



## Legislation Text

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**File #:** 0049X-2017, **Version:** 1

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**BACKGROUND:** Chapter 1710 of the Ohio Revised Code allows property owners to petition the municipal corporation within which their property is located for the creation of an energy special improvement district, the purpose of which is to provide “special energy improvement projects,” as defined in Section 1710.01 of the Ohio Revised Code. Section 1710.02 of the Ohio Revised Code requires such property owners also to submit articles of incorporation for a nonprofit corporation, the board of directors of which shall govern the energy special improvement district, to the municipal corporation with the petition. Section 1710.02(F) of the Ohio Revised Code also allows such property owners to submit an initial plan of services for approval with the petition. Upon receipt of a petition, articles of incorporation, and an initial plan submitted by the owners 100% of the properties requesting to be included in the energy special improvement district, the municipal corporation may approve the petition, cause the formation of the energy special improvement district, and proceed to levy special assessments to pay the costs of the special energy improvement projects to be completed pursuant to the petition and the initial plan.

On November 23, 2015, the Council passed Resolution No. 0261X-2015, which approved a petition, initial plan, and the articles of incorporation for the Columbus Regional Energy Special Improvement District (the “District”), and created the District.

Section 1710.06 of the Ohio Revised Code allows the District to cooperate with additional owners of real property within a municipal corporation which has created an energy special improvement district to submit to the municipal corporation petitions and supplemental plans, which supplement the initial plan. Upon its receipt of a petition and supplemental plan signed by the owners of 100% of the properties requesting to be added to the energy special improvement district, the municipal corporation may approve the petition and supplemental plan and proceed to levy special assessments to pay the costs of the special energy improvement projects to be completed pursuant to the petition and the supplemental plan.

1103 Schrock Road LP and Northwoods One LP, each respectively the owner of certain parcels of real property within the City of Columbus (with the commonly used mailing address 1103 Schrock Road, Columbus, Ohio and 7965 North High Street, Columbus, Ohio, respectively), have submitted petitions and supplemental plans to the Council, requesting that the Council approve the petitions and supplemental plans, cause the addition of such parcels of real property to the Columbus Regional Energy Special Improvement District, and levy special assessments on such properties to pay the costs of the special energy improvement projects to be provided on their properties.

1103 Schrock Road LP and Northwoods One LP each is working in cooperation with Greenworks Lending, LLC to obtain financing secured by the special assessments requested in the petitions and supplemental plans, the proceeds of which financing will be used to pay the costs of the special energy improvement projects described in the petitions and supplemental plans.

Emergency action is required to allow the Columbus Regional Energy Special Improvement District to be expanded and special assessments to be levied in a timely manner in order to facilitate financing for the projects by Greenworks Lending, LLC.

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

To approve the petitions and supplemental plans of 1103 Schrock Road LP and Northwoods One LP for addition of certain real property to the Columbus Regional Energy Special Improvement District under Ohio Revised Code Chapter 1710 and the authorization of the special energy improvement projects to be constructed upon such real property; and to

declare an emergency.

**WHEREAS**, as set forth in Ohio Revised Code Chapter 1710, the Ohio General Assembly has authorized property owners to create 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 (the “District”) was created under Ohio Revised Code Chapters 1702 and 1710 as an ESID and established pursuant to Resolution No. 0261X-2015 of the Council of the City of Columbus, Ohio (the “Council”) approved on November 23, 2015 (the “Creation Resolution”).

**WHEREAS**, 1103 Schrock Road LP, a property owner, has identified the property located at the commonly used mailing address 1103 Schrock Road, Columbus, Ohio (the “1103 Schrock Road Property”) in the City of Columbus, Ohio (the “City”), as an appropriate property for a special energy improvement project; and

**WHEREAS**, Northwoods One LP, a property owner, has identified the property located at the commonly used mailing address 7965 North High Street, Columbus, Ohio (the “7965 North High Property,” and together with the 1103 Schrock Road Property, the “Properties”) in the City, as an appropriate property for a special energy improvement project; and

**WHEREAS**, on February 15, 2017, pursuant to Ohio Revised Code Section 1710.06, the District and 1103 Schrock Road LP submitted to the Mayor of the City and to the Council (1) a petition entitled *Petition for Special Assessments for Special Energy Improvement Projects* (the “1103 Schrock Road Petition”) and (2) a supplemental plan entitled *Columbus Regional Energy Special Improvement District Program Plan - Supplement to Plan for 1103 Schrock Road, Columbus, Ohio* (the “1103 Schrock Road Supplemental Plan”), and said 1103 Schrock Road Petition and 1103 Schrock Road Supplemental Plan are on file with the Director of the Department of Development or the Director of the Department of Development’s designee; and

**WHEREAS**, on February 15, 2017, pursuant to Ohio Revised Code Section 1710.06, the District and Northwoods One LP submitted to the Mayor of the City and to the Council (1) a petition entitled *Petition for Special Assessments for Special Energy Improvement Projects* (the “7965 North High Petition,” and together with the 1103 Schrock Road Petition, the “Petitions”) and (2) a supplemental plan entitled *Columbus Regional Energy Special Improvement District Program Plan - Supplement to Plan for 1103 North High Street, Columbus, Ohio* (the “7965 North High Supplemental Plan,” and together with the 1103 Schrock Road Supplemental Plan, the “Supplemental Plans”), and said 7965 North High Petition and 7965 North High Supplemental Plan are on file with the Director of the Department of Development or the Director of the Department of Development’s designee; and

**WHEREAS**, the Petitions and Supplemental Plans request that the Properties be added to the District and that the City levy special assessments on the Properties to pay the costs of a special energy improvement project to be provided on the Properties, all as described more particularly in the Petitions and the Supplemental Plans (the “Projects”)

**WHEREAS**, said Petitions and Supplemental Plans are for the purpose of developing and implementing special energy improvement projects in furtherance of the purposes set forth in Section 2o of Article VIII of the Ohio Constitution, including, without limitation, the special energy improvement project to be located at the Properties; and

**WHEREAS**, the Supplemental Plans define the Projects to be completed at the Properties and identify the amount and length of special assessments for Projects, and such special assessments shall require formal authorization from this Council pursuant to Ohio Revised Code Chapters 727 and 1710; and

**WHEREAS**, this Council, as mandated by Ohio Revised Code Section 1710.06, must approve or disapprove the Petitions and the Supplemental Plans within 60 days of the submission of the Petitions and the Supplemental Plans; and

**WHEREAS**, this Council has determined to approve the Petitions and the Supplemental Plans and thereby add the

Properties to the territory of the District; and

**WHEREAS**, this Council, pursuant to Ohio Revised Code Section 1710.02(G)(4), has determined that the Projects to be constructed and implemented on the Properties are not required to be owned exclusively by the City for its purposes, for uses determined by this Council, as the legislative authority of the City as those that will promote the welfare of the people of the City; to improve the quality of life and the general and economic well-being of the people of City; to better ensure the public health, safety, and welfare; to protect water and other natural resources; to provide for the conservation and preservation of natural and open areas and farmlands, including by making urban areas more desirable or suitable for development and revitalization; to control, prevent, minimize, clean up, or mediate certain contamination of or pollution from lands in the state and water contamination or pollution; or to provide for safe and natural areas and resources; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Development in that it is necessary for that this Resolution take effect at the earliest possible date in order to allow the District to be formed, 1103 Schrock Road LP and Northwoods One LP each to begin work on the Projects on the Properties, and 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.** This Council approves each of the 1103 Schrock Road Petition, the 1103 Schrock Road Supplemental Plan, the 7965 North High Petition, and the 7965 North High Supplemental Plan, all in substantially the forms now on file with the Director of the Department of Development or the Director of the Department of Development's designee.

**Section 2.** Pursuant to Ohio Revised Code Section 1710.02(G)(4), this Council determines that the Projects to be constructed and implemented on the Property are not required to be owned exclusively by the City for its purposes, for uses determined by this Council, as the legislative authority of the City, as those that will promote the welfare of the people of such participating political subdivision; to improve the quality of life and the general and economic well-being of the people of the City; to better ensure the public health, safety, and welfare; to protect water and other natural resources; to provide for the conservation and preservation of natural and open areas and farmlands, including by making urban areas more desirable or suitable for development and revitalization; to control, prevent, minimize, clean up, or mediate certain contamination of or pollution from lands in the state and water contamination or pollution; or to provide for safe and natural areas and resources. This Council accordingly authorizes the board of directors of the Columbus Regional Energy Special Improvement District, Inc. to act as its agent to sell, transfer, lease, or convey the Projects to be constructed and implemented on the Properties. The consideration the board of directors of the Columbus Regional Energy Special Improvement District, Inc. must obtain from any sale, transfer, lease, or conveyance of the Projects on the Properties is any consideration greater than or equal to \$1.00.

**Section 3.** 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.