

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	Broadway Equity OH LLC, 555 Maple St., Brooklyn, NY 11203		
2. Complainant if not owner	Board of Education of the Springfield City 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		
340-06-00005-427-030	401 W. North St.		
7. Principal use of property: 429 Other retail structures			
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
340-06-00005-427-030	3,500,000	632,500	2,867,500
9. The requested change in value is justified for the following reasons: Recent arm's length sale of subject property for \$3,500,000			

10. Was property sold within the last three years? Yes No Unknown If yes, show date of sale 03/31/22 and sale price \$3,500,000 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.

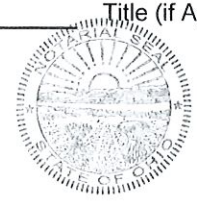
I declare under penalties of perjury that this complaint (including any attachments) has been examined by me and to the best of my knowledge and belief is true, correct and complete.

Date 2/26/24 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 26 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

OTE 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>GW</u>	Tax list year <u>2021</u>	County number <u>D</u>	Tax. dist. number <u>3020</u>	Date <u>3/31/2022</u>
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Property located in Springfield Corp taxing district
 Name on tax duplicate 401 W North St LLC Tax duplicate year 2021
 Acct. or permanent parcel no. 340-00-00005-407-030 Map book _____ Page _____
 Description _____ Platted Unplatted

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

Number	1281
No. of Parcels	1
DTE Code No.	429
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 401 W North St LLC Phone _____
 2. Grantee's name Broadway Equity OH LLC Phone _____
 Grantee's address 55 Maple Street, Brooklyn, NY 11203
 3. Address of property 401 West North Street, Springfield, OH 45504
 4. Tax billing address 401 West North Street, Springfield, OH 45504
 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 _____
 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).....\$ 2625000.00
 b) Balance assumed (if any).....\$ _____
 c) Cash (if any).....\$ 3500000.00
 d) Total consideration (add lines 7a, 7b and 7c).....\$ _____
 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)\$ _____
 g) Name of mortgagee Hometown Bank
 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 of grantee or representative _____ Date 3/23/2022

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 _____

RECEIVED
 COUNTY AUDITOR
 3/31/2022
 11:45 AM



202200004917 04/01/2022 09:20 AM
 Filed for Record in CLARK County, Ohio
 Nancy Pence, Recorder Rec Fees: \$78.00
 WARR OR Vol 2207 Pgs 4622 - 4626

APPROVED
 Clark County Tax Map

MAR 30 2022

- TJM
 Legal Description
 Survey Plat / Lotsplit
 Subdivision / Annexation

Transferred
 Sale Price 3,500,000
 1281 J92
 MAR 31 2022

John S. Federer
 Auditor

GENERAL WARRANTY DEED

401 W NORTH ST LLC, an Ohio limited liability company,
 for valuable consideration paid, grants with general warranty
 covenants to BROADWAY EQUITY OH LLC, a New York limited
 liability company, whose tax mailing address is 555 Maple
 Street, Brooklyn, New York 11203, the following real property:

SEE EXHIBIT "A" ATTACHED HERETO

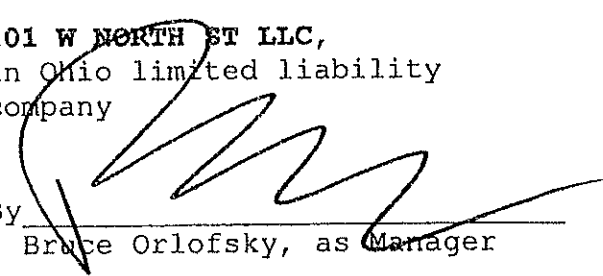
Subject to all covenants, restrictions, easements,
 conditions and zoning of record; and to the real estate
 taxes and assessments due and payable from the date of
 this instrument.

Prior Instrument Reference: Volume ²²⁰⁶~~1289~~, Page ¹⁹⁴⁻²⁰⁰~~78~~.

Grantee herein assumes and agrees to pay all taxes and
 assessments now or hereafter due and payable.

EXECUTED this 23RD day of FEB, 2022.

401 W NORTH ST LLC,
 an Ohio limited liability
 company

By 
 Bruce Orlofsky, as Manager

RIVERSIDE ABSTRACT LLC
 1 PARAGON DRIVE
 SUITE 150B
 MONTVALE, NJ 07645

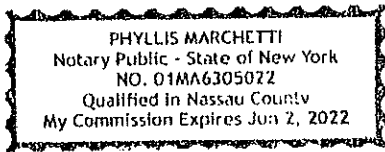


202200004917
BK 2207 PG 4623

STATE OF NY

COUNTY OF NASSAU

The foregoing instrument was acknowledged before me this 23RD day of February, 2022, by Bruce Orlofsky, as Manager of 401 W NORTH ST LLC, an Ohio limited liability company, on behalf of the limited liability company.



Phyllis Marchetti
Notary Public

This Instrument Prepared By:

Robert S. Forman, P.A.
8201 Peters Road, Suite 1000
Fort Lauderdale, FL 33324

Record & Return to:
Riverside Abstract, LLC
1 Paragon Drive, Suite 150B
Montvale, NJ 07645



202200004917
BK 2207 PG 4624

Exhibit A

RE: PARCEL ONE (RITE AID AREA)

SITUATED in the State of Ohio, the County of Clark, and the City of Springfield, and being all of Lot 178, conveyed to RX Development, Inc. in Deed Volume (D.V.) 991, pg. 141 (Parcels 1, 2, 3, and 4), all of Lot 179, conveyed to RX Development, Inc. in (D.V.) 991, pg. 141 (Parcels 5, 6, and 7), part of Lot 176, conveyed to RX Development, Inc. in (D.V.) 991, pg. 118, part of Lot 177, conveyed to RX Development, Inc. in (D.V.) 991, pg. 113 and D.V. 991, pg. 115, part of Lot 188, conveyed to RX Development, Inc. in (D.V.) 991, pg. 141 (Parcels 8 and 9), part of Lot 190, conveyed to RX Development, Inc. in (D.V.) 991, pg. 126, all of a 16.5 foot alley vacated in Ordinance No. 73-182, conveyed to RX Development, Inc. in (D.V.) 991, pg. 146, and part of a 16.5 foot alley vacated in Ordinance No. 97-438, shown on James Demint's Addition, recorded in Plat Volume 4, pg. 2, Clark County recorder's office:

All records referred to are those of record in the Clark County recorder's office:

BEGINNING at a set iron pin at the NorthEast corner of the said Lot 178, being the intersection of the South line of North St. (66 feet wide) and the West line of Plum St. (66 feet wide);

THENCE Due South, a distance of 229.60 feet, along the West line of the said Plum St. and the East lines of the said Lots 178 and 176, to a set iron pin;

THENCE Due West, a distance of 219.00 feet, crossing the said Lots 176 and 177, the said alley vacated in Ordinance no. 97-438, and the said Lot 190, to a set iron pin;

THENCE Due South, a distance of 167.12 feet, crossing the said Lot 190, to a set iron pin in the South line of the said Lot 190 and the North line of Columbia St. (66 feet wide);

THENCE North 89 degrees 57 minutes 47 seconds West, a distance of 45.00 feet, along the South line of the said Lot 190 and the North line of the said Columbia St., to a set iron pin, being the Southeast corner of a Tract conveyed to Emma J. Suttles in Deed Book (D.B.) 879, pg. 773;

THENCE Due North, a distance of 198.58 feet, crossing the said Lot 190 and along the East line of the said Suttles Tract, to a set iron pin, being the Northeast corner of the said Suttles Tract and a point in the North line of the said Lot 190 and in the South line of the said Lot 188;

THENCE North 89 degrees 55 minutes 47 seconds West, a distance of 21.50 feet, along the North lines of the said Suttles Tract and said Lot 190, and along the South line of the said Lot 188, to a set iron pin, being the Southeast corner of a Tract conveyed to Betty L. McLaughlin in D.B. 744, pg. 575;

THENCE Due North, a distance of 198.59 feet, crossing the said Lot 188, along the East line of the said McLaughlin Tract, the East line of a Tract conveyed to Chris W. and Terri L. Lewis in D.B. 868, pg. 133 (Tract 3), the East line of a Tract conveyed to Verl E. Workman in official Recorded 329, pg. 201, and the East line of a Tract conveyed to Duane H. and Margaret J. Bender in D.B. 801, pg. 17, to a set iron pin, being the Northeast corner of the said Bender Tract and a point the North line of the said Lot 188 and in the South line of the said North St.;

THENCE South 89 degrees 53 minutes 47 seconds East, a distance of 285.50 feet, along the South line of the said North St. and the North lines of the said Lots 188, 179, and 178, to the PLACE OF BEGINNING containing 72467 square feet or 1.664 acres, based on an actual field survey made by Paul K. Moore and Associates on July 7, 1997;

Bearings are based on the centerline of Plum Street as being Due North assumed, and are used to denote angles only;

All iron pins set are 5/8" in diameter, 30" long, with cap stamped "J&J SURVEYING"

Legal Description



Continued

SAVE AND EXCEPT THE FOLLOWING (or 1959, PG. 959) :

Situate in Section 5, Town 4, Range 9 B.M.R.s, and Section 35, Town 5, Range 9 B.M.R.s, City of Springfield, Clark County, State of Ohio and being part of a 1.664 acre tract of land as conveyed to Springfield Venture, LLC by instrument as recorded in O.R. Vol. 1289, Pf. 78 of the deed records of said county and being more particularly bounded and described, per a survey performed by LJB Inc. in February 2009;

Beginning for reference at a point at the northwest corner of Lot 189 of James Demint's Second Plat as recorded in P.B. 4, Pg. 2 of the plat records of said county, said point being at the intersection of the existing south right of way line of U.S. 40 (North Street) and the existing east right of way line of North Yellow Springs Street at 33.00 feet right of Station 654+54.27 of the new centerline of U.S. 40 (North Street) as shown on the Centerline Plat for CLA-40-12.46 as recorded in P.B. 18, Pg. 269 of the plat records of said county, witness an iron pin found (5/8" dia.) South 84° 47' 04" East a distance of 2.47 feet from said point;

Thence along the said existing south right of way line U.S. 40 (North Street) and the north lines of said Lots 188 and 189 of said plat and the north line of said 1.664 acre tract South 84° 47' 04" East for a distance of 195.74 feet to an iron pin set 33.00 feet right of Station 656+50.02 of the new centerline of U.S. 40 (North Street), said point being the TRUE POINT OF BEGINNING and having the following propect adjusted coordinates: North 704,798.5977, East 1,598,881.7755 and said point being North 01° 45' 19" East a ground distance of 856.01 feet from NGS Control Monument Clark #70;

Thence along the existing south right of way line of U.S. 40 (North Street) and the north line of said 1.664 acre tract South 84° 47' 04" East for a distance of 218.94 feet to an iron pin set at the northeast corner of said 1.664 acre tract at the intersection of the existing south right of way line of U.S. 40 (North Street) and the existing west right of way line of North Plum Street 30.47 feet left of Station 658+63.77 of the new centerline of U.S. 40 (North Street);

Thence along the east line of said 1.664 acre tract and the existing west right way line of North Plum Street South 05° 17' 27" West for a distance of 80.72 feet to an iron pin set 34.66 feet right of Station 659+11.94 of the new centerline of U.S. 40 (North Street);

Thence along the new south right of way line of U.S. 40 (North Street), 238.17 feet along the arc of a curve deflecting to the left, having a radius of 337.00 feet, a central angle of 40° 29' 35", a chord bearing of North 64° 32' 17" West and a chord length of 233.24 feet the TRUE POINT OF BEGINNING;

The above described tract contains 0.128 acres, more or less, and is subject to all legal easements and restrictions of record pertaining to the above described tract. Prior Instrument References as of the date this survey was prepared: O.R. Vol. 1289, Pg. 78 of the Deed Records of Clark County, Ohio.

Monuments referred to as "set" shall be set by LJB Inc. upon the completion of construction. Iron pins set in the above description are 3/4" by 30" reinforcing rods with plastic caps stamped "LJB INC".

The new right of way for relocated North Street is to be made accessible for use by the Ohio Department of Transportation as U.S. Route 40. All maintenance responsibility remains with the City of Springfield.

This description is based upon a field survey made in February of 2009 and boundary resolution performed by LJB Inc., under the supervision of Andrew J. Shahan, Ohio Registered Surveyor Number 8378.

The description for parcel number 17-WD above was prepared and reviewed on September 28, 2009 under the supervision of Andrew J. Shahan, Ohio Registered Surveyor Number 8378.

The above described area is contained within Clark County Auditor's Parcel Identification Number 340-06-00005-427-030.

Within said bounds of the 0.128 acres, more or less, is the present road right-of-way which occupies 0.000 acres, more or less.



202200004917
BK 2207 PG 4626

Continued

The basis of bearings for this project is based upon a GPS control survey with the following parameters:

Horizontal Datum: NAD 83 (1995).

Vertical Datum: NAVD 29.

Units: US Survey Foot.

State Plane Zone: Ohio South.

Geoid Model: GEOID 03.

Coordinate System: Ground.

Control Monuments Used: CLARK #70, CLARK #87AZ.

All coordinates given are ground coordinates.

To convert to State Plane Coordinates, multiply the project coordinate by 0.99993891 (Project Adjustment Factor).

PPN: 3400600005427030

Legal Description

RAOH-43065/122