



Legislation Text

File #: R-323-20, **Version:** 1

All Council Members

Declaring it necessary to provide enhanced public services in the Revised Downtown Toledo Improvement District; and declaring an emergency.

SUMMARY & BACKGROUND:

On June 30, 2020, a Petition was filed and on August 20, 2020 an Amended Downtown Services Plan and Budget was filed with this Council requesting approval of the establishment of the Revised Downtown Toledo Improvement District (the District), the Amended and Restated Articles of Incorporation of Downtown Toledo Improvement District, Inc. and the initial plan and budget for enhanced public services in the District, all in accordance with a Petition signed by the owners of at least 60% of the frontage of all real property located within the District that abuts upon any street, alley, public road, place, boulevard, park entrance, easement or other existing public improvement (excluding property owned by the United States of America and the State of Ohio and property owned by a church, Lucas County or the City, unless that church, the County or the City, as applicable has requested the inclusion of that property) that was submitted to and accepted by this Council on that date (the Petition).

The Petition requests that this Council levy special assessments against the benefited properties in the District to pay costs of the enhanced public services described in the initial plan.

NOW, THEREFORE, Be it resolved by the Council of the City of Toledo:

SECTION 1. That this Council confirms its approval of the Petition filed on June 30, 2020 and the Amended Downtown Services Plan and Budget filed on August 20, 2020 (the Comprehensive Plan), each of which is now on file in the office of the Clerk of Council, and the creation of District pursuant to the Petition and Chapter 1710 of the Revised Code.

SECTION 2. That it is declared necessary to provide in the District the enhanced public services described in the Comprehensive Plan.

SECTION 3. That the plans, specifications and estimate of cost for the enhanced public services set forth in the Comprehensive Plan now on file in the office of the Clerk of Council are approved. The enhanced public services shall be made in accordance with those plans and specifications for those enhanced public services.

SECTION 4. That this Council finds and determines that (i) those enhanced public services are conducive to the public health, convenience and welfare of the District and the inhabitants thereof, (ii) the lots and lands to be assessed as described in Section 5 hereof are specially benefited by the enhanced public services; and (iii) the enhanced public services have been petitioned for by the owners of 60% or more of the front footage in the area to be assessed for the enhanced public services.

SECTION 5. That in accordance with the Petition and Section 1710(C) of the Revised Code, the whole cost of the enhanced public services shall be assessed upon all lots and lands in the District except property owned by the United States of America and the State of Ohio and property owned by a church, Lucas County or the City, unless that church, the County or the City, as applicable has requested the inclusion of that property, by a combination of the methods set forth in Section 727.01 of the Revised Code as follows: 75% of the costs shall be assessed in proportion to the percentage of tax value of the property assessed and 25% of the costs shall be assessed by the front foot of the property assessed bounding and abutting upon any street, alley, public road, place, boulevard, park entrance, easement or other existing public improvement.

SECTION 6. That the cost of the enhanced public services shall include the cost of preliminary and other surveys, plans, specifications, profiles and estimates and of printing, serving and publishing notices, resolutions and ordinances, the amount of any damages resulting from the enhanced public services and the interest thereon, the costs incurred in connection with the preparation, levy and collection of the special assessments, expenses of legal services, the cost of labor and material, and interest on any securities issued in anticipation of the levy and collection of the special assessments, together with all other necessary expenditures, including those provided for in Section 1710.07 of the Revised Code.

SECTION 7. That the estimated special assessments of the cost of the enhanced public services described in this resolution heretofore filed in the office of the Clerk of Council for the properties identified in the Amended Downtown Services Plan are confirmed.

SECTION 8. That the special assessments to be levied shall be paid according to the following payment schedule: over a period of five years in ten semi-annual installments, with interest on the unpaid principal amount of each special assessment at the same rate or rates of interest as shall be borne by any securities issued in anticipation of the collection of the total of the unpaid special assessments; provided that the owner of any property assessed may pay the special assessment in cash within 30 days after passage of the assessing ordinance.

SECTION 9. That neither the Revised Downtown Toledo Improvement District, Inc. nor the City presently intend to issue securities or obtain a loan in anticipation of the levy of the special assessments or to issue securities or obtain a loan in anticipation of the collection of the special assessments in installments and in an amount equal to the total of the unpaid special assessments.

SECTION 10. That this Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the adoption of this resolution were taken, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were held, in meetings open to the public, in compliance with the law.

SECTION 11. That this Resolution is declared to be an emergency measure and shall be in force and effect from and after its adoption. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property and for the further reason that this Resolution must be immediately effective in order to cause enhanced public services to be provided in the District, which services are urgently needed to maintain and improve the District as a business, cultural, residential and recreational community; wherefore, this resolution shall be in full force and effect from and immediately after its adoption by the required number of votes, otherwise, at the earliest time permitted by law.

Vote on emergency clause: yeas _____, nays _____.

Adopted: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of a Resolution adopted by Council
_____.

Attest: _____
Clerk of Council