



## Legislation Text

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**File #:** 2506-2021, **Version:** 1

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**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 the northwest corner of Morse and Sunbury Roads in Columbus, Ohio with Franklin County Auditor Parcel ID number 010-242734-00. The special assessments repay and secure financing for special energy improvement projects installed at the property. The financing was provided by PACE Equity LLC (“PACE Equity”).

Under the authority granted by that ordinance, the City entered into an Energy Project Cooperative Agreement dated as of December 14, 2018 (the “Energy Project Cooperative Agreement”) with the Columbus Regional Energy Special Improvement District, Inc. (the “District”), PACE Equity, and Easton Innkeepers, LLC, an Ohio limited liability company (the “Owner”), and a Special Assessment Agreement dated as of December 14, 2018 (the “Special Assessment Agreement”) with the County Treasurer of Franklin County, Ohio, the District, PACE Equity, and the Owner. Under the Energy Project Cooperative Agreement and Special Assessment Agreement, the City agreed to cooperate with the other parties to amend the amount of the special assessments levied in cooperation with the Owner and PACE Equity.

The Owner has submitted an amendment to its Petition for Special Assessments for Special Energy Improvement Projects and Affidavit to the City requesting that the special assessments previously levied to repay the financing provided by PACE Equity under the Energy Project Cooperative Agreement be adjusted as set forth in the amendment to the Petition. PACE Equity has notified the City that it consents to the amendment.

The ESID (the “District”) hereby certifies to the City that an adjustment in the amount of the special assessments levied against the Property under the Assessing Ordinance such that the remaining special assessments levied against the Property be adjusted as set forth on **Exhibit 1** to be collected with the County tax bills.

This legislation is to amend the amount of the special assessments previously levied to cause the County Auditor to adjust the special assessments to be collected with the tax bills for the property.

Emergency action is requested on 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.

To amend Special Assessments previously levied for certain public improvements in the City of Columbus, Ohio in cooperation with the Columbus Regional Energy Special Improvement District (Easton Innkeepers Project); and to declare an emergency.

**WHEREAS**, this Council (the “Council”) of the City of Columbus, Ohio (the “City”) duly passed Ordinance No. 3329-2018 on December 3, 2018 (the “Ordinance Levying Assessments”) and levied special assessments for the purpose of acquiring, constructing, and improving certain public improvements at the northwest corner of Morse and Sunbury Roads in the City in cooperation with the Columbus Regional Energy Special Improvement District, Inc. (the “District”); and

**WHEREAS**, the City entered into that certain Energy Project Cooperative Agreement dated as of December 14, 2018 (the “Energy Project Cooperative Agreement”) with the District, PACE Equity LLC (“PACE Equity”), and Easton Innkeepers, LLC, an Ohio limited liability company (the “Owner”) and that certain Special Assessment Agreement dated as of December 14, 2018, and recorded on December 20, 2018 as Instrument Number 201812200171837 in the records of the Franklin County Recorder (the “Special Assessment Agreement”) by and among the City, the District, the County

Treasurer of Franklin County, Ohio, the Owner, and PACE Equity; and

**WHEREAS**, as described in the Energy Project Cooperative Agreement and the Special Assessment Agreement, PACE Equity authorized and made available the amount of \$10,384,720 to the Owner for the purpose of paying and financing the costs of certain special energy improvement projects to be owned by the Owner at the northwest corner of Morse and Sunbury Roads (the “Project Advance”); and

**WHEREAS**, as provided in the Energy Project Cooperative Agreement, the Owner and PACE Equity have agreed to an adjustment of the special assessments necessary to repay the Project Advance, and the Owner has submitted an amendment to the Petition for Special Assessments for Special Energy Improvement Projects and Affidavit to the City, and PACE Equity has notified the City that it consents to the adjustment to the special assessments as set forth in the Owner’s amendment; and

**WHEREAS**, the ESID (the “District”) hereby certifies to the City that an adjustment in the amount of the special assessments levied against the Property under the Assessing Ordinance such that the remaining special assessments levied against the Property be adjusted as set forth on **Exhibit 1** to be collected with the County tax bills; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary for this Ordinance to take effect at the earliest possible date in order to certify the appropriate adjustment in the amount of the Special Assessments to the County Auditor in order to effect such reduction prior to the preparation of real property tax bills for tax year 2022 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.** 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 Energy Project Cooperative Agreement.

**SECTION 2.** That as provided in Energy Project Cooperative Agreement, the parties have agreed to an adjustment of the special assessments as set forth in the Owner’s amendment to the Petition.

**SECTION 3.** That the aggregate Special Assessments previously levied by this Council and certified by the City Auditor to the County Auditor are hereby changed to the amounts set forth on **Exhibit 1** attached to and incorporated into this Ordinance by this reference. 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 cause the special assessments set forth on **Exhibit 1** to be collected with tax bills.

**SECTION 4.** That the ESID (the “District”) hereby certifies to the City that an adjustment in the amount of the special assessments levied against the Property under the Assessing Ordinance such that the remaining special assessments levied against the Property be adjusted as set forth on **Exhibit 1** to be collected with the County tax bills.

**SECTION 5.** 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 of Franklin County, Ohio within 20 days after its passage.

**SECTION 6.** 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.