



## Legislation Text

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**File #:** O-570-19, **Version:** 1

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All Council Members

### **Levying additional special assessments for the City School District of the City of Toledo, Lucas County, and The Young Men's Christian Association of Greater Toledo; and declaring an emergency.**

#### **SUMMARY & BACKGROUND:**

The City of Toledo, City of Oregon, City of Maumee, City of Northwood, City of Perrysburg, City of Sylvania, Village of Whitehouse, Township of Monclova, Township of Springfield, Township of Swanton, Township of Sylvania, Ohio and the Toledo-Lucas County Port Authority ("Port Authority") have partnered to create an Energy Special Improvement District ("District") under Ohio Revised Code Chapter 1710 and a non-profit corporation, known as the Northwest Ohio Advanced Energy Improvement District ("Corporation"), to govern the District. Property owners within the District are permitted to make certain "energy efficiency improvements" to their properties, which constitute a "special energy improvement project", and pay for the cost of the special energy improvement project by way of special assessments in accordance with the process set out in Chapters 727 and 1710 of the Ohio Revised Code. Revised Code Section 1710.01(G) provides that special energy improvement projects (including energy efficiency improvements) constitute public improvements and are therefore subject to special assessments.

The City School District of the City of Toledo, Lucas County (the "Owner") is the owner of 100% of the property described on Exhibit A attached hereto (the "Property"). The Property is currently leased by The Young Men's Christian Association of Greater Toledo, an Ohio non-profit corporation ("Lessee") (jointly together, "Petitioners"). The Petitioners have executed an Energy Project Agreement (the "Agreement") with the Corporation.

On January 22, 2019, the Council adopted Ordinance 36-19 levying special assessments, amounting in the aggregate to \$417,281.20, and placed for a term of nineteen (19) years. Subsequent to the adoption of this legislation, the District and the Young Men's Christian Association of Greater Toledo (the "Petitioner") determined that the initial assessment was insufficient to complete all of the necessary work. Final costs for the Special energy improvement projects are now known and this assessing ordinance completes the assessing process. It is therefore necessary to increase the amount of the project cost by \$65,889.66 to cover the additional work. The additional cost will be paid by increasing the amount of the remaining annual assessments by six thousand four hundred ninety-one dollars and fifty-nine cents (\$6,491.59) to a new annual assessment amount of \$28,453.76. This special assessment process is a voluntary process with one hundred percent of the cost of the special energy improvement projects being assigned to the specially benefited properties.

Revised Code Section 727.38 provides that if an initial assessment proves insufficient to pay the cost of a public improvement, the legislative authority of a municipal corporation may levy an additional assessment to supply the increase cost of the public improvement. The plans and specifications for Special energy improvement project are on file with the Clerk of Council. The Petitioner has waived all further notices,

hearings, claims for damages, rights to appeal and other rights of property owners under the law, including but not limited to those specified in the Ohio Constitution, Chapter 727 of the Revised Code, the Toledo City Charter and the Toledo Municipal Code. The Petitioner consents to the immediate imposition of the special assessments upon the various properties specially benefited by Special energy improvement project by levying this additional assessment against the benefitted properties. NOW, THEREFORE,

Be it ordained by the Council of the City of Toledo that:

SECTION 1. The special assessments for the cost of providing Special energy improvement projects in the District pursuant to Ordinance No. 36-19 adopted by this Council on January 22, 2019 (the Ordinance to Levy), which were filed and are on file in the office of the Clerk of Council are adopted and confirmed. Subsequent to the adoption of this legislation, the District and the Petitioner determined that the initial assessment was insufficient to complete all of the necessary work. Additional special assessments in the aggregate of \$123,340.24 are levied and assessed upon the properties in the respective amounts set forth in the schedule attached as Exhibit A and on file with the Clerk of Council, which special assessments have been calculated in a manner provided for in the Resolution of Necessity and are not in excess of the special benefits or any statutory limitation.

SECTION 2. The Petitioner waives the right to pay the special assessments in cash within thirty days after the passage of this ordinance, and shall pay the additional assessments by increasing the amount of the remaining annual assessments by six thousand four hundred ninety-one dollars and fifty-nine cents (\$6,491.59) to a new annual assessment amount of \$28,453.76 in accordance with the schedules attached hereto as Exhibit A. All special assessments shall be certified by the Clerk of Council to the County Auditor as provided by law to be placed on the tax duplicate and collected as taxes are collected. All payments shall be made to the County Treasurer of Lucas County, Ohio and shall be subject to the same delinquency procedures, penalties, and interest as the payment of real property taxes in accordance with Ohio Revised Code Chapter 323.

SECTION 3. The Council finds and determines that it has previously waived notice of the passage of this assessing Ordinance and therefore no notice need be published in a newspaper of general circulation in the City.

SECTION 4. The Clerk of Council shall deliver a certified copy of this Ordinance to the County Auditor within twenty days after its passage, but in no event later than the second Monday in September, 2020 (or by such other date as may be specified in the Ohio Revised Code or acceptable to the County Auditor of Lucas County, Ohio for the certification of assessments in connection with the preparation of the general tax list for tax year 2020).

SECTION 5. The proceeds of the special assessments levied by this Ordinance that are received by the City shall be applied as provided in Section 1710.12 of the Revised Code and are hereby appropriated for that purpose. This Council covenants and agrees that it will give effect to the appropriation in the ordinances it hereafter adopts appropriating money for expenditure or encumbrance. The Director of Finance is authorized and directed to make appropriate accounting entries and adjustments to reflect the City's receipt and disbursement of those proceeds.

SECTION 6. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council and any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with the law.

SECTION 7. This Ordinance is declared to be an emergency measure and shall take effect and be enforced from and after its passage. The reason for the emergency lies in the fact that this Ordinance is necessary for the immediate preservation of the public peace, health, safety and property and for the further reason that the immediate action is necessary in order to conserve energy and protect the environment of the City, as well as, undertake the construction of the public improvements and enable and provide for the timely levying, certification and collection of the special assessments for Special energy improvement projects.

Vote on emergency clause: yeas 12, nays 0.

Passed: December 10, 2019, as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

December 11, 2019  
Wade Kapszukiewicz  
Mayor