

Resolution No. 7 20 19

A RESOLUTION APPROVING THE PETITION FOR SPECIAL ASSESSMENTS FOR SPECIAL ENERGY IMPROVEMENT PROJECTS AND PLAN FOR PUBLIC IMPROVEMENTS, AND DECLARING 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, 4620 Wesley, LLC (the “Owner”), as the owner of certain real property located within the City of Norwood, Ohio (the “City”), has identified certain real property owned by the Owner located at 4643 Forest Avenue, Cincinnati, Ohio 45212 (the “Project Site”), as an appropriate property for a special energy improvement project pursuant to Ohio Revised Code Chapter 1710; and

WHEREAS, on January 26, 2016 the Council of the City (the “Council”) passed Resolution No. 04-2016, which approved the Petition for Creation of the City of Norwood, Ohio Energy Special Improvement District (the “District”) and for Special Assessments for Special Energy Improvement Projects and the Articles of Incorporation of the District; and

WHEREAS, on July 12, 2016 by its Resolution No. 11-2016, the Council further approved the City of Norwood, Ohio Energy Special Improvement District Project Plan (the “Plan”) as a plan for public improvements or public services for the ESID under Ohio Revised Code Chapter 1710 and Article VIII, Section 2o of the Ohio Constitution; and

WHEREAS, as permitted under Ohio Revised Code Section 1710.02, the Plan and the Articles of Incorporation allow for the addition of real property within any “participating political subdivision” of the District or within any municipal corporation or township which is adjacent to any participating political subdivision of the District to the territory of the District by the approval of the municipal corporation or township in which that real property is located; and

WHEREAS, the Owner has determined to submit to the Council, a *Petition for Special Assessments for Special Energy Improvement Projects* (the “Petition”), together with a *City of Norwood, Ohio Energy Special Improvement District Project Plan Supplement to Plan for 4643 Forest Avenue, City of Norwood, Ohio Project* (the “Supplemental Plan”), all in accordance with Ohio Revised Code Section 1710.02, each of which are now on file with the Board and the Fiscal Officer of the City; and

WHEREAS, the Petition and Supplemental Plan request that the Project Site be added to the District and that the City levy special assessments on the Project Site to pay the costs of special energy improvement projects to be provided on the Project Site, all as described more particularly in the Petition and the Supplemental Plan (the “Project”); and

WHEREAS, the Petition is 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 Project, and further, the Petition identifies the amount and length of the special assessments to be imposed with respect to the Project; and

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

WHEREAS, this Council has determined to approve the Petition, together with the Supplemental Plan; and

WHEREAS, this Council, pursuant to Ohio Revised Code Section 1710.02(G)(4), has determined that the energy special improvement project to be constructed and implemented on the Project Site is 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, it is necessary for the immediate preservation of public peace, property, health and safety, that this Resolution take effect at the earliest possible date in order to allow the Owner to begin work on the Project, and the District to take advantage of financing available to it for a limited time; now, therefore.

BE IT RESOLVED by the Council of the City of Norwood, State of Ohio, that:

Section 1. That this Council approves the Petition in substantially the form now on file with the Clerk of the Council.

Section 2. That pursuant to Ohio Revised Code Section 1710.02(G)(4), this Council determines that the Project is 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 District ("Board") to act as its agent to sell, transfer, lease, or convey the Project. The consideration the Board must obtain from any sale, transfer, lease, or conveyance of the special energy improvement project on the Project Site is any consideration greater than or equal to One Dollar and Zero Cents (\$1.00).

Section 3. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this legislative resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

Section 4. That for the reasons stated in the preamble hereof, this Resolution is declared to be an emergency measure and shall take effect immediately upon its adoption.

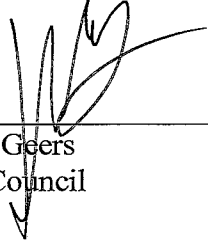
ADOPTED at a meeting of the Council of the City of Norwood, on this 14 day of MAY, 2019.

PASSED 5/14/19
Date

Leslie Stevenson
~~Donna Laake~~ **Leslie Stevenson**
President of Council *Pro Tem*

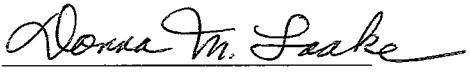
ATTEST:

Joseph S. Geers, the duly appointed Clerk of Council, attests that this Resolution was passed at a regular/special meeting of Norwood City Council on the 14 day of MAY, 2019, in compliance with the rules of Norwood City Council and the laws of the State of Ohio. The foregoing resolution was submitted to the Mayor of the City of Norwood, Ohio for his signature on the 14 day of MAY, 2019.



Joseph S. Geers
Clerk of Council

APPROVED 5/14/19
Date

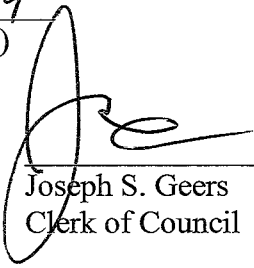


Thomas F. Williams ~~Thomas F. Williams~~ DONNA M. LAAKE
ACTING Mayor

CERTIFICATION OF PUBLICATION:

Joseph S. Geers, the duly appointed Clerk of Council, attests that this resolution was published in the

Enquirer on 5/20/19 and 5/27/19
(Name of Newspaper) (Date) (Date)



Joseph S. Geers
Clerk of Council

1st Reading _____
Date

2nd Reading _____
Date

3rd Reading 5/14/19
Date

All 3 Readings _____
Date

Tabled _____
Date

Vetoed _____
Date