

FILED
CLARK COUNTY AUDITOR

Tax year 2023 BOR no. 2023-041
County Clark 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 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		Broadstone KBC Portfolio LLC, 800 Clinton Sq., Rochester, NY 14604	
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	
340-06-00005-432-049		508 W. Main St.	
7. Principal use of property: 300 Industrial-vacant land			
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
340-06-00005-432-049	10,583,400	1,844,920	8,738,480
9. The requested change in value is justified for the following reasons: Recent arm's length sale of subject property for \$10,583,400			

10. Was property sold within the last three years? Yes No Unknown If yes, show date of sale 08/15/22 and sale price \$10,583,400 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;
- A substantial improvement was added to the property;
- The property lost value due to a casualty;
- 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>8/15/2022</u>
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Property located in Springfield Corp taxing district
 Name on tax duplicate KBO TAX Tax duplicate year 2021
 Acct. or permanent parcel no. # see attached # Map book _____ Page _____
 Description _____ Platted Unplatted

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

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

1. Grantor's name Klosterman Baking Ohio, LLC Phone (312) 862-3791
 2. Grantee's name Broadstone KBC Portfolio, LLC Phone (585) 287-6510
 Grantee's address 800 Clinton Square, Rochester, NY 14604
 3. Address of property 508 W Main Street, Springfield, OH 45504
 4. Tax billing address 800 Clinton Square, Rochester, NY 14604
 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 Industrial
 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 Fee Simple
 7. a) New mortgage amount (if any).....\$ _____
 b) Balance assumed (if any).....\$ _____
 c) Cash (if any).....\$ 10,583,333.33
 d) Total consideration (add lines 7a, 7b and 7c).....\$ 10,583,333.33
 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).....\$ 10,583,333.33
 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.
 Heather Zeisloft _____
 Signature of grantee or representative Date July 8 2022

Number <u>3433</u>
No. of Parcels <u>27</u>
DTE Code No. <u>300</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

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

LIMITED WARRANTY DEED

Exhibit "B"

Permanent Parcel Nos.

PARCEL I of the legal description:

3400600005432001	3400600005432019
3400600005432002	
3400600005432003	3400600005432018
3400600005432004	
3400600005432005	
3400600005432006	3400600005432017
3400600005432010	
3400600005432012	3400600005432016
3400600005432013	
3400600005432015	3400600005432042
3400600005432020	3400600005432043
3400600005432024	
3400600005432025	
3400600005432026	
3400600005432027	
3400600005432036	
3400600005432037	
3400600005432038	
3400600005432039	
3400600005432040	
3400600005432041	

"CONDITIONAL APPROVAL"

CLARK COUNTY ENGINEER
JOHNATHAN A. BURR, P.E., P.S.

Tax Map Department

**RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:**

BY: Tyler

Old Republic National Title Insurance Company
7201 W. Lake Mead Blvd.
Building A, Suite 270
Las Vegas, Nevada 89128
Attn: Heather Zeisloft

DATE: 8/11/22

**NEW SURVEY REQUIRED
FOR NEXT CONVEYANCE**



202200012225 08/16/2022 10:32 AM
Filed for Record in CLARK County, Ohio
Nancy Pence, Recorder Rec Fees: \$118.00
WARR OR Vol 2214 Pgs 909 - 918

LIMITED WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that Klosterman Baking Ohio, LLC, a Delaware limited liability company, as successor by conversion to KBO, Inc., an Ohio corporation (the "Grantor"), for Ten Dollars (\$10.00) and other good and valuable consideration received to its full satisfaction from Broadstone KBC Portfolio, LLC, a New York limited liability company (the "Grantee"), whose tax mailing address will be 800 Clinton Square, Rochester, New York 14604, does give, grant, bargain, sell and convey unto the Grantee, their successors and assigns, with limited warranty covenants, all that certain parcel of land lying and being in the County of Clark, State of Ohio, as more particularly described as follows (the "Property"):

See Exhibit "A" attached hereto and incorporated herein by reference.

Permanent Parcel Nos.: Exhibit "B"

TOGETHER WITH all improvements, buildings, structures and fixtures located thereon and all the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the above described Property, with the appurtenances, unto the said Grantee, its successors and assigns, in fee simple forever.

And the Grantor, for itself and its successors, covenants with the Grantee, its successors and assigns, that said Property is free and clear from all liens and encumbrances whatsoever, except the Permitted Exceptions shown on Exhibit "C" attached hereto.

And the Grantor does fully warrant the title to said Property subject to the matters referred to above and will defend the same against the lawful claims of all persons claiming by, through or under the Grantor, but not otherwise.

Prior Instrument Reference: Deed Book 794, Page 299 of the Deed Records of Clark County, Ohio.

Transferred
Sale Price 10,583,400
3433
AUG 15 2022

OLD REPUBLIC NATIONAL TITLE IN
7201 W LAKE MEAD BLVD
BUILDING A SUITE 270
LAS VEGAS, NV 89128

KE 88096312.2

John S. Federer
Auditor



202200012225
BK 2214 PG 910

IN WITNESS WHEREOF, Grantor has caused this Limited Warranty Deed to be duly executed on this 8th day of July, 2022.

GRANTOR:

Klosterman Baking Ohio, LLC

Nicholas LaRosa
By: Nicholas LaRosa
Its: Authorized Signatory

State of Florida)
COUNTY OF Broward) **SS:**

BEFORE ME, a Notary Public in and for said County and State, personally appeared Nicholas LaRosa, as Authorized Signatory of Klosterman Baking Ohio, LLC, a Delaware limited liability company, as successor by conversion to KBO, Inc., an Ohio corporation, who acknowledged that she/he did sign the foregoing instrument and said signing was her/his voluntary act and deed individually and in her/his capacity as Authorized Signatory of said company and the voluntary act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, at _____, this 8 day of July, 2022.



Patricia M. Looby
Notary Public

This instrument prepared by:

Kirkland & Ellis LLP
300 North LaSalle
Chicago, IL 60654

LIMITED WARRANTY DEED

Exhibit "A"

Legal Description

[Attached]

202200012225
BK 2214 PG 911





EXHIBIT "A"
(Legal Description)

202200012225
BK 2214 PG 912

PARCEL I: (Prior instrument reference: Limited Warranty Deed recorded February 21, 1984, in VOL 794 at Page 299.)

Situated in the State of Ohio, County of Clark and being in the City of Springfield and being Lots 200 thru 203, Lots 220 thru 222 and part of Lot 223 and also a 16.5 foot alley James Demint's Addition and being further described as follows:

Beginning at an iron bar at the intersection of the North line of West Main Street and the West line of Yellow Springs Street, said iron bar also being the SE corner of Lot #200 – James Demint's Addition; thence

with the North line of West Main Street, North 88° 00' 00" West, 313.50 feet to a cross cut in stone (found) at the Southwest corner of Lot #222 – James Demint's Addition; thence

with the West line of said Lot #222, North 01° 53' 19" East, 148.50 feet to an iron pipe set on the centerline of a 9.00 foot private driveway said iron pipe also being the Northeast corner of lands as conveyed to E.R. Goff and Inez E. Stinson by deed; thence

with the centerline of said 9.00 foot private driveway, North 88° 00' 00" West, 99.00 feet to an iron bar set on the East line of Race Street, said iron bar also being the Northwest corner of lands as conveyed to Collin E. & P.L. Dill by deed; thence

with the East line of Race Street, North 01° 53' 19" East, 247.50 feet to an iron bar set at the intersection of the East line of Race Street and the South line of West Columbia Street; thence

with the South line of West Columbia Street, South 88° 00' 00" East, 412.50 feet to a cross cut at the intersection of the South line of West Columbia Street and the West line of Yellow Springs Street; thence

with the West line of Yellow Springs Street, South 01° 53' 19" West, 396.00 feet to the Point of Beginning, containing 3.4125 acres, more or less.

Also, together with those portions of vacated Race Street and Main Street by Ordinances #93-110 and #93-315.

PARCEL II (Tract 1): (Prior instrument reference: Warranty Deed recorded May 16, 1984, in VOL 796 at Page 486.)

Being part of Lot Number 223 in James Demint's Addition to the City of Springfield, Ohio.

Beginning at the northeast corner of Main and Race Streets, being the southwest corner of said lot; thence

(Continued)



202200012225
BK 2214 PG 913

Exhibit "A" (Continued)
Page 2 of 4

with the west line of said lot and the East line of Race Street, North 02° 00' 00" East 144.5 feet to the south line of a private alley; thence

with said south line South 88° 00' 00" East 33.00 feet; thence

South 02° 00' 00" West, 144.5 feet to the north line of Main Street; thence

with the same North 88° 00' 00" West 33.00 feet to the Place of Beginning.

Together with those portions of vacated Race Street and Main Street by Ordinances #93-110 and #93-315.

PARCEL II (Tract 2): (Prior instrument reference: Warranty Deed recorded May 16, 1984, in VOL 796 at Page 486.)

Being part of Lot Number 223 in James Demint's Addition to the City of Springfield, west of Mill Run.

Commencing at a point in the north line of Main Street, 33.00 feet east from the corner of Race Street and running eastwardly 33.00 feet; thence

148.50 feet north to the center of a private alley, 9 feet wide; thence

with the center of said private alley, 33.00 feet west; thence

South to the place of beginning, being 148.50 feet in said west line.

Together with that portion of vacated Main Street by Ordinance #93-315.

EXCEPTING from the above described premises the following viz:

Being part of Lot Number 223, aforesaid. Commencing at a point in the north line of Main Street at the center of a nine inch wall, 52 feet 7.5 inches from the corner of Main and Race Streets; thence

North with the center of said wall, 51 feet; thence

East 4.5 inches; thence

North 97.5 feet to the center of a private alley 9 feet wide; thence

(Continued)

East with the center of said alley, 13 feet; thence
South 148.5 feet to Main Street; thence
West with the north line of Main Street, 13 feet 4.5 inches to the place of beginning.

PARCEL II (Tract 3): (Prior instrument reference: Warranty Deed recorded May 16, 1984, in VOL 796 at Page 488.)

Situated in the City of Springfield, County of Clark and State of Ohio and further described as follows:

Being part of Lot Number 223, Demint's plat commencing at a point in the north line of West Main Street at the center of a nine inch wall, 52 feet 7.5 inches from the corner of Race and West Main Street; thence

North with the center of said wall, 51 feet; thence

East 4.5 inches; thence

North 97.5 feet to the center of a private alley 9 feet wide; thence

East with the center of said alley, 13 feet; thence

South 148.5 feet to Main Street; thence

West with the north line of Main Street, 13 feet 4.5 inches to the place of beginning.

Together with that portion of vacated Main Street by Ordinance #93-315.

PARCEL II (Tract 4): (Prior instrument reference: Fiduciary Deed recorded May 16, 1984, in VOL 796 at Page 482 and Warranty Deed recorded May 16, 1984, in VOL 796 at Page 484.)

Situated in the City of Springfield, County of Clark and State of Ohio and further described as follows:

Being part of Lot No. 223 in Demint's Addition to the City of Springfield, Ohio, Beginning on the North line of Main Street, at the southeast corner of said lot; thence

with the East line of the same North 02° 00' 00" East 144.5 feet to the south line of an alley; thence

(Continued)



202200012225
BK 2214 PG 915

Exhibit "A" (Continued)
Page 4 of 4

with the same, North 88° 00' 00" West 33.00 feet; thence
South 02° 00' 00" West 144.5 feet to the North line of said Main Street; thence
with the same, South 88° 00' 00" East 33 feet to the place of beginning.
Together with that portion of vacated Main Street by Ordinance #93-315.

(End of Exhibit "A")

LIMITED WARRANTY DEED

Exhibit "B"

Permanent Parcel Nos.



202200012225
BK 2214 PG 916

PARCEL I of the legal description:

- 3400600005432001
- 3400600005432002
- 3400600005432003
- 3400600005432004
- 3400600005432005
- 3400600005432006
- 3400600005432010
- 3400600005432012
- 3400600005432013
- 3400600005432015
- 3400600005432020
- 3400600005432024
- 3400600005432025
- 3400600005432026
- 3400600005432027
- 3400600005432036
- 3400600005432037
- 3400600005432038
- 3400600005432039
- 3400600005432040
- 3400600005432041

3400600005432042

3400600005432043



202200012225
BK 2214 PG 917

PARCEL II (TRACT 1) of the legal description:

3400600005432016

PARCEL II (TRACT 2) of the legal description:

3400600005432017

PARCEL II (TRACT 3) of the legal description:

3400600005432018

PARCEL II (TRACT 4) of the legal description:

3400600005432019



202200012225
BK 2214 PG 918

LIMITED WARRANTY DEED

Exhibit "C"

Permitted Exceptions

1. Real estate taxes and assessments, both general and special, which are a lien but not yet due and payable.
2. Zoning regulations and ordinances.
3. Such easements, conditions, reservations, restrictions, and other matters of record.
4. Any matters which would be disclosed by an accurate survey of said Property.