



Legislation Text

File #: 2505-2021, **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 243 N. 5th Street and owned by 243 North Fifth Holdings, 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 (“Greenworks”).

Under the authority granted by Ordinance No. 0311-2019, the City entered into a Standing Assignment Agreement dated as of July 24, 2019 (the “Standing Assignment Agreement”) with the Columbus Regional Energy Special Improvement District, Inc. (the “District”) and Addendum No. 2020-01 dated as of February 13, 2020 (the “Addendum”) with the District. Under the Standing Assignment Agreement and the Addendum, the City agreed to cooperate with the other parties to reduce the amount of the special assessments in cooperation with the Owner and Greenworks.

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 Greenworks under the Addendum be adjusted as set forth in the amendment to the Petition. Greenworks 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 in the amendment to the Petition.

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 (243 N. 5th Street Project); and to declare an emergency.

WHEREAS, the Council (the “Council”) of the City of Columbus, Ohio (the “City”) duly passed Ordinance No. 0311-2019 (the “Commercial PACE Ordinance”) and authorized the City to enter into the Standing Assignment Agreement with the Columbus Regional Energy Special Improvement District (the “District”) and further authorized the Director of the Department of Development to receive and approve petitions for special energy improvement projects and for special assessments on behalf of the City subject to the terms and conditions of the Commercial PACE Ordinance; and

WHEREAS, the City entered into the Standing Assignment Agreement dated as of July 24, 2019 (the “Standing Assignment Agreement”) with the District; and

WHEREAS, on January 31, 2020, the Director of the Department of Development 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 243 N. 5th Street, Columbus, Ohio Project (the “Supplemental Plan”) from 243 North Fifth Holdings, LLC (the “Owner”); and

WHEREAS, the City entered into Addendum No. 2020-01 to the Standing Assignment Agreement dated as of February 13, 2020 (the “Addendum”) with the District; and

WHEREAS, this Council (the “Council”) of the City of Columbus, Ohio (the “City”) duly passed Ordinance No. 1539-2020 on July 6, 2020 (the “Ordinance Levying Assessments”) and levied special assessments for the purpose of acquiring, constructing, and improving certain public improvements at 243 N. 5th Street in the City in cooperation with the District as requested and described in the Petition and the Supplemental Plan (the “Special Assessments”);

WHEREAS, as described in the Addendum, Greenworks authorized and made available the amount of \$488,052.01 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 243 N. 5th Street (the “Project Advance”);

WHEREAS, as provided in the Standing Assignment Agreement and the Addendum, the Owner and Greenworks 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 Greenworks has notified the City that it consents to the adjustment to the special assessments as set forth in the Owner’s amendment;

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 in the amendment to the Petition.

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 Standing Assignment Agreement and the Addendum.

SECTION 2. That as provided in Standing Assignment Agreement and the Addendum, 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 A** 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 A** 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 A** 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.