

RESOLUTION NO. 6-24

By: Jess Saad

A RESOLUTION APPROVING THE PETITION FOR SPECIAL ASSESSMENTS FOR SPECIAL ENERGY IMPROVEMENT PROJECTS AND AFFIDAVIT UNDER OHIO REVISED CODE CHAPTER 1710 AND DECLARING THE NECESSITY OF ACQUIRING, CONSTRUCTING, INSTALLING, EQUIPPING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF BEXLEY, OHIO IN COOPERATION WITH THE COLUMBUS REGIONAL ENERGY SPECIAL IMPROVEMENT DISTRICT, AND DECLARING IT AN EMERGENCY (BEXLEY GATEWAY PROJECT)

WHEREAS, as set forth in Ohio Revised Code Chapter 1710, the Ohio General Assembly has authorized property owners to include their properties within energy special improvement districts (ESIDs) upon a petition to a municipal corporation or township, which ESIDs are voluntary organizations of property owners who undertake special energy improvement projects for their properties and finance such special energy improvement projects by way of voluntary special assessments; and

WHEREAS, the Bexley, Columbus, Dublin, Gahanna, Grandview Heights, Grove City, Hilliard, Marble Cliff, Perry Township, Sharon Township, Upper Arlington, Whitehall, Worthington Regional Energy Special Improvement District (the District) was created under Ohio Revised Code Chapters 1702 and 1710 as an ESID and established pursuant to Resolution No. 0261X-2015 of the Council of the City of Columbus, Ohio approved on November 23, 2015 (the Creation Resolution); and

WHEREAS, pursuant to the Creation Resolution, the Columbus Regional Energy Special Improvement District Program Plan (as amended and supplemented from time to time, the Program Plan) was adopted as a plan for public improvements and public services under Ohio Revised Code Section 1710.02(F), which plan allows for additional properties within the City of Columbus, Ohio and within any municipal corporation or township which is adjacent to any other municipal corporation or township in which a portion of the District's territory is located to be added to the territory of the District; and

WHEREAS, CAG Bexley Apts, LLC, an Ohio limited liability company (the "Owner"), as the owner of certain real property located within the City of Bexley, Ohio (the "City"), has identified certain real property consisting of approximately 3.0 acres at 2160-2184 E Main Street and having Franklin County Auditor Parcel Number 020-000350 (the "Project Site"), as an appropriate property for a special energy improvement project pursuant to Ohio Revised Code Chapter 1710; and

WHEREAS, the Owner has determined to submit to the Mayor and the Council of the City (the Council), a *Petition for Special Assessments for Special Energy Improvement Projects and Affidavit* (the Petition), together with a *Supplement to Plan for Bexley Gateway, Bexley, Ohio Project* (the Supplemental Plan), all in accordance with Ohio Revised Code Section 1710.02, each of which are now on file with the Clerk of Council; and

WHEREAS, the Petition and Supplemental Plan request that the Project Site be added to the District and that the City levy special assessments on the Project Site to pay the costs of a special energy improvement project to be provided on the Project Site, all as described more particularly in the Petition and the Supplemental Plan (the Project); and

WHEREAS, the Petition is for the purpose of developing and implementing special energy improvement projects in furtherance of the purposes set forth in Section 2o of Article VIII of the Ohio Constitution, including, without limitation, the Project, and further, the Petition identifies the amount and length of the special assessments to be imposed with respect to the Project; and

WHEREAS, in furtherance of the future addition of any real property in any municipal corporation or township contiguous to the municipal corporations or townships in which a portion of the territory of the District is located, it is necessary, and this Council has determined, to approve the addition of such real property to the territory of the District, all in accordance with Ohio Revised Code Chapter 1710; and

[**WHEREAS,** the passage of this Resolution as an emergency is necessary for the immediate preservation of public peace, property, health and safety, so the Owner may begin work on the special energy improvement project on the Property and the District may take advantage of financing available to it for a limited time; and] [**Include?**]

WHEREAS, this Council, as mandated by Ohio Revised Code Chapter 1710, must approve or disapprove the Petition within 60 days of the submission of the Petition; and

WHEREAS, this Council has determined to approve the Petition and the Supplemental Plan;

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1 That this Council approves the Petition and the Supplemental Plan now on file with the Clerk of Council.

Section 2 That this Council hereby approves and consents to (i) any addition of real property to the territory of the District within the boundaries of any municipal corporation or any township which may become a participating political subdivision of the District under law; (ii) the addition of the municipal corporation or township in which such real property is located as a “participating political subdivision,” as defined in Ohio Revised Code Section 1710.01(E), of the District; and (iii) any amendment to the Articles of Incorporation necessary to recognize or effect such addition.

Section 3 This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this legislative resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

Section 4 That this Resolution shall go into effect and be in full force from and after the earliest period allowed by law.

Passed _____, 2024

Monique Lampke, President of Council

Attest: _____, 2024
Matt McPeck, Clerk of Council

Approved: _____, 2024

Ben Kessler, Mayor

First Reading: September 10, 2024
Second Reading:
Third Reading