

FILED
CLARK COUNTY AUDITOR

Tax year 2023
County Clark

BOR no. 2023031
Date received 3/20/2024

DTE 1
Rev. 12/22

MAR 20 2024

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.

HILLARY HAMILTON
AUDITOR

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	4981 Gateway LLC, 1550 E. Beltline Ave. SE, Ste. 150, Grand Rapids, MI 49506		
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.			
6. Parcel numbers from tax bill	Address of property		
330-07-00004-000-068	4981 Gateway Blvd.		
7. Principal use of property: 330 Medium manufacturing and assembly			
8. The increase or decrease in market value sought. Counter-complaints supporting auditor's value may have -0- in Column C			
Parcel Number	Column A Complainant's Opinion of Value (Full Market Value)	Column B Current Value (Full Market Value)	Column C Change in Value
330-07-00004-000-068	6,705,000	4,936,370	1,768,630
9. The requested change in value is justified for the following reasons: Recent arm's length sale of subject property for \$6,705,000			

10. Was property sold within the last three years? Yes No Unknown If yes, show date of sale 08/22/22 and sale price \$6,705,000 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 3/20/24 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 20 day of February, 2024.

Notary [Signature]



Bobbi Jo Leitz
Notary Public, State of Ohio
My Commission Expires 01-18-2025

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.

These issues are currently pending before the Franklin County Common Pleas Court in case 23CV-03-001706.



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>3020</u>	Date <u>8/22/22</u>	
Property located in <u>Split Pl. Coop</u>	Name on tax duplicate <u>Fabricon Enterprises II, Inc</u>			taxing district Number <u>5543</u>	
Acct. or permanent parcel no. <u>330-07-00004-000-048</u>	Tax duplicate year <u>2021</u>			No. of Parcels <u>1</u>	
Description	Map book _____ Page _____			DTE Code No. <u>330</u>	
Auditor's comments: Split <input type="checkbox"/> New plat <input type="checkbox"/> New improvements <input type="checkbox"/> Partial value <input type="checkbox"/>	C.A.U.V <input type="checkbox"/> Building removed <input type="checkbox"/> Other <u>I</u>			Nelgh. Code	
1. Grantor's name <u>Fabricon Enterprises II, Inc</u> Phone <u>937-324-8541</u> 2. Grantee's name <u>4981 Gateway, LLC</u> Phone <u>419-373-1237</u> Grantee's address <u>1550 East Beltline Ave SE, Ste 150, Grand Rapids MI</u> 3. Address of property <u>4981 Gateway Blvd, Springfield, OH 45502</u> 4. Tax billing address <u>11</u> 5. Are there buildings on the land? <input checked="" type="radio"/> Yes <input type="radio"/> No If yes, check type: <input type="checkbox"/> 1, 2 or 3 family dwelling <input type="checkbox"/> Condominium <input type="checkbox"/> Apartment: No. of units _____ <input type="checkbox"/> Manufactured (mobile) home <input type="checkbox"/> Farm buildings <input checked="" type="checkbox"/> Other If land is vacant, what is intended use? <u>NA</u> 6. Conditions of sale (check all that apply) Grantor is relative <input type="checkbox"/> Part interest transfer <input type="checkbox"/> Land contract <input type="checkbox"/> <input type="checkbox"/> Trade <input type="checkbox"/> Life estate <input type="checkbox"/> Leased fee <input type="checkbox"/> Leasehold <input type="checkbox"/> Mineral rights reserved <input type="checkbox"/> Gift Grantor is mortgagee <input type="checkbox"/> Other _____ 7. a) New mortgage amount (if any)..... \$ <u>5,178,750</u> b) Balance assumed (if any)..... \$ <u>0.00</u> c) Cash (if any)..... \$ <u>4,576,250.00</u> d) Total consideration (add lines 7a, 7b and 7c)..... \$ <u>6,705,000.00</u> e) Portion, if any, of total consideration paid for items other than real property \$ <u>0.00</u> f) Consideration for real property on which fee is to be paid (7d minus 7e) \$ <u>6,705,000.00</u> g) Name of mortgagee <u>Lake Michigan Credit Union</u> h) Type of mortgage <input checked="" type="checkbox"/> Conv. <input type="checkbox"/> F.H.A. <input type="checkbox"/> V.A. <input type="checkbox"/> Other _____ i) If gift, in whole or part, estimated market value of real property..... \$ <u>NA</u> 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 <input type="checkbox"/> No <input checked="" type="checkbox"/> 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 <input type="checkbox"/> No <input checked="" type="checkbox"/> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, is the property a multi-unit dwelling? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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 of grantor or representative <u>[Signature]</u> Date <u>8/22/2022</u> Signature of grantee or representative <u>Brandon Stewart, Attorney for Grantee</u>					Land Value
Total Value					Bldg. Value
DTE Use Only					Total Value
DTE Use Only					DTE Use Only
DTE Use Only					DTE Use Only
DTE Use Only					DTE Use Only
Consideration					Consideration
DTE Use Only					DTE Use Only
Valid sale					Valid sale
1. Yes 2. No					1. Yes 2. No
Receipt Number					Receipt Number

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

Date

APPROVED

Clark County Tax Map

AUG 22 2022

- Legal Description *BP.*
- Survey Plat / Lotsplit
- Subdivision / Annexation



202200012543 08/22/2022 10:46 AM
 Filed for Record in CLARK County, Ohio
 Nancy Pence, Recorder Rec Fees: \$50.00
 WARR OR Vol 2214 Pgs 2238 - 2241

Transferred
 Sale Price 6,705,000.

3543
SP AUG 22 2022

John S. Federer
 Auditor

LIMITED WARRANTY DEED

Fibricon Enterprises II, Inc., an Ohio corporation, for valuable consideration paid, grants, with limited warranty covenants, to 4981 Gateway, LLC, a Michigan limited liability company, whose tax-mailing address is 1550 East Beltline Ave. SE, Suite 150, Grand Rapids, Michigan 49506, the real property described in Exhibit A attached hereto.

CHICAGO TITLE INSURANCE CO.
 ORDER NO. 2253680143

This conveyance is subject to easements, restrictive covenants, and zoning ordinances of record, and real estate taxes and assessments hereinafter due and payable.

Prior instrument reference: Official Record Volume 1386, Page 1965

Fibricon Enterprises II, Inc., by and through its President and Treasurer, Ross W. McGregor, has set its hand hereto this 15 day of August, 2022.

Fibricon Enterprises II, Inc.

By: Ross W. McGregor
 Ross W. McGregor, President and Treasurer

FIDELITY NATIONAL TITLE
 APARTMENT 3
 1902 QUEENSWOOD DRIVE
 FINDLAY, OH 45840



202200012543
BK 2214 PG 2239

State of Ohio
County of Clark

The foregoing instrument was acknowledged before me this 15th day of August, 2022, by Ross W. McGregor, President and Treasurer of Fibricon Enterprises II, Inc., an Ohio corporation, on behalf of the corporation.

Wayne E Southward

Notary Public



WAYNE E. SOUTHWARD
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION HAS NO EXPIRATION DATE
Section 147.03 O.R.C.

This instrument was prepared by Wayne E. Southward, Esq., Martin, Browne, Hull & Harper, P.L.L., 500 North Fountain Ave., Springfield, Ohio 45504.



202200012543
BK 2214 PG 2240

EXHIBIT A

Situate in the State of Ohio, County of Clark, and within the corporate limits of the City of Springfield, and being part of the southwest quarter of Section 4 Town 5 Range 9, Between the Miami Rivers Survey, and being described as follows:

Beginning at a highway monument (found) at the intersection of the northwest right-of-way line of Interstate Route 70 with the West right-of-way line of Titus Road, said point of beginning being 150.00 feet left of Station 1001 + 60 as indicated on the O.D.O.T. centerline survey plat CLA-70-17.87 recorded in Plat Book 11, Page 98 of the Plat Records of Clark County, Ohio;

thence with the northwesterly limited access right-of-way line of Interstate Route 70, South 42 degrees 18 minutes 04 seconds West, 559.30 feet to an iron pipe (found) 150.00 feet left of Station 996 + 14.70;

thence continuing with the northwesterly limited access right-of-way line of said Interstate Route 70, South 41 degrees 34 minutes 14 seconds West, 368.91 feet to an iron pipe (found) 162.90 feet left of Station 992 + 46.02;

thence with the North line of the Conrail Railroad (100' right-of-way) North 83 degrees 55 minutes 25 seconds West, 40.00 feet to a 5/8" re-bar with metal cap (found);

thence, North 72 degrees 45 minutes 00 seconds West, 510.38 to a 5/8" re-bar with metal cap (found);

thence, North 41 degrees 34 minutes 14 seconds East, 811.02 feet to a 5/8" re-bar with metal cap (found);

thence, North 7 degrees 48 minutes 48 seconds East, 320.00 feet to a 5/8" re-bar with metal cap (found);

thence with the South line of Gateway Boulevard (85' right-of-way) and along a curve to the left, having a radius of 442.50 feet and a chord which bears North 81 degrees 06 minutes 51 seconds East at 254.30 feet, an arc distance of 257.94 feet to a 5/8" re-bar with metal cap (found) at a point of tangency;

thence continuing with the South line of said Gateway Boulevard, North 64 degrees 24 minutes 55 seconds East, 110.20 feet to a 5/8" re-bar with metal cap (found) at a point of curvature;

thence continuing with the South line of said Gateway Boulevard and along a curve to the right, having a radius of 357.50 feet and a chord which bears North 80 degrees 19



202200012543
BK 2214 PG 2241

minutes 04 seconds East at 195.92 feet, an arc distance of 198.45 feet to a 5/8" re-bar with metal cap (found) at a point of tangency;

thence continuing with the South line of said Gateway Boulevard, South 83 degrees 46 minutes 45 seconds East, 78.36 feet to a 5/8" re-bar with metal cap (found);

thence with the West line of Titus Road, South 11 degrees 24 minutes 56 seconds West, 188.27 feet to a 5/8" re-bar with metal cap (set) 95.00 feet left of Station 29 + 25;

thence continuing with the West line of said Titus Road, South 3 degrees 55 minutes 48 seconds West, 125.10 feet to a highway monument (found) 90.00 feet left of Station 28 + 00;

thence continuing with the West line of said Titus Road, South 2 degrees 42 minutes 40 seconds West, 191.89 feet to the point of beginning and containing 15.751 acres, subject, however, to all rights-of-way, easements, and restrictions of record and being specifically subject to a 50' wide utility easement to the Ohio Edison Company recorded Volume 851, Page 696 of the Deed Records of Clark County, Ohio;

Being part of the premises described in deed to The Community Improvement Corporation of Springfield and Clark County, Ohio recorded Volume 804, Page 93 of the Deed Records of Clark County, Ohio.

The above description is based on an actual field survey dated December 28, 1998 by Terry A. Hoppes, Professional Surveyor number 6352. Basis of bearings is South 84 degrees 13 minutes 37 seconds East on the centerline of Gateway Boulevard per PrimeOhio Corporate Park, Section Two.

Parcel No. 330-07-00004-000-068