

ORDINANCE NO. 28 - 18

By: Steve Keyes

An Ordinance Approving the Necessity of Certain Public Improvements in the City of Bexley, Ohio; Determining to Proceed With Those Improvements; and Levying Special Assessments of \$1,000 for the Purpose of Paying the Costs of Those Improvements

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 City of Bexley, Ohio, as the owner of certain real property (in that capacity, the Owner) located within the City of Bexley, Ohio (in that capacity, the City), has identified certain real property located at 2242 East Main Street, Bexley, Ohio (the Project Site), as an appropriate property for a special energy improvement project pursuant to Ohio Revised Code Chapter 1710; and

WHEREAS, the Bexley, Columbus, Dublin, Grove City, Hilliard, 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, the Owner submitted 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 City Hall Solar Project* (the Supplemental Plan), the *Amended Articles of Incorporation of the Columbus, Dublin, Whitehall, Worthington Regional Energy Special Improvement District, Inc.* (the Amended Articles of Incorporation), and the *Bexley Residential Solar Plan* (the Residential Solar 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, this Council approved the Petition and the Supplemental Plan on April 10, 2018 by its Resolution No. 03-18; and

WHEREAS, in the Petition, the Owner requests that a portion of the costs of acquiring, constructing, equipping, and improving the special energy improvement projects described in the Supplemental Plan (the Project) be paid for by special assessments assessed upon the Project Site (the Special Assessments) in an amount sufficient to pay a portion of the costs of the Project, which is estimated to be \$1,000.00; and

WHEREAS, this Council has determined to levy the Special Assessments on the Project Site to pay a portion of the costs of the Project, all as requested and further described in the Petition and in the Supplemental Plan; and

WHEREAS, the claims for damages alleged to result from and objections to the Project have been waived 100% of the affected property owners and no claims for damages have been filed;

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

Section 1 That each capitalized term not otherwise defined in this Ordinance or by reference to another document shall have the meaning assigned to it in the Project Petition.

Section 2 That this Council declares necessary, and a vital and essential public purpose of the City, to improve the Project Site by providing for the acquisition, construction, and improvement of the Project by the Owner, as set forth in the Petition and the Supplemental Plan, and providing for the payment of a portion of the costs of the Project, which may include architectural, engineering, legal, insurance, consulting, energy auditing, planning, acquisition, installation, construction, surveying, testing, and inspection costs; the amount of any damages resulting from the Project and the interest on such damages; the costs incurred in connection with the preparation, levy and collection of the special assessments; the cost of purchasing and otherwise acquiring any real estate or interests in real estate; expenses of legal services; costs of labor and material; and other financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued to provide a loan to the Owner or otherwise to pay costs of the Project in anticipation of the receipt of the Special Assessments, capitalized interest on, and financing reserve funds for, such securities, nonprofit corporate obligations, or other obligations so issued, including any credit enhancement fees, trustee fees, and District administrative fees and expenses; together with any other necessary expenditures, all as more fully described in the Petition and the Supplemental Plan, all of which are on file with the Clerk of Council and open to the inspection of all persons interested.

Section 3 That this Council determines that the Project's elements are so situated in relation to each other that in order to complete the acquisition and improvement of the Project's elements in the most practical and economical manner, they should be acquired and improved at the same time, with the same kind of materials, and in the same manner; and that the Project's elements shall be treated as a single improvement, pursuant to Ohio Revised Code Section 727.09, and the Project's elements shall be treated as a joint improvement to be undertaken cooperatively by the City and the District pursuant to Ohio Revised Code Section 9.482 and Ohio Revised Code Chapter 1710.

Section 4 That the Supplemental Plan, including the description of the Project and the total cost of the Project, now on file in the office of the Clerk of the Council is approved, subject to changes as permitted by Ohio Revised Code Chapter 727. The Project shall be made in accordance with the Supplemental Plan.

Section 5 That this Council declares that the Project is an essential and vital public, governmental purpose of the City as a Special Energy Improvement Project, as defined in Ohio Revised Code Section 1710.01(I); and that in order to fulfill that essential and vital public purpose of the City, it is necessary and proper to provide, in cooperation with the District, for the acquisition, construction, and improvement of the Project in the manner contemplated by the Petition and the Supplemental Plan. This Council

determines and declares that the Project is conducive to the public peace, health, safety and welfare of the City and the inhabitants of the City.

Section 6 That pursuant to and subject to the provisions of a valid Petition signed by the owners of 100% of the Project Site, the entire portion of the cost of the Project requested to be paid under the Petition and the Supplemental Plan (\$1,000.00) shall be paid by the Special Assessments levied against the Project Site, which is the benefited property. The portion of the costs of the Project allocable to the City, as the City, will be 0%, and the portion of the costs of the Project allocable to the City, as the Owner, will be 100%. The City does not intend to issue securities in anticipation of the levy or collection of the Special Assessments.

Section 7 That the method of levying the Special Assessments shall be in proportion to the benefits received, allocated among the parcels constituting the Project Site, as set forth in the Petition and the Supplemental Plan, and that the Special Assessments are in proportion to the special benefits received by the Project Site as set forth in the Petition and are not in excess of any applicable statutory limitation.

Section 8 That the lots or parcels of land to be assessed for the Project shall be the Project Site, described in the Supplemental Plan, all of which lots and lands are determined to be specially benefited by the Project.

Section 9 That the list of Special Assessments to be levied and assessed on the Project Site in an amount sufficient to pay a portion of the costs of the Project, which is \$1,000.00, which costs were set forth in the Supplemental Plan and previously reported to this Council and are now on file in the offices of the City Auditor, is adopted and confirmed, and that the Special Assessments are levied and assessed on the Project Site. The interest portion of the Special Assessments, together with amounts used to pay administrative expenses, are determined to be substantially equivalent to the fair market rate or rates of interest that would have been borne by securities issued in anticipation of the collection of the Special Assessments if such securities had been issued by the City. In addition to the Special Assessments, the County Auditor of Franklin County, Ohio (the "County Auditor") may impose a special assessment collection fee with respect to each semi-annual payment, which amount will be added to the Special Assessments by the County Auditor.

The Special Assessments are assessed against the Project Site in tax year 2018 for collection in 2019. The semi-annual installments of the Special Assessments shall be collected in each calendar year equal to the semi-annual amounts of Special Assessments as shown in Exhibit A, attached to and incorporated into this Ordinance.

The Special Assessments shall be allocated among the parcels constituting the Project Site as set forth in the Petition and the List of Special Assessments attached to and incorporated into this Ordinance as Exhibit A.

The period over which the services and improvements provided pursuant to the Supplemental Plan are useful is determined to be in excess of one year.

Section 10 That the City Auditor or the City Auditor's designee is authorized, pursuant to Ohio Revised Code Section 727.12, to cause the Special Assessments to be levied and collected at the earliest possible time including, if applicable, prior to the completion of the acquisition and construction of the Project.

Section 11 That this Council accepts and approves the waiver of all further notices, hearings, claims for damages, rights to appeal and other rights of the Owner under the law, including but not limited to those specified in the Ohio Constitution, Ohio Revised Code Chapter 727, Ohio Revised Code Chapter 1710, and the Charter of the City of Bexley, Ohio, and consents to the immediate imposition of the Special Assessments upon the Project Site.

Section 12 That the Owner has waived its right to pay the Special Assessments in cash within 30 days after the passage of this Ordinance, and all Special Assessments and installments of the Special Assessments shall be certified by the County Auditor as provided by the Petition and Ohio Revised Code Section 727.33 to be placed by him or her on the tax list and duplicate and collected with and in the same manner as real property taxes are collected and as set forth in the Petition.

Section 13 That the City Auditor shall keep the Special Assessments on file in the Office of the City Auditor.

Section 14 That in compliance with Ohio Revised Code Section 319.61, the Clerk of the Council is directed to deliver a certified copy of this Ordinance to the County Auditor within 15 days after its passage.

Section 15 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 16 That this Ordinance shall go into effect and be in full force from and after the earliest period allowed by law.

[Signature Page Follows]

Passed Nov. 13 2018

Attest: [Signature] 2018
Clerk of Council

[Signature]
President of Council

Approved: Nov. 13, 2018

[Signature]
Mayor

First Reading: 10-9-18
Second Reading: 10-23-18
Third Reading: 11-13-18
Passed 11-13-18

EXHIBIT A

**LIST OF SPECIAL ASSESSMENTS AND
SCHEDULE OF SPECIAL ASSESSMENTS**

LIST OF SPECIAL ASSESSMENTS

<u>Name</u>	<u>Assessed Properties Description</u>	<u>Portion of Benefit and Special Assessment</u>	<u>Amount of Special Assessments</u>
City of Bexley, Ohio	020-001825-00	100.00%	\$1,000.00

SCHEDULE OF SPECIAL ASSESSMENTS
FOR FRANKLIN COUNTY PARCEL NOS.:

020-001825-00*

The following schedule of Special Assessment charges shall be certified for collection in two semi-annual installments to be collected with real property taxes in calendar year 2019:

Special Assessment Date**	Special Assessment Amount***
January 1, 2019	\$500.00
July 1, 2019	\$500.00


* As identified in the records of the County Auditor of Franklin County, Ohio as of July 5, 2018.

** Pursuant to Ohio Revised Code Chapter 323, the Special Assessment Payment Dates identified in this Schedule of Special Assessments are subject to adjustment by the County Auditor of Franklin County, Ohio under certain conditions.

*** The County Auditor of Franklin County, Ohio may impose a special assessment collection fee with respect to each semi-annual Special Assessment payment. If imposed, this special assessment collection fee will be added by the County Auditor of Franklin County, Ohio to each semi-annual Special Assessment payment.

CERTIFICATE

The undersigned Clerk of the Council hereby certifies that the foregoing is a true copy of Ordinance No. 28-18 duly adopted by the Council of the City of Bexley, Ohio on NOV. 13, 2018 and that a true copy thereof, together with the Schedule of Special Assessments attached thereto, was certified to the County Auditor of Franklin County, Ohio within 15 days of its adoption.




Clerk of the Council
City of Bexley, Ohio

RECEIPT OF COUNTY AUDITOR FOR
ORDINANCE APPROVING THE NECESSITY OF CERTAIN
PUBLIC IMPROVEMENTS IN THE CITY OF BEXLEY, OHIO;
DETERMINING TO PROCEED WITH THOSE
IMPROVEMENTS; LEVYING SPECIAL ASSESSMENTS FOR
THE PURPOSE OF PAYING THE COSTS OF THOSE
IMPROVEMENTS; AND DISPENSING WITH THREE
READINGS

I, Clarence E. Mingo II, the duly elected, qualified, and acting Auditor in and for Franklin County, Ohio hereby certify that a certified copy of Ordinance __-18, duly adopted by the Council of the City of Bexley, Ohio on _____, 2018, including the List of Special Assessments and Schedule of Special Assessments, which Special Assessment charges shall be certified for collection in two semi-annual installments to be collected with first-half and second-half real property taxes in calendar year 2019, was filed in this office on 11-14, 2018.

WITNESS my hand and official seal at Columbus, Ohio on November 14, 2018.



Auditor
Franklin County, Ohio

[SEAL]

REC
CLARENCE
NOV 14 2018
FRANKLIN COUNTY OH
BY
DEPUTY COUNTY AUDITOR

RECEIVED
CLARENCE E. MINGO II
NOV 14 2018
FRANKLIN COUNTY AUDITOR
BY
DEPUTY COUNTY AUDITOR

