



Legislation Text

File #: ORD-099-2020, Version: 1

AN ORDINANCE DETERMINING TO PROCEED WITH THE ACQUISITION, INSTALLATION, EQUIPMENT, AND IMPROVEMENT OF CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF GAHANNA, OHIO IN COOPERATION WITH THE COLUMBUS REGIONAL ENERGY SPECIAL IMPROVEMENT DISTRICT (817 N. HAMILTON ROAD PROJECT).

WHEREAS, this Council duly adopted Resolution RES-024-2020 on November 2, 2020 (the "Resolution of Necessity"), (i) declaring the necessity of acquiring, installing, equipping, and improving energy efficiency improvements, including, without limitation, interior and exterior LED lighting, HVAC controls, high efficiency HVAC systems and units, and related improvements (the "Project," as more fully described in the Petition referenced in this Ordinance) located on real property owned by One Church (the "Owner") at 817 N. Hamilton Road, Gahanna, Ohio, and having tax parcel identification number 025-001918-00 (the "Property", as more fully described in EXHIBIT A to the Petition), as identified by the County Auditor of Franklin County, Ohio (the "County Auditor"); (ii) providing for the acquisition, installation, equipment, and improvement of the Project by the Owner, as set forth in the Owner's *Petition For Special Assessments for Special Energy Improvement Projects and Affidavit* (the "Petition"), including by levying and collecting special assessments to be assessed upon the Property (the "Special Assessments") in an amount sufficient to pay the costs of the Project, which was estimated to be \$1,433,736.80, including other related costs of financing the Project, which may include, without limitation, the payment of principal of and interest on nonprofit corporate obligations issued to pay the costs of the Project and other interest, financing, credit enhancement, and issuance expenses and ongoing trustee fees and Columbus Regional Energy Special Improvement District (the "District") administrative fees and expenses; and (iii) determining that the Project will be treated as a special energy improvement project to be undertaken cooperatively by the City and the District; and

WHEREAS, the claims for damages alleged to result from, and objections to, the Project have been waived by the Owner, as the owner of one hundred percent (100%) of the Property, and no claims for damages alleged to result from, or objections to, the Project have been filed within the times prescribed by Ohio Revised Code Sections 727.15 and 727.18.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GAHANNA, COUNTY OF FRANKLIN, STATE OF OHIO:

SECTION 1. That each capitalized term not otherwise defined in this Ordinance or by reference to another document shall have the meaning assigned to it in the Resolution of Necessity.

SECTION 2. That this Council declares that its intention is to proceed or to cooperate with the District to proceed with the acquisition, installation, equipment, and improvement of the Project as described in the Petition and the Resolution of Necessity. The Project shall be made in accordance

with the provisions of the Resolution of Necessity and with the plans, specifications, profiles, and estimates of cost previously approved and now on file with the Finance Director and the Clerk of Council.

SECTION 3. That the Special Assessments to pay costs of the Project, which are estimated to be \$1,433,736.80, including any and all architectural, engineering, legal, insurance, consulting, energy auditing, planning, acquisition, installation, construction, surveying, testing, and inspection costs; the amount of any damages resulting from the Project and the interest on such damages; the costs incurred in connection with the preparation, levy and collection of the special assessments; the cost of purchasing and otherwise acquiring any real estate or interests in real estate; expenses of legal services; costs of labor and material; trustee fees and other financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued or incurred to provide a loan or to secure an advance of funds to the Owner or otherwise to pay costs of the Project 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 or incurred, including any credit enhancement fees, trustee fees, program administration fees, financing servicing fees, and District administrative fees and expenses; an amount to reflect interest on unpaid Special Assessments which shall be treated as part of the cost of the Project for which the Special Assessments are made at an interest rate which shall be determined by the District to be substantially equivalent to the fair market rate that would have been borne by notes or bonds if notes or bonds had been issued by the District or another issuer of notes or bonds to pay the costs of the Project; together with all other necessary expenditures, shall be assessed against the Property in the manner and in the number of semi-annual installments provided in the Petition and the Resolution of Necessity. Each semi-annual Special Assessment payment represents the payment of a portion of any principal repayment and interest and administrative fees payable with respect to the Project. The Special Assessments shall be assessed against the Property commencing in tax year 2021 for collection in calendar years 2022 through 2041; provided, however, that if the proceedings relating to the Special Assessments are completed at such time that the County Auditor determines that collections shall not commence in 2022, then the collection schedule may be deferred by one year. In addition to the Special Assessments, the County Auditor may impose a special assessment collection fee with respect to each semi-annual payment, which amount, if imposed, will be added to the Special Assessments by the County Auditor.

SECTION 4. That the estimated Special Assessments for costs of the Project prepared and filed in the office of the Clerk of Council and in the office of the Finance Director, in accordance with the Resolution of Necessity, are adopted.

SECTION 5. That in compliance with Ohio Revised Code Section 319.61, the Clerk of Council is directed to deliver a certified copy of this Ordinance to the County Auditor within 15 days after the date of its passage.

SECTION 6. That all contracts for the construction of the Project will be let in accordance with the Petition and the Program Plan, and the costs of the Project shall be financed as provided in the Resolution of Necessity.

SECTION 7. That the Council finds and determines that all formal actions of this Council relating to

the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in full compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 8. That, pursuant to Section 4.14 the Charter of the City of Gahanna, Ohio (the "City Charter"), this Ordinance provides for improvements petitioned for by the owners of a majority of the foot frontage of the property benefited and to be specially assessed therefore. As a result of the affirmative vote of at least six of its members, if all members are present, or at least five of its members, if one or more members are absent, this Council hereby waives the requirement of Section 4.12 of the City Charter that this Ordinance be read by title at two different Council meetings. Thus, this Ordinance shall be effective immediately upon its approval by the Mayor.