



NORWOOD, OHIO

Ordinance No. 18 2019

**AN ORDINANCE DETERMINING TO PROCEED WITH THE ACQUISITION, CONSTRUCTION, AND IMPROVEMENT OF CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF NORWOOD, OHIO IN COOPERATION WITH THE CITY OF NORWOOD, OHIO ENERGY SPECIAL IMPROVEMENT DISTRICT AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Council (“Council”) of the City of Norwood, Ohio (the “City”) duly adopted Resolution No. 7 on May 14, 2019 (the “Resolution of Necessity”), (i) declaring the necessity of acquiring, constructing, improving, and installing energy efficiency improvements, including, without limitation, solar photovoltaic cells and related roof repairs, replacement of LED lighting systems, a data room cooling system and related improvements (the “Project”, as more fully described in the Petition referenced in this Ordinance) located on real property owned by 4620 Wesley, LLC (the “Owner”) at 4643 Forest Avenue, Cincinnati, Ohio 45212 (the “Property”, as more fully described in Exhibit A to the Petition); (ii) providing for the acquisition, construction, and improvement of the Project by the Owner, as set forth in the Owner’s *Petition for Special Assessments for Special Energy Improvement Projects* (the “Petition”) and the *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”) 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 is estimated to be \$4,577,688.16, and which include other related costs of financing the Project, which 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 City of Norwood, Ohio Energy Special Improvement District (“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 one hundred percent (100%) of the affected property owners and no claims for damages have been filed; and

**WHEREAS**, it is necessary for the immediate preservation of public peace, property, health and safety, that this Ordinance take effect at the earliest possible date in order to allow the District and the Owner to begin work on the special energy improvement project on the Property, and the District to take advantage of financing available to it for a limited time.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORWOOD, 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 Petition.

## **SECTION 2**

That this Council declares that its intention is to proceed with the acquisition, construction, and improvement of the Project 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 City Auditor and the Clerk of the Council.

## **SECTION 3**

That the Special Assessments to pay costs of the Project, which are estimated to be \$4,577,688.16, and which include other related financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued to provide a loan to the Owner or otherwise to pay costs of the Authorized Improvements 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, including any credit enhancement fees, trustee fees, and District administrative fees and expenses, 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 the principal of and interest on obligations issued to pay the costs of the Project and the scheduled amounts payable as the District administrative fee and the trustee fee. The Special Assessments shall be assessed against the Property commencing in tax year 2019 for collection in 2020 and shall continue through tax year 2041 for collection in 2042. In addition to the Special Assessments, the Auditor of Hamilton County, Ohio (the "County Auditor") may impose a special assessment collection fee with respect to any semi-annual payment certified to the County Auditor for collection, 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 the Council and in the office of the City Auditor, in accordance with the Resolution of Necessity, are adopted, and that the usefulness of the services and improvements provided pursuant to the plan are determined to be 15 to 25 years.

## **SECTION 5**

That in compliance with Ohio Revised Code Section 319.61, the Clerk of the 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 the manner provided by law, subject to the provisions of the Ohio Revised Code, the Petition, and the Plan, and the costs of the Project shall be financed as provided in the Resolution of Necessity.

## **SECTION 7**

That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of 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 8**

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

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 Ordinance 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 ordinance was submitted to the Mayor of the City of Norwood, Ohio for his signature on the 14 day of MAY, 2019.

[Signature]  
Joseph S. Geers  
Clerk of Council

APPROVED 5/14/19  
Date

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

**CERTIFICATION OF PUBLICATION:**

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

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

[Signature]  
Joseph S. Geers  
Clerk of Council

1<sup>st</sup> Reading \_\_\_\_\_  
Date

2<sup>nd</sup> Reading \_\_\_\_\_  
Date

3<sup>rd</sup> Reading \_\_\_\_\_  
Date

All 3 Readings \_\_\_\_\_  
Date

Tabled \_\_\_\_\_  
Date

Vetoed \_\_\_\_\_  
Date

CERTIFICATE

The undersigned Clerk of the Council hereby certifies that the foregoing is a true copy of Ordinance No. \_\_\_\_\_ duly adopted by the Council of the City of Norwood, Ohio on \_\_\_\_\_, 2019 and that a true copy thereof was certified to the Auditor of Hamilton County, Ohio.

\_\_\_\_\_  
Joseph S. Geers, Clerk of the Council  
City of Norwood, Ohio

RECEIPT

Received this day a certified copy of the foregoing Ordinance.

\_\_\_\_\_  
County Auditor, County of Hamilton, Ohio

Dated: \_\_\_\_\_, 2019