



## Legislation Text

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**File #:** 0277X-2016, **Version:** 1

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**BACKGROUND:** The Council (“Council”) of the City of Columbus, Ohio (the “City”) previously adopted Resolution 0216X-2015 approving a petition for the creation of the Columbus Regional Energy Special Improvement District, Inc. (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 articles of incorporation and the initial plan previously approved by the Council provides that the territory of the District may be expanded to any municipal corporation or township which is adjacent to any municipal corporation or township in which any part of the District’s territory is located.

Chapter 1710 of the Ohio Revised Code requires that the name of any energy special improvement district, of which the District is one, shown in its articles of incorporation contain the names of all municipal corporations and townships in which a portion of the energy special improvement district’s territory is located. The initial articles of incorporation of the District contained only the name of the City. The District desires at this time to expand to include property within the City of Worthington, Ohio to allow the owner of such property to complete special energy improvement projects on such property and pay for the costs of the improvements with special assessments levied by the City of Worthington, Ohio against such property. Pursuant to Chapter 1710 of the Ohio Revised Code, the District’s articles of incorporation therefore must be amended to include in the name of the City of Worthington, Ohio. In the future, similar expansion may require similar updates to the District’s articles of incorporation.

Chapter 1710 of the Ohio Revised Code requires any “participating political subdivision” of an energy special improvement district to approve amendments to the articles of incorporation of the energy special improvement district. Pursuant to Chapter 1710 of the Ohio Revised Code, the City is a “participating political subdivision” of the District.

This legislation is to approve a current amendment to the articles of incorporation and all future amendments to the articles of incorporation for the purpose of adding the name of a municipal corporation or township into which the District may expand.

Emergency action is requested on this legislation to allow the District to expand in order for the District to facilitate the financing of the special energy improvement projects available to the District for a limited time.

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

To approve amendments to the Articles of Incorporation of the Columbus Regional Energy Special Improvement District, Inc.; and to declare an emergency.

**WHEREAS**, as set forth in Ohio Revised Code Chapter 1710, the Ohio General Assembly has authorized property owners to include their properties within energy special improvement districts (“ESIDs”) upon a petition to a municipal corporation or township, which ESIDs are voluntary organizations of property owners who undertake special energy improvement projects for their properties and finance such special energy improvement projects by way of voluntary special assessments; and

**WHEREAS**, the Columbus Regional Energy Special Improvement District, Inc. (the “District”) has been duly created and is validly existing pursuant to the laws of the State of Ohio, and the City of Columbus, Ohio is a “participating political subdivision” of the District in accordance with Ohio Revised Code Section 1710.01(E); and

**WHEREAS**, pursuant to Ohio Revised Code Section 1710.02, the members and participating political subdivisions of the

District have authorized the addition of territory to the District from time to time, and the plan for public improvements and the articles of incorporation of the District allow for such addition; and

**WHEREAS**, in furtherance of the future addition of any real property in any municipal corporation or township contiguous to the municipal corporations or townships in which a portion of the territory of the District is located, it is necessary, and this Council has determined, to approve the addition of such real property to the territory of the District, all in accordance with Ohio Revised Code Chapter 1710, and further to approve amendments to the *Articles of Incorporation of the Columbus Regional Energy Special Improvement District, Inc.* (as amended or supplemented from time to time, the “Articles of Incorporation”) in order to effect such additions; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Development in that it is necessary that this Resolution take effect at the earliest possible date in order to allow the District to expand to allow property owners within the City of Worthington, Ohio to begin work on special energy improvement projects and further 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 RESOLVED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That this Council hereby approves and consents to (i) any addition of real property to the territory of the District within the boundaries of any municipal corporation or any township which is contiguous to the municipal corporations or townships in which a portion of the territory of the District is located; (ii) the addition of the municipal corporation or township in which such real property is located as a “participating political subdivision,” as defined in Ohio Revised Code Section 1710.01(E), of the District; and (iii) any amendment to the Articles of Incorporation necessary to recognize or effect such addition.

**SECTION 2.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this Resolution 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 days after adoption if the Mayor neither approves nor vetoes the same.