



Legislation Text

File #: O-571-19, **Version:** 1

All Council Members

Amending special assessments for the Farzade Special Energy Improvement Projects; 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.

On April 8, 2014, the Council adopted Resolution 133-14 accepting the petition of the Farzade of Toledo, Inc. for special assessments for the Farzade Special Energy Improvement Project, Ordinance 134-14 determining to proceed with the special energy project, and Ordinance 135-14 levying special assessments, amounting in the aggregate to \$681,898.44, and placed for a term of fourteen (14) years, for multiple projects and levied against multiple parcels. Subsequent to the adoption of this legislation, and pursuant to an Agreement entered into by Nadtar LLC, Gasoco Properties, LLC, Farzade of Toledo, Inc., NZR Retail of Toledo, Inc., and the Corporation (hereinafter referred to as “Parties”) to settle certain matters related to the PACE-financing of projects, the Parties have agreed, in part, to the reduction of outstanding assessment against Farzade Special Energy Improvement Projects # 1,2,4,5, & 6. It is therefore necessary to amend the remaining assessments as detailed in Exhibit B. 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. 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.

Farzade 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. Farzade and the District consent to the immediate reduction of the special assessments upon the property. NOW, THEREFORE,

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

SECTION 1. The special assessments for the cost of providing Farzade Special Energy Improvement Projects #1,2,4,5 & 6 in the District pursuant to Resolution No. 133-14 adopted by this Council on April 8,

2014 (the Resolution of Necessity), 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, and pursuant to an Agreement entered into by the Parties to settle certain matters related to the PACE-financing of projects, the Parties have agreed, in part, to the reduction of outstanding assessment against Farzade Special Energy Improvement Project #1,2,4,5, & 6. It is therefore necessary to amend the remaining assessments as detailed in Exhibit B, and scheduled to run through 2028. The remaining special assessments, to be assessed under Ordinance to Levy 135-14 from 2020 until 2028 are hereby amended upon the property in the respective amounts set forth in the schedule attached as Exhibit B and on file with the Clerk of Council.

SECTION 2. 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 3. 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 4. 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 5. 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 Farzade Special Energy Improvement Projects.

Vote on emergency clause: yeas 11 nays 0

Passed: December 10, 2019, 2019, as an emergency measure: yeas 11, nays 0.

Attest:

Gerald E. Dendinger
Clerk of Council

Matt Cherry
President of Council

Approved:

December 11, 2019
Wade Kapszukiewicz
Mayor