



## Legislation Text

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**File #:** 1933-2021, **Version:** 1

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**BACKGROUND:** The Council of the City of Columbus previously adopted an ordinance authorizing the Director of the Department of Development to approve petitions submitted by the owners of real property within the City requesting that their property be added to the territory of the Columbus Regional Energy Special Improvement District (the “District”) and plans for public improvements and public services attached to those petitions for and on behalf of the Council.

Under the authority granted by that ordinance, the Director of the Department of Development has approved eleven petitions for the addition of certain real property to the District and plans for public improvements and public services attached to those petitions for and on behalf of the Council. Pursuant to those approvals, the real property subject to those petitions has been added to the District. The petitions approved by the Director of the Department of Development provide that special assessments levied by the Council pursuant to Chapters 727 and 1710 of the Ohio Revised Code be used to pay the costs of “special energy improvement projects,” as that term is defined in Section 1710.01 of the Ohio Revised Code, to be constructed pursuant to the petitions.

This legislation is to levy such special assessments, all pursuant to Chapters 727 and 1710 of the Ohio Revised Code, and pursuant to the Charter of the City of Columbus.

Emergency action is requested on this legislation to allow the special assessment process to proceed in a timely manner and allow financing for the special energy improvement projects to be obtained by the District.

**FISCAL IMPACT:** No funding is required for this legislation.

To levy special assessments for the purpose of acquiring, constructing, and improving certain public improvements constituting special energy improvement projects in the City in cooperation with the Columbus Regional Energy Special Improvement District; and to declare an emergency.

**WHEREAS**, the Council (the “Council”) of the City of Columbus, Ohio (the “City”) adopted Ordinance 0311-2019 on June 25, 2019 (the “Commercial PACE Ordinance”); and

**WHEREAS**, under the Commercial PACE Ordinance, the Director of the Department of Development, including any Interim Director of the Department of Development (collectively, the “Development Director”) is authorized, for and on behalf of Council, to receive and approve or disapprove petitions for special energy improvement projects and for special assessments (“Petitions”) and plans or supplemental plans for public improvements or public services (“Supplemental Plans”) submitted by the owners of commercial and industrial real property within the City, subject to the terms and conditions stated in the Commercial PACE Ordinance and the Program Guidelines adopted by the Commercial PACE Ordinance; and

**WHEREAS**, under the Commercial PACE Ordinance, the Council further approved the Standing Assignment Agreement (the “Standing Assignment Agreement”) by and between the Bexley, Columbus, Dublin, Grove City, Hilliard, Perry Township, Whitehall, Worthington Energy Special Improvement District, Inc. doing business under the registered trade name Columbus Regional Energy Special Improvement District, Inc. (the “District”) and authorized the Development Director to execute and deliver the Standing Assignment Agreement for and on behalf of the City; and

**WHEREAS**, the Standing Assignment Agreement was executed by each of the City and the District and became effective on July 24, 2019; and

**WHEREAS**, under Ohio Revised Code Section 1710.02(F) and under Section 2.2 of the Standing Assignment Agreement, following approval of Petitions and Supplemental Plans by the Development Director, the City shall levy the special assessments described in such Petitions and Supplemental Plans; and

**WHEREAS**, on July 6, 2020, the Development Director approved a Petition for Special Assessments for Special Energy Improvement Projects and Affidavit and a Columbus Regional Energy Special Improvement District Program Plan-Supplement to Plan for 5130, 5150, and 5180 Warner Road, Columbus, Ohio Project (collectively, “Petition and Supplemental Plan 2020-04A”), including the list of special assessments attached to them, a copy of which list of special assessments is attached to this Ordinance as **Exhibit A**; and

**WHEREAS**, on August 6, 2020, the Development Director approved a Petition for Special Assessments for Special Energy Improvement Projects and Affidavit and a Columbus Regional Energy Special Improvement District Program Plan-Supplement to Plan for 300 W. Spruce Street, Columbus, Ohio Project (collectively, “Petition and Supplemental Plan 2020-04B”), including the list of special assessments attached to them, a copy of which list of special assessments is attached to this Ordinance as **Exhibit B**; and

**WHEREAS**, on September 30, 2020, the Development Director approved a Petition for Special Assessments for Special Energy Improvement Projects and Affidavit and a Columbus Regional Energy Special Improvement District Program Plan-Supplement to Plan for Hamilton Quarter, Columbus, Ohio Project (collectively, “Petition and Supplemental Plan 2020-05”), including the list of maximum special assessments attached to them, a copy of which list of special assessments was attached to Petition and Supplemental Plan 2020-05, and pursuant to Petition and Supplemental Plan 2020-05, the Development Director approved the final list of special assessments, a copy of which is attached to this Ordinance as **Exhibit C**, on November 4, 2020; and

**WHEREAS**, on August 24, 2020, the Development Director approved a Petition for Special Assessments for Special Energy Improvement Projects and Affidavit and a Columbus Regional Energy Special Improvement District Program Plan-Supplement to Plan for 3 Easton Oval, Columbus, Ohio Project (collectively, “Petition and Supplemental Plan 2020-06”), including the list of special assessments attached to them, a copy of which list of special assessments is attached to this Ordinance as **Exhibit D**; and

**WHEREAS**, on September 16, 2020, the Development Director approved a Petition for Special Assessments for Special Energy Improvement Projects and Affidavit and a Columbus Regional Energy Special Improvement District Program Plan-Supplement to Plan for 114 E. Fifth Avenue, Columbus, Ohio Project (collectively, “Petition and Supplemental Plan 2020-07”), including the list of special assessments attached to them, a copy of which list of special assessments is attached to this Ordinance as **Exhibit E**; and

**WHEREAS**, on November 6, 2020, the Development Director approved a Petition for Special Assessments for Special Energy Improvement Projects and Affidavit and a Columbus Regional Energy Special Improvement District Program Plan-Supplement to Plan for 4048 Morse Road, Columbus, Ohio Project (collectively, “Petition and Supplemental Plan 2020-08”), including the list of special assessments attached to them, a copy of which list of special assessments is attached to this Ordinance as **Exhibit F**; and

**WHEREAS**, on December 20, 2020, the Development Director approved a Petition for Special Assessments for Special Energy Improvement Projects and Affidavit and a Columbus Regional Energy Special Improvement District Program Plan-Supplement to Plan for 7411 Vantage Drive, Columbus, Ohio Project (collectively, “Petition and Supplemental Plan 2020-09”), including the list of special assessments attached to them, a copy of which list of special assessments is attached to this Ordinance as **Exhibit G**; and

**WHEREAS**, on January 4, 2021, the Development Director approved a Petition for Special Assessments for Special Energy Improvement Projects and Affidavit and a Columbus Regional Energy Special Improvement District Program Plan-Supplement to Plan for 382-404 E. Main, Columbus, Ohio Project (collectively, “Petition and Supplemental Plan 2021-01A”), including the list of special assessments attached to them, a copy of which list of special assessments is

attached to this Ordinance as Exhibit H; and

**WHEREAS**, on March 10, 2020, the Development Director approved a Petition for Special Assessments for Special Energy Improvement Projects and Affidavit and a Columbus Regional Energy Special Improvement District Program Plan-Supplement to Plan for Gravity Phase II, Columbus, Ohio Project (collectively, “Original Petition and Supplemental Plan 2021-01B”), and on April 14, 2021, the Development Director approved an Amendment to Petition for Special Assessments for Special Energy Improvement Projects and Affidavit (together with the Original Petition and Supplemental Plan 2021-01B, as amended, the “Petition and Supplemental Plan 2021-01B”) including the list of maximum special assessments attached to them, a copy of which list of special assessments was attached to Petition and Supplemental Plan 2021-01B, and pursuant to Petition and Supplemental Plan 2021-01B, the Development Director approved the final list of special assessments, a copy of which is attached to this Ordinance as Exhibit I, on April 29, 2021; and

**WHEREAS**, on May 11, 2021, the Development Director approved a Petition for Special Assessments for Special Energy Improvement Projects and Affidavit and a Columbus Regional Energy Special Improvement District Program Plan-Supplement to Plan for 5759 N. Hamilton Road, Columbus, Ohio Project (collectively, “Petition and Supplemental Plan 2021-02”), including the list of special assessments attached to them, a copy of which list of special assessments is attached to this Ordinance as Exhibit J; and

**WHEREAS**, on April 29, 2021, the Development Director approved a Petition for Special Assessments for Special Energy Improvement Projects and Affidavit and a Columbus Regional Energy Special Improvement District Program Plan-Supplement to Plan for 77 Belle Street, Columbus, Ohio Project (collectively, “Petition and Supplemental Plan 2021-03”), including two lists of special assessments attached to them, a copy of which lists of special assessments are attached to this Ordinance as Exhibit K; and

**WHEREAS**, on September 18, 2018, the City Council of the City of Columbus duly passed Ordinance No. 2429-2018 to proceed with the 200 W. Norwich Avenue Project and adopting certain special assessments (“Ordinance No. 2429-2018”), including a list of special assessments, a copy of which list of special assessments is attached to this Ordinance as Exhibit M, which special assessments the City has been notified have been prepaid and has been requested to remove all such special assessments from the real property described in Ordinance 2429-2018; and

**WHEREAS**, the actual costs of the special energy improvement projects described in Petition and Supplemental Plan 2020-04A, Petition and Supplemental Plan 2020-04B, Petition and Supplemental Plan 2020-05, Petition and Supplemental Plan 2020-06, Petition and Supplemental Plan 2020-07, Petition and Supplemental Plan 2020-08, Petition and Supplemental Plan 2020-09, Petition and Supplemental Plan 2021-01A, Petition and Supplemental Plan 2021-01B, Petition and Supplemental Plan 2021-02, Petition and Supplemental Plan 2021-03, and Ordinance No. 2429-2018 have been ascertained and have been certified to the City in the respective Petitions and the Supplemental Plans for the special energy improvement projects; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary that this Ordinance take effect at the earliest possible date in order to allow the District to take advantage of financing available to it for a limited time, and for the immediate preservation of public peace, property, health and safety; **NOW, THEREFORE**,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** The list of special assessments to be levied and assessed on the commercial real property described in Petition and Supplemental Plan 2020-04A in an amount sufficient to pay the costs of the special energy improvement projects described in Petition and Supplemental Plan 2020-04A, which is \$4,561,201.20, including other related financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued to pay costs of the special energy improvement projects described in Petition and Supplemental Plan

2020-04A 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, which costs were set forth in Petition and Supplemental Plan 2020-04A and previously reported to the Development Director and are now on file in the offices of the Development Director, is adopted and confirmed, and that the special assessments are levied and assessed on the real property described in Petition and Supplemental Plan 2020-04A. The interest portion of the special assessments, together with amounts used to pay administrative expenses, has been determined by the District to be substantially equivalent to the fair market rate that would have been borne by notes or bonds issued by the District.

The special assessments are assessed against the real property described in Petition and Supplemental Plan 2020-04A commencing in tax year 2021 for collection in 2022 and shall continue through tax year 2050 for collection in 2051; provided, however, if the proceedings relating to the special assessments are completed at such time that the County Auditor of Franklin County, Ohio (the "Franklin County Auditor") determines that collections shall not commence in 2022, then the collection schedule may be deferred by one year. The semi-annual installments of the special assessments shall be collected in each calendar year equal to a maximum semi-annual amount of special assessments as shown in **Exhibit A**, attached hereto and incorporated into this Ordinance.

All special assessments shall be certified by the Development Director to the Franklin County Auditor pursuant to Petition and Supplemental Plan 2020-04A and Chapter 727.33 of the Ohio Revised Code to be placed 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 Petition and Supplemental Plan 2020-04a.

The special assessments shall be allocated among the parcels constituting the real property described in Petition and Supplemental Plan 2020-04A in the manner set forth in Petition and Supplemental Plan 2020-04A and the List of Special Assessments attached hereto as **Exhibit A** and incorporated herein.

**SECTION 2.** The list of special assessments to be levied and assessed on the commercial real property described in Petition and Supplemental Plan 2020-04B in an amount sufficient to pay the costs of the special energy improvement projects described in Petition and Supplemental Plan 2020-04B, which is \$662,759.46, including other related financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued to pay costs of the special energy improvement projects described in Petition and Supplemental Plan 2020-04B 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, which costs were set forth in Petition and Supplemental Plan 2020-04B and previously reported to the Development Director and are now on file in the offices of the Development Director, is adopted and confirmed, and that the special assessments are levied and assessed on the real property described in Petition and Supplemental Plan 2020-04B. The interest portion of the special assessments, together with amounts used to pay administrative expenses, has been determined by the District to be substantially equivalent to the fair market rate that would have been borne by notes or bonds issued by the District.

The special assessments are assessed against the real property described in Petition and Supplemental Plan 2020-04B commencing in tax year 2021 for collection in 2022 and shall continue through tax year 2029 for collection in 2030; provided, however, if the proceedings relating to the special assessments are completed at such time that the Franklin County Auditor determines that collections shall not commence in 2022, then the collection schedule may be deferred by one year. The semi-annual installments of the special assessments shall be collected in each calendar year equal to a maximum semi-annual amount of special assessments as shown in **Exhibit B**, attached hereto and incorporated into this Ordinance.

All special assessments shall be certified by the Development Director to the Franklin County Auditor pursuant to Petition and Supplemental Plan 2020-04B and Chapter 727.33 of the Ohio Revised Code to be placed 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 Petition and Supplemental Plan 2020-04B.

The special assessments shall be allocated among the parcels constituting the real property described in Petition and Supplemental Plan 2020-04B in the manner set forth in Petition and Supplemental Plan 2020-04B and the List of Special Assessments attached hereto as **Exhibit B** and incorporated herein.

**SECTION 3.** The list of special assessments to be levied and assessed on the commercial real property described in Petition and Supplemental Plan 2020-05 in an amount sufficient to pay the costs of the special energy improvement projects described in Petition and Supplemental Plan 2020-05, which is \$7,364,238.40, including other related financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued to pay costs of the special energy improvement projects described in Petition and Supplemental Plan 2020-05 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, which costs were set forth in Petition and Supplemental Plan 2020-05 and previously reported to the Development Director and are now on file in the offices of the Development Director, is adopted and confirmed, and that the special assessments are levied and assessed on the real property described in Petition and Supplemental Plan 2020-05. The interest portion of the special assessments, together with amounts used to pay administrative expenses, has been determined by the District to be substantially equivalent to the fair market rate that would have been borne by notes or bonds issued by the District.

The special assessments are assessed against the real property described in Petition and Supplemental Plan 2020-05 commencing in tax year 2021 for collection in 2022 and shall continue through tax year 2044 for collection in 2045; provided, however, if the proceedings relating to the special assessments are completed at such time that the Franklin County Auditor determines that collections shall not commence in 2022, then the collection schedule may be deferred by one year. The semi-annual installments of the special assessments shall be collected in each calendar year equal to a maximum semi-annual amount of special assessments as shown in **Exhibit C**, attached hereto and incorporated into this Ordinance.

All special assessments shall be certified by the Development Director to the Franklin County Auditor pursuant to Petition and Supplemental Plan 2020-05 and Chapter 727.33 of the Ohio Revised Code to be placed 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 Petition and Supplemental Plan 2020-05.

The special assessments shall be allocated among the parcels constituting the real property described in Petition and Supplemental Plan 2020-05 in the manner set forth in Petition and Supplemental Plan 2020-05 and the List of Special Assessments attached hereto as **Exhibit C** and incorporated herein.

**SECTION 4.** The list of special assessments to be levied and assessed on the commercial real property described in Petition and Supplemental Plan 2020-06 in an amount sufficient to pay the costs of the special energy improvement projects described in Petition and Supplemental Plan 2020-06, which is \$4,221,061.60, including other related financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued to pay costs of the special energy improvement projects described in Petition and Supplemental Plan 2020-06 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, which costs were set forth in Petition and Supplemental Plan 2020-06 and previously reported to the Development Director and are now on file in the offices of the Development Director, is adopted and confirmed, and that the special assessments are levied and assessed on the real property described in Petition and Supplemental Plan 2020-06. The interest portion of the special assessments, together with amounts used to pay administrative expenses, has been determined by the District to be substantially equivalent to the fair market rate that would have been borne by notes or bonds issued by the District.

The special assessments are assessed against the real property described in Petition and Supplemental Plan 2020-06 commencing in tax year 2021 for collection in 2022 and shall continue through tax year 2040 for collection in 2041;

provided, however, if the proceedings relating to the special assessments are completed at such time that the Franklin County Auditor determines that collections shall not commence in 2022, then the collection schedule may be deferred by one year. The semi-annual installments of the special assessments shall be collected in each calendar year equal to a maximum semi-annual amount of special assessments as shown in **Exhibit D**, attached hereto and incorporated into this Ordinance.

All special assessments shall be certified by the Development Director to the Franklin County Auditor pursuant to Petition and Supplemental Plan 2020-06 and Chapter 727.33 of the Ohio Revised Code to be placed 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 Petition and Supplemental Plan 2020-06.

The special assessments shall be allocated among the parcels constituting the real property described in Petition and Supplemental Plan 2020-06 in the manner set forth in Petition and Supplemental Plan 2020-06 and the List of Special Assessments attached hereto as **Exhibit D** and incorporated herein.

**SECTION 5.** The list of special assessments to be levied and assessed on the commercial real property described in Petition and Supplemental Plan 2020-07 in an amount sufficient to pay the costs of the special energy improvement projects described in Petition and Supplemental Plan 2020-07, which is \$2,273,926.54, including other related financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued to pay costs of the special energy improvement projects described in Petition and Supplemental Plan 2020-07 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, which costs were set forth in Petition and Supplemental Plan 2020-07 and previously reported to the Development Director and are now on file in the offices of the Development Director, is adopted and confirmed, and that the special assessments are levied and assessed on the real property described in Petition and Supplemental Plan 2020-07. The interest portion of the special assessments, together with amounts used to pay administrative expenses, has been determined by the District to be substantially equivalent to the fair market rate that would have been borne by notes or bonds issued by the District.

The special assessments are assessed against the real property described in Petition and Supplemental Plan 2020-07 commencing in tax year 2021 for collection in 2022 and shall continue through tax year 2049 for collection in 2050; provided, however, if the proceedings relating to the special assessments are completed at such time that the Franklin County Auditor determines that collections shall not commence in 2022, then the collection schedule may be deferred by one year. The semi-annual installments of the special assessments shall be collected in each calendar year equal to a maximum semi-annual amount of special assessments as shown in **Exhibit E**, attached hereto and incorporated into this Ordinance.

All special assessments shall be certified by the Development Director to the Franklin County Auditor pursuant to Petition and Supplemental Plan 2020-07 and Chapter 727.33 of the Ohio Revised Code to be placed 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 Petition and Supplemental Plan 2020-07.

The special assessments shall be allocated among the parcels constituting the real property described in Petition and Supplemental Plan 2020-07 in the manner set forth in Petition and Supplemental Plan 2020-07 and the List of Special Assessments attached hereto as **Exhibit E** and incorporated herein.

**SECTION 6.** The list of special assessments to be levied and assessed on the commercial real property described in Petition and Supplemental Plan 2020-08 in an amount sufficient to pay the costs of the special energy improvement projects described in Petition and Supplemental Plan 2020-08, which is \$16,597,323.00, including other related financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued to pay costs of the special energy improvement projects described in Petition and Supplemental Plan 2020-08 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, which costs were set forth in Petition and Supplemental Plan 2020-08 and previously reported to the Development Director and are now on file in the offices of the Development Director, is adopted and confirmed, and that the special assessments are levied and assessed on the real property described in Petition and Supplemental Plan 2020-08. The interest portion of the special assessments, together with amounts used to pay administrative expenses, has been determined by the District to be substantially equivalent to the fair market rate that would have been borne by notes or bonds issued by the District.

The special assessments are assessed against the real property described in Petition and Supplemental Plan 2020-08 commencing in tax year 2022 for collection in 2023 and shall continue through tax year 2046 for collection in 2047; provided, however, if the proceedings relating to the special assessments are completed at such time that the Franklin County Auditor determines that collections shall not commence in 2023, then the collection schedule may be deferred by one year. The semi-annual installments of the special assessments shall be collected in each calendar year equal to a maximum semi-annual amount of special assessments as shown in **Exhibit F**, attached hereto and incorporated into this Ordinance.

All special assessments shall be certified by the Development Director to the Franklin County Auditor pursuant to Petition and Supplemental Plan 2020-08 and Chapter 727.33 of the Ohio Revised Code to be placed 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 Petition and Supplemental Plan 2020-08.

The special assessments shall be allocated among the parcels constituting the real property described in Petition and Supplemental Plan 2020-08 in the manner set forth in Petition and Supplemental Plan 2020-08 and the List of Special Assessments attached hereto as **Exhibit F** and incorporated herein.

**SECTION 7.** The list of special assessments to be levied and assessed on the commercial real property described in Petition and Supplemental Plan 2020-09 in an amount sufficient to pay the costs of the special energy improvement projects described in Petition and Supplemental Plan 2020-09, which is \$3,403,699.60 including other related financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued to pay costs of the special energy improvement projects described in Petition and Supplemental Plan 2020-09 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, which costs were set forth in Petition and Supplemental Plan 2020-09 and previously reported to the Development Director and are now on file in the offices of the Development Director, is adopted and confirmed, and that the special assessments are levied and assessed on the real property described in Petition and Supplemental Plan 2020-09. The interest portion of the special assessments, together with amounts used to pay administrative expenses, has been determined by the District to be substantially equivalent to the fair market rate that would have been borne by notes or bonds issued by the District.

The special assessments are assessed against the real property described in Petition and Supplemental Plan 2020-09 commencing in tax year 2022 for collection in 2023 and shall continue through tax year 2041 for collection in 2042; provided, however, if the proceedings relating to the special assessments are completed at such time that the Franklin County Auditor determines that collections shall not commence in 2023, then the collection schedule may be deferred by one year. The semi-annual installments of the special assessments shall be collected in each calendar year equal to a maximum semi-annual amount of special assessments as shown in **Exhibit G**, attached hereto and incorporated into this Ordinance.

All special assessments shall be certified by the Development Director to the Franklin County Auditor pursuant to Petition and Supplemental Plan 2020-09 and Chapter 727.33 of the Ohio Revised Code to be placed 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 Petition and Supplemental Plan 2020-09.

The special assessments shall be allocated among the parcels constituting the real property described in Petition and Supplemental Plan 2020-09 in the manner set forth in Petition and Supplemental Plan 2020-09 and the List of Special Assessments attached hereto as **Exhibit G** and incorporated herein.

**SECTION 8.** The list of special assessments to be levied and assessed on the commercial real property described in Petition and Supplemental Plan 2021-01A in an amount sufficient to pay the costs of the special energy improvement projects described in Petition and Supplemental Plan 2021-01A, which is \$11,925,799.92, including other related financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued to pay costs of the special energy improvement projects described in Petition and Supplemental Plan 2021-01A 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, which costs were set forth in Petition and Supplemental Plan 2021-01A and previously reported to the Development Director and are now on file in the offices of the Development Director, is adopted and confirmed, and that the special assessments are levied and assessed on the real property described in Petition and Supplemental Plan 2021-01A. The interest portion of the special assessments, together with amounts used to pay administrative expenses, has been determined by the District to be substantially equivalent to the fair market rate that would have been borne by notes or bonds issued by the District.

The special assessments are assessed against the real property described in Petition and Supplemental Plan 2021-01A commencing in tax year 2022 for collection in 2023 and shall continue through tax year 2044 for collection in 2045; provided, however, if the proceedings relating to the special assessments are completed at such time that the Franklin County Auditor determines that collections shall not commence in 2023, then the collection schedule may be deferred by one year. The semi-annual installments of the special assessments shall be collected in each calendar year equal to a maximum semi-annual amount of special assessments as shown in **Exhibit H**, attached hereto and incorporated into this Ordinance.

All special assessments shall be certified by the Development Director to the Franklin County Auditor pursuant to Petition and Supplemental Plan 2021-01A and Chapter 727.33 of the Ohio Revised Code to be placed 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 Petition and Supplemental Plan 2021-01A.

The special assessments shall be allocated among the parcels constituting the real property described in Petition and Supplemental Plan 2021-01A in the manner set forth in Petition and Supplemental Plan 2021-01A and the List of Special Assessments attached hereto as **Exhibit H** and incorporated herein.

**SECTION 9.** The list of special assessments to be levied and assessed on the commercial real property described in Petition and Supplemental Plan 2021-01B in an amount sufficient to pay the costs of the special energy improvement projects described in Petition and Supplemental Plan 2021-01B, which is \$13,105,409.10, including other related financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued to pay costs of the special energy improvement projects described in Petition and Supplemental Plan 2021-01B 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, which costs were set forth in Petition and Supplemental Plan 2021-01B and previously reported to the Development Director and are now on file in the offices of the Development Director, is adopted and confirmed, and that the special assessments are levied and assessed on the real property described in Petition and Supplemental Plan 2021-01B. The interest portion of the special assessments, together with amounts used to pay administrative expenses, has been determined by the District to be substantially equivalent to the fair market rate that would have been borne by notes or bonds issued by the District.

The special assessments are assessed against the real property described in Petition and Supplemental Plan 2021-01B commencing in tax year 2022 for collection in 2023 and shall continue through tax year 2042 for collection in 2043; provided, however, if the proceedings relating to the special assessments are completed at such time that the Franklin

County Auditor determines that collections shall not commence in 2023, then the collection schedule may be deferred by one year. The semi-annual installments of the special assessments shall be collected in each calendar year equal to a maximum semi-annual amount of special assessments as shown in **Exhibit I**, attached hereto and incorporated into this Ordinance.

All special assessments shall be certified by the Development Director to the Franklin County Auditor pursuant to Petition and Supplemental Plan 2021-01B and Chapter 727.33 of the Ohio Revised Code to be placed 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 Petition and Supplemental Plan 2021-01B.

The special assessments shall be allocated among the parcels constituting the real property described in Petition and Supplemental Plan 2021-01B in the manner set forth in Petition and Supplemental Plan 2021-01B and the List of Special Assessments attached hereto as **Exhibit I** and incorporated herein.

**SECTION 10.** The list of special assessments to be levied and assessed on the commercial real property described in Petition and Supplemental Plan 2021-02 in an amount sufficient to pay the costs of the special energy improvement projects described in Petition and Supplemental Plan 2021-02, which is \$944,240.00, including other related financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued to pay costs of the special energy improvement projects described in Petition and Supplemental Plan 2021-02 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, which costs were set forth in Petition and Supplemental Plan 2021-02 and previously reported to the Development Director and are now on file in the offices of the Development Director, is adopted and confirmed, and that the special assessments are levied and assessed on the real property described in Petition and Supplemental Plan 2021-02. The interest portion of the special assessments, together with amounts used to pay administrative expenses, has been determined by the District to be substantially equivalent to the fair market rate that would have been borne by notes or bonds issued by the District.

The special assessments are assessed against the real property described in Petition and Supplemental Plan 2021-02 commencing in tax year 2022 for collection in 2023 and shall continue through tax year 2050 for collection in 2051; provided, however, if the proceedings relating to the special assessments are completed at such time that the Franklin County Auditor determines that collections shall not commence in 2023, then the collection schedule may be deferred by one year. The semi-annual installments of the special assessments shall be collected in each calendar year equal to a maximum semi-annual amount of special assessments as shown in **Exhibit J**, attached hereto and incorporated into this Ordinance.

All special assessments shall be certified by the Development Director to the Franklin County Auditor pursuant to Petition and Supplemental Plan 2021-02 and Chapter 727.33 of the Ohio Revised Code to be placed 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 Petition and Supplemental Plan 2021-02.

The special assessments shall be allocated among the parcels constituting the real property described in Petition and Supplemental Plan 2021-02 in the manner set forth in Petition and Supplemental Plan 2021-02 and the List of Special Assessments attached hereto as **Exhibit J** and incorporated herein.

**SECTION 11.** The lists of special assessments to be levied and assessed on the commercial real property described in Petition and Supplemental Plan 2021-03 in an amount sufficient to pay the costs of the special energy improvement projects described in Petition and Supplemental Plan 2021-03, which is \$1,321,407.48 for tax year 2023, collection year 2024 through tax year 2024, collection year 2025, and is \$22,869,071.70 for tax year 2025, collection year 2026, through tax year 2050, collection year 2051, including other related financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued to pay costs of the special energy improvement projects described in Petition and Supplemental Plan 2021-03 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, which costs were set forth in Petition and Supplemental Plan 2021-03 and previously reported to the Development Director and are now on file in the offices of the Development Director, is adopted and confirmed, and that the special assessments are levied and assessed on the real property described in Petition and Supplemental Plan 2021-03. The interest portion of the special assessments, together with amounts used to pay administrative expenses, has been determined by the District to be substantially equivalent to the fair market rate that would have been borne by notes or bonds issued by the District.

The special assessments are assessed against the real property described in Petition and Supplemental Plan 2021-03 commencing in tax year 2023 for collection in 2024 and shall continue through tax year 2050 for collection in 2051; provided, however, if the proceedings relating to the special assessments are completed at such time that the Franklin County Auditor determines that collections shall not commence in 2026, then the collection schedule may be deferred by one year. The semi-annual installments of the special assessments shall be collected in each calendar year equal to a maximum semi-annual amount of special assessments as shown in **Exhibit K**, attached hereto and incorporated into this Ordinance.

All special assessments shall be certified by the Development Director to the Franklin County Auditor pursuant to Petition and Supplemental Plan 2021-03 and Chapter 727.33 of the Ohio Revised Code to be placed 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 Petition and Supplemental Plan 2021-03.

The special assessments shall be allocated among the parcels constituting the real property described in Petition and Supplemental Plan 2021-03 in the manner set forth in Petition and Supplemental Plan 2021-03 and the List of Special Assessments attached hereto as **Exhibit K** and incorporated herein.

**SECTION 12.** The City has been notified that all special assessments certified by the City Auditor to the County Auditor pursuant to Ohio Revised Code Chapter 727.33 in connection with Ordinance 2429-2018, are to be reduced such that the remaining principal of and interest, premium, and fees on the financing provided in connection with Ordinance 2429-2018 is \$0.00, and the amount of special assessments necessary to pay principal of and interest, premium and fees on that financing is \$0.00.

The aggregate special assessments previously levied by this Council under Ordinance 2429-2018 and certified by the City Auditor to the County Auditor are hereby reduced to \$0.00. The City Auditor and the Department of Development of the City are hereby authorized to take any actions as may be necessary in order to cause the County Auditor to reduce the amount of the Special Assessments to \$0.00.

**SECTION 13.** This Council finds and determines that the special assessments described in each of **Exhibit A**, **Exhibit B**, **Exhibit C**, **Exhibit D**, **Exhibit E**, **Exhibit F**, **Exhibit G**, **Exhibit H**, **Exhibit I**, **Exhibit J**, and **Exhibit K** (collectively, the “Special Assessments”) are in proportion to the special benefits received by the real property against which they are levied as set forth in each of Petition and Supplemental Plan 2020-04A, Petition 2020-04B, Petition and Supplemental Plan 2020-05, Petition and Supplemental Plan 2020-06, Petition and Supplemental Plan 2020-07, Petition and Supplemental Plan 2020-08, Petition and Supplemental Plan 2020-09, Petition and Supplemental Plan 2021-01A, Petition and Supplemental Plan 2021-01B, Petition and Supplemental Plan 2021-02, and Petition and Supplemental Plan 2021-03 and are not in excess of any applicable statutory limitation.

**SECTION 14.** The owners of the real property described in Petition and Supplemental Petition and Supplemental Plan 2020-04A, Petition and Supplemental Plan 2020-04B, Petition and Supplemental Plan 2020-05, Petition and Supplemental Plan 2020-06, Petition and Supplemental Plan 2020-07, Petition and Supplemental Plan 2020-08, Petition and Supplemental Plan 2020-09, Petition and Supplemental Plan 2021-01A, Petition and Supplemental Plan 2021-01B, Petition and Supplemental Plan 2021-02, and Petition and Supplemental Plan 2021-03, have waived their right to pay the Special Assessments in cash, and all Special Assessments and installments of the Special Assessments shall be certified

by the Development Director or the Development Director's designee to the Franklin County Auditor as provided by each of Petition and Supplemental Plan 2020-04A, Petition and Supplemental Plan 2020-04B, Petition and Supplemental Plan 2020-05, Petition and Supplemental Plan 2020-06, Petition and Supplemental Plan 2020-07, Petition and Supplemental Plan 2020-08, Petition and Supplemental Plan 2020-09, Petition and Supplemental Plan 2021-01A, Petition and Supplemental Plan 2021-01B, Petition and Supplemental Plan 2021-02, and Petition and Supplemental Plan 2021-03 and Section 727.33 of the Ohio Revised Code to be placed by the Franklin County Auditor 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 each of the Petitions and Supplemental Plans.

**SECTION 15.** The Special Assessments will be used by the City to pay the cost of the special energy improvement projects described in Petition and Supplemental Petition and Supplemental Plan 2020-04A, Petition and Supplemental Plan 2020-04B, Petition and Supplemental Plan 2020-05, Petition and Supplemental Plan 2020-06, Petition and Supplemental Plan 2020-07, Petition and Supplemental Plan 2020-08, Petition and Supplemental Plan 2020-09, Petition and Supplemental Plan 2021-01A, Petition and Petition and Supplemental Plan 2021-01B, Petition and Supplemental Plan 2021-02, and Petition and Supplemental Plan 2021-03 in cooperation with the District in any manner, including assigning the Special Assessments actually received by the City to the District or to another party the City deems appropriate, and the Special Assessments are appropriated for such purposes.

**SECTION 16.** The Development Director or the Development Director's designee shall keep the Special Assessments on file in the Office of the Development Director or the Development Director's designee.

**SECTION 17.** In compliance with Section 319.61 of the Ohio Revised Code, the Development Director or the Development Director's designee is directed to deliver a certified copy of this Ordinance to the Franklin County Auditor within twenty (20) days after its passage.

**SECTION 18.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its adoption and approval by the Mayor or ten (10) days after adoption if the Mayor neither approves nor vetoes the same.