BACKGROUND: The Council of the City of Columbus previously adopted Ordinance No. 0311-2019 on June 24, 2019, authorizing the Director of the Department of Development to approve petitions submitted by the owners of real property within the City requesting that their property be added to the territory of the Columbus Regional Energy Special Improvement District (the "District") and plans for public improvements and public services attached to those petitions for and on behalf of the Council.

Under the authority granted by that ordinance, the Director of the Department of Development has approved five petitions for the addition of certain real property to the District and plans for public improvements and public services attached to those petitions for and on behalf of the Council. Pursuant to those approvals, the real property subject to those petitions has been added to the District. The petitions approved by the Director of the Department of Development provide that special assessments levied by the Council pursuant to Chapters 727 and 1710 of the Ohio Revised Code be used to pay the costs of "special energy improvement projects," as that term is defined in Section 1710.01 of the Ohio Revised Code, to be constructed pursuant to the petitions.

This legislation is to levy such special assessments, all pursuant to Chapters 727 and 1710 of the Ohio Revised Code, and pursuant to the Charter of the City of Columbus.

Emergency action is requested to allow the special assessment process to proceed in a timely manner and allow financing for the special energy improvement projects to be obtained by the District.

FISCAL IMPACT: No funding is required for this legislation.

To levy special assessments for the purpose of acquiring, constructing, and improving certain public improvements constituting special energy improvement projects in the City in cooperation with the Columbus Regional Energy Special Improvement District; and to declare an emergency. ($0.00)

WHEREAS, the Council (the "Council") of the City of Columbus, Ohio (the "City") adopted Ordinance 0311-2019 on June 24, 2019 (the "Commercial PACE Ordinance"); and

WHEREAS, under the Commercial PACE Ordinance, the Director of the Department of Development, including any Interim Director of the Department of Development (collectively, the "Development Director") is authorized, for and on behalf of Council, to receive and approve or disapprove petitions for special energy improvement projects and for special assessments ("Petitions") and plans or supplemental plans for public improvements or public services ("Supplemental Plans") submitted by the owners of commercial and industrial real property within the City, subject to the terms and conditions stated in the Commercial PACE Ordinance and the Program Guidelines adopted by the Commercial PACE Ordinance; and

WHEREAS, under the Commercial PACE Ordinance, the Council further approved the Standing Assignment Agreement (the "Standing Assignment Agreement") by and between the Bexley, Columbus, Dublin, Gahanna, Grandview Heights,

Grove City, Hilliard, Marble Cliff, Perry Township, Sharon Township, Upper Arlington, Whitehall, Worthington Energy Special Improvement District, Inc. doing business under the registered trade name Columbus Regional Energy Special Improvement District, Inc. (the "District") and authorized the Development Director to execute and deliver the Standing Assignment Agreement for and on behalf of the City; and

WHEREAS, the Standing Assignment Agreement was executed by each of the City and the District and became effective on July 24, 2019; and

WHEREAS, under Ohio Revised Code Section 1710.02(F) and under Section 2.2 of the Standing Assignment Agreement, following approval of Petitions and Supplemental Plans by the Development Director, the City shall levy the special assessments described in such Petitions and Supplemental Plans; and

WHEREAS, on December 23, 2024, the Development Director approved a Petition for Special Assessments for Special Energy Improvement Projects and Affidavit and a Columbus Regional Energy Special Improvement District Program Plan-Supplement to Plan for 195 Blossom Field Boulevard, Columbus, Ohio Project (collectively, "Petition and Supplemental Plan 2024-02"), including the list of special assessments attached to them, a copy of which is attached to this Ordinance as **Exhibit A**; and

WHEREAS, on April 29, 2021 the Development Director approved a Petition for Special Assessments for Special Energy Improvement Projects and Affidavit and a Columbus Regional Energy Special Improvement District Program Plan-Supplement to Plan for 77 Belle Street, Columbus, Ohio Project (collectively, "Petition and Supplemental Plan 2021 -03"), including the list of special assessments attached to them a copy of the remaining schedule of which is attached as **Exhibit B**, which special assessments were previously levied under Ordinance 1933-2021 adopted by this Council on July 19, 2021, and the special assessments levied under Petition and Supplemental Plan 2021-03 are subject to adjustment with respect to tax year 2025, collection year 2026 and all subsequent years of the special assessment schedule approved under Petition and Supplemental Plan 2021-03; and

WHEREAS, on November 9, 2021 the Development Director approved a Petition for Special Assessment for Special Energy Improvement Projects and Affidavit and a Columbus Regional Energy Special Improvement District Program Plan-Supplement to Plan for 3301 Brice Road, Columbus, Ohio Project (collectively, "Petition and Supplemental Plan 2021-07"), including the list of special assessments attached to them a copy of the remaining schedule of which is attached as **Exhibit C**, which special assessments were previously levied under Ordinance 2372-2022 adopted by this Council on September 12, 2022, and the special assessments levied under Petition and Supplemental Plan 2021-07 are subject to adjustment with respect to the period commencing in tax year 2025, collection year 2026 and continuing through tax year 2030, collection year 2031 in accordance with the special assessment schedule approved under Petition and Supplemental Plan 2021-07; and

WHEREAS, on January 17, 2023 the Development Director approved a Petition for Special Assessments for Special Energy Improvement Projects and Affidavit and a Columbus Regional Energy Special Improvement District Program Plan-Supplement to Plan for 77 Belle Street, Columbus, Ohio (Second Assessment) Project (collectively, "Petition and Supplemental Plan 2023-01"), including the list of special assessments attached to them a copy of the remaining schedule of which is attached as **Exhibit D**, which special assessments were previously levied under Ordinance 1970-2023 adopted by this Council on July 17, 2023, and the special assessments levied under Petition and Supplemental Plan 2023-01 are subject to adjustment with respect to tax year 2025, collection year 2026 and all subsequent years of the special assessment schedule approved under Petition and Supplemental Plan 2023-01; and

WHEREAS, on June 2, 2023 the Development Director approved a Petition for Special Assessments for Special Energy Improvement Projects and Affidavit and a Columbus Regional Energy Special Improvement District Program Plan-Supplement to Plan for 517 Park Street Project (collectively, "Petition and Supplemental Plan 2023-02"), including the list of special assessments attached to them a copy of the remaining schedule of which is attached as **Exhibit E**, which special assessments were previously levied under Ordinance 1970-2023 adopted by this Council on July 17, 2023, and the special assessments levied under Petition and Supplemental Plan 2023-02 are subject to adjustment with respect to tax

year 2025, collection year 2026 and all subsequent years of the special assessment schedule approved under Petition and Supplemental Plan 2023-02; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is necessary that this Ordinance take effect at the earliest possible date in order to allow the special assessment process to proceed in a timely manner and allow financing for the special energy improvement projects to be obtained by the District 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 the list of special assessments to be levied and assessed on the commercial real property described in Petition and Supplemental Plan 2024-02 in an amount sufficient to pay the costs of the special energy improvement projects described in Petition and Supplemental Plan 2024-02, which is $18,980,221.60, including other related financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued to pay costs of the special energy improvement projects described in Petition and Supplemental Plan 2024-02 in anticipation of the receipt of the special assessments, capitalized interest on, and financing reserve funds for, such securities, nonprofit corporate obligations, or other obligations so issued, including any credit enhancement fees, trustee fees, and District administrative fees and expenses, which costs were set forth in Petition and Supplemental Plan 2024-02 and previously reported to the Development Director and are now on file in the offices of the Development Director, is adopted and confirmed, and that the special assessments are levied and assessed on the real property described in Petition and Supplemental Plan 2024-02. The interest portion of the special assessments, together with amounts used to pay administrative expenses, has been determined by the District to be substantially equivalent to the fair market rate that would have been borne by notes or bonds issued by the District.

The special assessments are assessed against the real property described in Petition and Supplemental Plan 2024-02 commencing in tax year 2025 for collection in 2026 and shall continue through tax year 2053 for collection in 2054; provided, however, if the proceedings relating to the special assessments are completed at such time that the County Auditor of Franklin County, Ohio (the "Franklin County Auditor") determines that collections shall not commence in 2026, then the collection schedule may be deferred by one year. The semi-annual installments of the special assessments shall be collected in each calendar year equal to a maximum semi-annual amount of special assessments as shown in **Exhibit A**, attached hereto and incorporated into this Ordinance.

All special assessments shall be certified by the Development Director to the Franklin County Auditor pursuant to Petition and Supplemental Plan 2024-02 and Chapter 727.33 of the Ohio Revised Code to be placed on the tax list and duplicate and collected with and in the same manner as real property taxes are collected and as set forth in Petition and Supplemental Plan 2024-02.

The special assessments shall be allocated among the parcels constituting the real property described in Petition and Supplemental Plan 2024-02 in the manner set forth in Petition and Supplemental Plan 2024-02 and the List of Special Assessments attached hereto as **Exhibit A** and incorporated herein.

Section 2. That the list of special assessments previously approved under Petition and Supplemental Plan 2021-03, levied by this Council under Ordinance 1933-2021, and certified by the City Auditor to the County Auditor pursuant to Ohio Revised Code Section 727.33 require an adjustment for the period commencing in tax year 2025, collection year 2026 and continuing through tax year 2050, collection year 2051, as shown on the List of Remaining Special Assessments attached hereto as **Exhibit B** and incorporated herein.

The aggregate remaining special assessments levied by this Council with respect to Petition and Supplemental Plan 2021-03 on Franklin County Auditor Parcel Number 010-300604-00 and certified by the City Auditor to the County Auditor is hereby determined to be $22,869,071.70. 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 adjust the aggregate remaining amount of the special assessments to be collected consistent with **Exhibit B**.

powered by Legistar™

Section 3. That the list of special assessments previously approved under Petition and Supplemental Plan 2021-07, levied by this Council under Ordinance 2372-2022, and certified by the City Auditor to the County Auditor pursuant to Ohio Revised Code Section 727.33 require an adjustment for the period commencing tax year 2025, collection year 2026 and continuing through tax year 2030, collection year 2031, as shown on the List of Remaining Special Assessments attached hereto as **Exhibit C** and incorporated herein.

The aggregate remaining special assessments levied by this Council with respect to Petition and Supplemental Plan 2021-07 on Franklin County Auditor Parcel Number 530-122777-00 and certified by the City Auditor to the County Auditor is hereby determined to be $36,005,877.24, of which $3,995,502.84 is to be collected in the period commencing in tax year 2025, collection year 2026 and continuing through tax year 2030, collection year 2031, as shown on the List of Remaining Special Assessments attached hereto as **Exhibit C**. 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 adjust the remaining amount of special assessments to be collected consistent with **Exhibit C**.

Section 4. That the list of special assessments previously approved under Petition and Supplemental Plan 2023-01, levied by this Council under Ordinance 1970-2023, and certified by the City Auditor to the County Auditor pursuant to Ohio Revised Code Section 727.33 require an adjustment for the period commencing in tax year 2025, collection year 2026 and continuing through tax year 2040, collection year 2041, as shown on the List of Remaining Special Assessments attached hereto as **Exhibit D** and incorporated herein.

The aggregate remaining special assessments levied by this Council with respect to Petition and Supplemental Plan 2023-01 on Franklin County Auditor Parcel Number 010-300604-00 and certified by the City Auditor to the County Auditor is hereby determined to be $8,055,796.80. 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 adjust the aggregate remaining amount of the special assessments to be collected consistent with **Exhibit D**.

Section 5. That the list of special assessments previously approved under Petition and Supplemental Plan 2023-02, levied by this Council under Ordinance 1970-2023, and certified by the City Auditor to the County Auditor pursuant to Ohio Revised Code Section 727.33 require an adjustment for the period commencing in tax year 2025, collection year 2026 and continuing through tax year 2046, collection year 2047, as shown on the List of Remaining Special Assessments attached hereto as **Exhibit E** and incorporated herein.

The aggregate remaining special assessments levied by this Council with respect to Petition and Supplemental Plan 2023-02 on Franklin County Auditor Parcel Number 010-297999-00 and certified by the City Auditor to the County Auditor is hereby determined to be $28,141,065.48. 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 adjust the aggregate remaining amount of the special assessments to be collected consistent with **Exhibit E**.

Section 6. That this Council finds and determines that the special assessments described in each of **Exhibit A**, **Exhibit B**, **Exhibit C**, **Exhibit D**, and **Exhibit E** (collectively, the "Special Assessments") are in proportion to the special benefits received by the real property against which they are levied as set forth in each of Petition and Supplemental Plan 2024-02, Petition and Supplemental Plan 2021-03, Petition and Supplemental Plan 2021-07, Petition and Supplemental Plan 2023-01, and Petition and Supplemental Plan 2023-02 are not in excess of any applicable statutory limitation.

Section 7. That the owners of the real property described in Petition and Supplemental Plan 2024-02, Petition and Supplemental Plan 2021-03, Petition and Supplemental Plan 2021-07, Petition and Supplemental Plan 2023-01, and Petition and Supplemental Plan 2023-02 have waived their right to pay the Special Assessments in cash, and all Special Assessments and installments of the Special Assessments shall be certified by the Development Director or the Development Director's designee to the Franklin County Auditor, as provided by each of Petition and Supplemental Plan 2024-02, Petition and Supplemental Plan 2021-03, Petition and Supplemental Plan 2021-07, Petition and Supplemental

powered by Legistar™

Plan 2023-01, and Petition and Supplemental Plan 2023-02, and Section 727.33 of the Ohio Revised Code to be placed by the Franklin County Auditor on the tax list and duplicate and collected with and in the same manner as real property taxes are collected and as set forth in each of the Petitions and Supplemental Plans.

Section 8. That the Special Assessments will be used by the City to pay the cost of the special energy improvement projects described in Petition and Supplemental Plan 2024-02, Petition and Supplemental Plan 2021-03, Petition and Supplemental Plan 2021-07, Petition and Supplemental Plan 2023-01, and Petition and Supplemental Plan 2023-02 in cooperation with the District in any manner, including assigning the Special Assessments actually received by the City to the District or to another party the City deems appropriate, and the Special Assessments are appropriated for such purposes.

Section 9. That the Development Director or the Development Director's designee shall keep the Special Assessments on file in the Office of the Development Director or the Development Director's designee.

Section 10. That in compliance with Section 319.61 of the Ohio Revised Code, the Development Director or the Development Director's designee is directed to deliver a certified copy of this Ordinance to the Franklin County Auditor within twenty (20) days after its passage.

Section 11. 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 (10) days after passage if the Mayor neither approves nor vetoes the same.

powered by Legistar™