



## Legislation Text

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**File #:** 1755-2025, **Version:** 1

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**BACKGROUND:** The Director of the Department of Development, as authorized by the Council of the City of Columbus, previously approved levying property assessed clean energy (“PACE”) special assessments on certain property located at 1206 N. Fourth Street and owned by 1206 N 4TH 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 (together with its successors and assigns, including, without limitation, PACEWell 5 LLC, “Greenworks”).

The Owner and Greenworks have notified the City that the financing provided for the special energy improvement projects has been prepaid in full and have requested that the City reduce the special assessments previously levied down to \$0.00.

This legislation is to reduce the amount of the special assessments previously levied down to \$0.00 and to cause the County Auditor to remove the special assessments from 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 2024 are prepared.

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

To remove special assessments previously levied for certain public improvements in the City of Columbus, Ohio in cooperation with the Columbus Regional Energy Special Improvement District (1206 N 4TH LLC Project); and to declare an emergency. (\$0.00)

**WHEREAS**, this Council (the “Council”) of the City of Columbus, Ohio (the “City”) duly passed Ordinance 0311-2019 on June 24, 2019 (the “Assessing Ordinance”) authorized the Director of the Department of Development or a designee (the “Development Director) to receive and approval petitions for special energy improvement projects and for special assessments and plans or supplemental plans for public improvements or public services on behalf of the Council, which such approval constitutes the legislative approval of the Council under Ohio Revised Code Chapters 727 and 1710; and

**WHEREAS**, on September 14, 2021 the Development Director 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 1206 N. Fourth Street, Columbus, Ohio Project (the “Supplemental Plan”) from 1206 N 4TH LLC (the “Owner”) and levied special assessments for the purpose of acquiring, constructing, and improving certain public improvements at 1206 N. Fourth Street in the City in cooperation with the District as requested and described in the Petition and the Supplemental Plan (the “Special Assessments”); and

**WHEREAS**, Greenworks Lending LLC (together with its successors and assigns, including, without limitation, PACEWell 5 LLC, “Greenworks”) provided financing (the “Project Advance”) to the Owner under the Energy Project Cooperative Agreement dated as of November 10, 2021 (the “Energy Project Cooperative Agreement”) between the Owner, Greenworks, the District, and the City, for the purpose of paying and financing the costs of the special energy improvement projects described in the Petition and the Supplemental Plan;

**WHEREAS**, as provided in the Energy Project Cooperative Agreement, the Owner has prepaid to Greenworks all

amounts outstanding with respect to the Project Advance, and the Owner and Greenworks have notified the City that the remaining Special Assessments should be reduced to \$0.00;

**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 reduction in the amount of the Special Assessments to the County Auditor in order to effect such reduction prior to the preparation of second-half real property tax bills for tax year 2024 (payment in calendar year 2025), all for the immediate preservation of public health, peace, property, safety and welfare; and **NOW, THEREFORE**,

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

**SECTION 1.** That the aggregate Special Assessments previously levied by this Council pursuant to the Petition for the Special Assessments related to the Columbus Regional Energy Special Improvement District Program Plan-Supplement to Plan for 1206 N. Fourth Street, Columbus, Ohio Project from 1206 N 4<sup>TH</sup> LLC and certified by the City Auditor to the County Auditor are hereby reduced to \$0.00. 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 reduce the amount of the Special Assessments, and associated penalties, fees, and interest, if any, to \$0.00.

**SECTION 2.** 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 3.** 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.