) for one hundred one and 64/100 feet (101.64') to an iron pin found at the Southwest corner thereof;

Thence along the South line of said Lot 4 South eighty-three degrees forty-five minutes two seconds East (S 83° 45' 02" E) for one hundred fifty-three and 36/100 feet (153.36') to an iron pin found at the Southeast corner thereof, said point being on the West right of way line of said Bechtle Avenue;

Thence along said West line for the following six (6) courses:

1. On a curve to the right with a radius of five hundred fifty and 00/100 feet (550.00') for an arc distance of forty-five and 20/100 feet (45.20') (chord bearing South twenty degrees twenty-four minutes forty-four seconds West (S 20° 24' 44" W) for forty-five and 19/100 feet (45.19') delta angle of said curve being four degrees forty-two minutes thirty-two seconds (4° 42' 32") to an iron pin found;
2. South twenty-two degrees forty-six minutes zero seconds West (S 22° 46' 00" W) for two hundred eighty and 00/100 feet (280.00') to an iron pin found;
3. On a curve to the right with a radius of three hundred fifty and 00/100 feet (350.00') for an arc distance of one hundred three and 17/100 feet (103.17') (chord bearing South thirty-one degrees twelve minutes thirty-nine seconds West (S 31° 12' 39" W) for one hundred two and 79/100 feet (102.79'), delta angle of said curve being sixteen degrees fifty-three minutes eighteen seconds (16° 53' 18") to an iron pin found;
4. South thirty-nine degrees thirty-nine minutes eighteen seconds West (S 39° 39' 18" W) for one hundred seventy-three and 83/100 feet (173.83') to an iron pin found;
5. On a curve to the right with a radius of four hundred fifty and 00/100 feet (450.00') for an arc distance of one hundred thirty-two and 64/100 feet (132.64') (chord bearing South thirty-one degrees twelve minutes thirty-nine seconds West (S 31° 12' 39" W) for one hundred thirty-two and 16/100 feet (132.16'), delta angle of said curve being sixteen degrees fifty-three minutes eighteen seconds (16° 53' 18") to an iron pin found;
6. South twenty-two degrees forty-six minutes zero seconds West (S 22° 46' 00" W) for two hundred ninety and 00/100 feet (290.00') to the point of beginning, containing twenty-two and 883/1000 (22.883) acres, more or less. This description was prepared from a field survey performed by Woolpert, Inc., in August, 2005, with bearings based upon the section line being South six degrees twenty-eight minutes fifty-five seconds West (S 06° 28' 55" W) as shown on the plat of survey for Harold C. Gross as recorded in Volume 5, Plat 1211.

Being the same premises conveyed to Springfield Commons Plaza, LLC by deed dated October 31, 2005 and Recorded in Official Record Volume 1751, Page 1072.

Tract 2:

Situated in the Township of Springfield, County of Clark and State of Ohio:



202200007764
BK 2210 PG 1663

Lying in Section 12, Town 4, Range 9, Springfield Township, Clark County, Ohio. Being the remainder of the Nicholas B. Pavliatos Original 17.78 acre tract as deeded and described in Volume 642, Page 189, of the Clark County records of deeds and being more particularly described as follows:

Beginning at a concrete monument found at station 700 plus 00 of the center line Survey of Ohio Route 41.

Thence, with the center line of Ohio Route 41, North 71° 23' 50" West, a distance of 17.81 feet to a point on an East corporation line of the City of Springfield;

Thence, with the said corporation line, North 6° 20' 00" East, a distance of 127.92 feet to a 5/8 inch rod set at an angle in the corporation line and the North limited access right of way of Ohio Route 41 and the True Point of Beginning;

Thence, with the East line of the State of Ohio 7.965 acre tract (Official Records Volume 645, Page 23), North 6° 20' 00" East, a distance of 624.98 feet to a 5/8 inch iron rod set, passing a 5/8 inch iron rod set at 534.98 feet;

Thence, with South line of the Springfield commons 24.127 acre tract (Plat Book 16, Page 240) and a South corporation line of the city of Springfield, South 84° 13' 05" East, a distance of 316.81 feet to a 5/8 inch iron rod set;

Thence, with the West limited access right of way of Bechtle Avenue (varying width) part of the State of Ohio 9.015 acre tract (Official Records Volume 717, Page 67), South 13° 55' 55" West, a distance of 659.88 feet to a 5/8 inch iron rod set, passing a 5/8 inch iron rod set at 144.05 feet;

Thence, with the North limited access right of way of Ohio Route 41 (Troy Pike), North 77° 11' 24" West, a distance of 231.01 feet to the Point of Beginning.

Containing 4.022 acres

The basis of bearings is based upon the center line of Ohio Route 41, being North 71° 23' 50" West and all other bearings are from angles and distances measured in a field survey by Lee Surveying and Mapping Company on August 30, 1995.

Being the same premises conveyed to Springfield Commons Plaza, LLC by deed dated October 31, 2005 and recorded in Official Record Volume 1751, Page 1079.

Tract 3:

Together with those certain easements as set forth in the declaration of easements, covenants and restrictions for Springfield Commons, dated October 31, 2005 and recorded November 7, 2005 in Official Records Volume 1751, Page 1092, Recorder's Office, Clark County, Ohio.

A.P.N.