



## Legislation Text

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**File #:** 0091X-2022, **Version:** 1

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**BACKGROUND:** This Council is being asked to approve and to declare the necessity to implement the Plan of Services adopted by the East Main Street Special Improvement District of Columbus, Inc. (the DISTRICT) and the necessity to levy a special assessment for the services set forth in said Plan of Services upon the lots and lands benefiting under the Plan of Services, and to declare an emergency.

The East Main Street Special Improvement District was created in 2018 for a term of 5 years through 2022. The current term of the East Main Street Special Improvement District will conclude in December 2022.

A one petition process has been initiated in which over 60 percent of the frontage owners of all real property located within the DISTRICT signed that they are interested in reauthorizing the DISTRICT and they approve of the Plan of Services to be provided by the DISTRICT. This petition to reauthorize the East Main Street Special District was accepted and approved by Columbus City Council by Ordinance No. 1100-2022, passed April 18, 2022. Another action required by the Ohio Revised Code is the approval of the Plan of Services. This legislation was approved by City Council by Resolution No. 0063X-2022, passed May 2, 2022.

This legislation is the third of four actions required by Chapter 1710 of the Ohio Revised code to reauthorize.

Emergency action is required to allow the East Main Street Special Improvement District of Columbus, Inc. to implement its Plan of Services and to permit the special assessment process to proceed in a timely manner.

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

To declare the necessity to implement the Plan of Services adopted by the East Main Street Special Improvement District of Columbus, Inc. and the necessity to levy a special assessment for the services set forth in said plan upon the lots and lands benefiting under the plan, and to declare an emergency.

**WHEREAS**, Chapter 1710 of the Revised Code, effective September 29, 1994 provides for the creation of Special Improvement District (SID), by non-profit corporations governed by trustees elected by the property owners for the provision of special services in designated district. The East Main Street Special Improvement District was created in 2018 for a 5-year term ending December 31, 2022.

**WHEREAS**, the property owners located in the East Main Street Special Improvement Development District area have initiated a petition to reauthorize the DISTRICT and have filed the petition with the Clerk of the Columbus City Council along with the Articles of Incorporation of the East Main Street Special Improvement District of Columbus, Inc., an Ohio non-profit corporation, to be responsible for the operation of the DISTRICT; and

**WHEREAS**, the petition to approve and to accept the Articles of Incorporation of East Main Street Special Improvement District of Columbus, Inc. was accepted by City Council by Ordinance No. 1100-2022, passed April 18, 2022.

**WHEREAS**, the property owners located in the District have included in their initial petition the approval of the Plan of Services to be provided by the East Main Street Special Improvement District of Columbus, Inc. pursuant to the Ohio Revised Code Chapter 1710; and

**WHEREAS**, the petition to approve the Plan of Services to be provided by the East Main Street Special Improvement District of Columbus, Inc. was accepted and approved by City Council by Resolution No. 0063X-2022, passed May 2, 2022; and

**WHEREAS**, the Plan of Services calls for the provision of these services of the East Main Street Special Improvement District of Columbus, Inc. to be funded by a special assessment; and

**WHEREAS**, Section 1710.02 and 1710.06 of the Ohio Revised Code authorizes the participating subdivision to levy a special assessment to pay for the cost of the services as set forth in said Plan of Services for the economic development and continued improvement of the designed East Main Street Area; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Development, Economic Development Division, in that it is immediately necessary to implement the Plan of Services adopted by the East Main Street Special Improvement District and the necessity to levy a special assessment for the services set forth in the Plan of Services for the economic development and continued improvement of the designed East Main Street Area, all for the preservation of public health, peace, property safety and welfare; **NOW THEREFORE**,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** It is declared necessary to implement the Plan of Services of the East Main Street Special Improvement District of Columbus, Inc. (the DISTRICT) in the City of Columbus.

**SECTION 2.** The Plan of Services and estimate of cost of the services set forth by the East Main Street SID for approximately \$65,000.00 in 2023 with annul increments over the 5-year term as projected in the Plan of Services, are now on file in the Office of the Clerk of Council, with the services to be performed as shown therein and it is attached herewith as Exhibit A. The lots and lands benefiting from the services and to be assessed as set forth in the Plan of Services as Attachment IA and IB, are attached hereto and incorporated by reference.

**SECTION 3.** The Council of the City of Columbus finds and determines that 1) the Plan of Services is conducive to the public health, convenience and welfare of this City and inhabitants thereof, and 2) the lots and lands to be assessed as described in Exhibit I hereof are especially benefited by the services set forth in the Plan of Services in amount equal to or greater than the assessed amounts.

**SECTION 4.** A portion of the cost of the services set forth in the Plan of Services shall be assessed as per the Plan of Services of the East Main Street Special Improvement District, as approved by the Council of the City of Columbus in Resolution No. 0063X-2022. The Council of the City of Columbus hereby determines said assessments for providing services per the Plan of Services of the East Main Street Special Improvement District for all such lots and lands as described in Exhibit A above are necessary. The portion of the cost of the services to be paid by the City of Columbus, if applicable, shall be included in the Plan of Services as approved by Resolution No. 0063X-2022.

**SECTION 5.** That the East Main Street Special Improvement District is authorized and directed to prepare and file with Council in the office of the Clerk of Council an assessment report in accordance with the method of assessment provided for in this resolution. Such assessment report shall show the lots and lands assessed and the amount of assessment as to each. It is attached as Exhibit B. When the estimated assessments have been so filed, the Clerk of Council shall cause notice of the adoption of this Resolution and the filing of the estimated assessment via a letter of the Clerk of Council to be disseminated by the East Main Street SID staff via certified mails in a manner provided by law to the owners of all lots and lands to be assessed.

**SECTION 6.** That the assessment to be levied shall be paid in semi-annual installments and that the duration of assessment shall be for a 5- year term from January 1, 2023 through December 31, 2027 and further provided that owner

of any property assessed may, at his or her option, pay such assessment in cash within thirty (30) days after passage of the assessing ordinance.

**SECTION 7.** The Clerk of Council is directed to certify a copy of this Resolution to the City Auditor.

**SECTION 8.** The assessment to be levied and collected pursuant to this Resolution may be levied and collected in whole or in part to the performance of the Plan of Services.

**SECTION 9.** That the Clerk of Council is hereby directed to post a copy of this Resolution as provided by law.

**SECTION 10.** 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 in force from and after its adoption and approval by the Mayor or ten days after adoption if Mayor neither approves nor vetoes the same.