



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Text

File #: 3061-2015, **Version:** 1

BACKGROUND: The Council of the City of Columbus previously passed a resolution approving a petition for the creation of the Columbus Regional Energy Special Improvement District (the “District”), articles of incorporation for the nonprofit corporation, the board of directors of which governs the District, and an initial plan for the District. Pursuant to that resolution, the District has been formed. The initial plan previously approved by the Council provides 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 initial plan.

The Council, by resolution, has further determined the necessity of proceeding to levy special assessments for the purposes set forth in the initial plan for the Columbus Regional Energy Special Improvement District.

This legislation is to determine to proceed with the levying of the special assessments and 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 determine to proceed with levying special assessments for the purpose of acquiring, constructing, and improving certain public improvements in the City in cooperation with the Columbus Regional Energy Special Improvement District; to levy such special assessments; and to declare an emergency.

WHEREAS, this Council (“Council”) of the City of Columbus, Ohio (the “City”) duly adopted Resolution 0269X-2015 on December 7, 2015 (the “Resolution of Necessity”) and declared the necessity of acquiring, constructing, and improving certain public improvements consisting of energy special improvement projects, including, without limitation, lighting retrofits, roofing improvements, domestic water supply pump acquisition and installation, AHU controls and RCx Lite acquisition and installation, and DHW fuel switch acquisition and installation, and related improvements (the “Project”), as described in the Resolution of Necessity and as set forth in the Petition requesting those improvements; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is necessary that this Ordinance take effect at the earliest possible date in order to allow NC Plaza LLC to begin work on the special energy improvement project on the Property, and the ESID 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. Each capitalized term not otherwise defined in this Ordinance or by reference to another document shall have the meaning assigned to it in the Petition.

SECTION 2. This Council declares that its intention is to proceed with the acquisition, construction, and improvement of the Project described in the Petition and the Resolution of Necessity. The Project shall be made in accordance with the provisions of the Resolution of Necessity and with the plans, specifications, profiles, and estimates of cost previously approved and now on file with the City Clerk. The estimated Special Assessments for costs of the Project prepared and filed in the office of the City Clerk and in the office of the Director of the Department of Development, in accordance with the Resolution of Necessity, are adopted. All contracts for the construction of the Project will be let in the manner provided by law, subject to the provisions of the Ohio Revised Code, the Petition, and the Plan, and the costs of the Project shall be financed as provided in the Resolution of Necessity.

SECTION 3. The list of Special Assessments to be levied and assessed on the Property in an amount sufficient to pay the costs of the Project, which is \$2,817,197.00, and other related 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 NC Plaza LLC or otherwise to pay costs of the Authorized Improvements 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 Columbus Regional Energy Special Improvement District (“ESID”) administrative fees and expenses, which costs were set forth in the Petition and previously reported to this Council and are now on file in the office of the City Clerk, is adopted and confirmed, and that the Special Assessments are levied and assessed on the Property. 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.

The Special Assessments are assessed against the Property commencing in tax year 2016 for collection in 2017 and shall continue through tax year 2030 for collection in 2031. The annual installment of the Special Assessments shall be collected in each calendar year equal to a maximum annual amount of Special Assessments as shown in Exhibit A, attached to and incorporated into this Ordinance.

All Special Assessments shall be certified by the City Clerk or the Director of the Department of Development to the Auditor of Franklin County, Ohio pursuant to the Petition and Ohio Revised Code Chapter 727.33 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 the Petition.

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

SECTION 4. This Council finds and determines that the Special Assessments are in proportion to the special benefits received by the Property as set forth in the Petition and are not in excess of any applicable statutory limitation.

SECTION 5. The Owner (as defined in the Resolution of Necessity and the Petition) has waived its right to pay the Special Assessments in cash, and all Special Assessments and installments of the Special Assessments shall be certified by the City Clerk or the Director of the Department of Development to the Auditor of Franklin County, Ohio 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 6. The Special Assessments will be used by the City to provide the Authorized Improvements in cooperation with the ESID in any manner, including assigning the Special Assessments actually received by the City to the ESID or to another party the City deems appropriate, and the Special Assessments are appropriated for such purposes.

SECTION 7. The Director of the Department of Development shall keep the Special Assessments on file in the Office of the Director of the Department of Development.

SECTION 8. In compliance with Ohio Revised Code Section 319.61, the City Clerk is directed to deliver a certified copy of this Ordinance to the Auditor of Franklin County, Ohio within 20 days after its passage.

SECTION 9. 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.