



Legislation Text

File #: 1114-2023, **Version:** 1

BACKGROUND: The Council of the City of Columbus previously adopted an ordinance levying property assessed clean energy (“PACE”) special assessments on certain property located at 162-166 S. Ohio Avenue and 1117-1125 Oak Street and owned by Oak Grocery II, LLC. The special assessments repay and secure financing for special energy improvement projects installed at the property. The financing was provided by Greenworks Lending LLC (together with its successors and assigns, including, without limitation, PACEWell 3 LLC, “Greenworks”).

The Owner and Greenworks have notified the City that the financing provided for the special energy improvement projects has been prepaid in full and have requested that the City reduce the special assessments previously levied down to \$0.00.

This legislation is to reduce the amount of the special assessments previously levied down to \$0.00 and to cause the County Auditor to remove the special assessments from the tax bills for the property.

Emergency action is requested for this legislation to allow the reduction of the special assessments to be certified to the County Auditor before real property tax bills for tax year 2022 are prepared.

FISCAL IMPACT: No funding is required for this legislation.

Removing special assessments previously levied for certain public improvements in the City of Columbus, Ohio in cooperation with the Columbus Regional Energy Special Improvement District (Oak Grocery II, LLC Project); and to declare an emergency.

WHEREAS, this Council (the “Council”) of the City of Columbus, Ohio (the “City”) duly passed Resolution 047X-2019 on February 4, 2019 (the “Resolution of Necessity”) and approved a Petition for Special Assessments for Special Energy Improvement Projects and Affidavit (the “Petition”) and the Columbus Regional Energy Special Improvement District Program Plan-Supplement to Plan for Oak Street and S. Ohio Avenue, Columbus, Ohio Project (the “Supplemental Plan”) from Oak Grocery II, LLC (the “Owner”); and

WHEREAS, this Council duly passed Ordinance No. 0433-2019 on February 4, 2019 (the “Ordinance Levying Assessments”) and levied special assessments for the purpose of acquiring, constructing, and improving certain public improvements at 162-166 S. Ohio Avenue and 1117-1125 Oak Street in the City in cooperation with the District as requested and described in the Petition and the Supplemental Plan (the “Special Assessments”);

WHEREAS, Greenworks Lending LLC (together with its successors and assigns, including, without limitation, PACEWell 3 LLC, “Greenworks”) provided financing (the “Project Advance”) to the Owner under the Energy Project Cooperative Agreement dated as of February 15, 2019 (the “Energy Project Cooperative Agreement”) between the Owner, Greenworks, the District, and the City, for the purpose of paying and financing the costs of the special energy improvement projects described in the Petition and the Supplemental Plan;

WHEREAS, as provided in the Energy Project Cooperative Agreement, the Owner has prepaid to Greenworks all

amounts outstanding with respect to the Project Advance, and the Owner and Greenworks have notified the City that the remaining Special Assessments should be reduced to \$0.00;

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is immediately to certify the appropriate reduction in the amount of the Special Assessments to the County Auditor in order to effect such reduction in special assessments to \$0.00 prior to the preparation of second-half real property tax bills for tax year 2022 (payment in calendar year 2023) all for the immediate preservation of public health, peace, property, safety and welfare; **NOW THEREFORE**,

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

SECTION 1. Each capitalized term not otherwise defined in this Ordinance or by reference to another document shall have the meaning assigned to it in the Energy Project Cooperative Agreement.

SECTION 2. Under the Energy Project Cooperative Agreement the City agreed that in the event the Project Advance is prepaid, in whole or in part, it would, in cooperation with the Owner, and to the extent permitted by law, cause the aggregate lien of the Special Assessments to be no greater than the remaining principal of and interest, premium, and fees, if any, on the Project Advance through its final repayment.

Greenworks has notified the City that all Special Assessments levied by the City and certified to the City Auditor to the County Auditor pursuant to Ohio Revised Code Chapter 727.33, are to be reduced by the amount of the aggregate Special Assessments prepaid. The remaining principal of and interest, premium, and fees on the Project Advance will be \$0.00, and the amount of Special Assessments necessary to pay principal of and interest, premium and fees on the Project Advance will be \$0.00.

SECTION 3. The aggregate Special Assessments previously levied by this Council 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 4. 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 of Franklin County, Ohio within 20 days after its passage.

SECTION 5. 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 passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.