

Resolution No. 321-2024

By Council Members Conwell, Hairston and Griffin (by departmental request)

AN EMERGENCY RESOLUTION

Approving the creation of a new special improvement district in the City by University Circle Incorporated as an existing qualified non-profit corporation; approving the amendment to the Articles of Incorporation by University Circle Incorporated creating the special improvement district; accepting petitions from owners of property in the proposed district; approving the initial comprehensive services plan for the new district; declaring it necessary to provide police and safety services; providing for an assessment for the cost of such services upon benefited property in the district; and declaring an emergency.

WHEREAS, Chapter 1710 of the Ohio Revised Code (the "Code") authorizes the formation of a special improvement district within the boundaries of a municipality by an existing qualified non-profit corporation for the purpose of developing and implementing plans for public improvements and public services to benefit the proposed district; and

WHEREAS, University Circle Incorporated ("UCI"), as an existing qualified non-profit corporation has adopted an amendment to its Articles of Incorporation (the "Amendment") to create a new proposed special improvement district (the "District") and has filed that amendment, together with an initial plan for public services (the "Plan") to the Clerk of Council of the City with copies to the Mayor, as municipal executive of the City; and

WHEREAS, Owners of at least sixty percent of the front footage or seventy-five percent of the area of all qualifying real property located in the District have signed a petition (the "Petition") requesting that the City of Cleveland (the "City") approve the Petition and Plan; and

WHEREAS, the petitioners have requested the City to assess their properties for the services set forth in the Plan in proportion to the benefits; and

WHEREAS, the creation of the District is to be approved or disapproved by resolution of this Council within sixty days of the submission of the Amendment to the City and the Petition is to be approved or disapproved by resolution of this Council within sixty days after receiving it; and

WHEREAS, this resolution constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Amendment, the Plan and the Petition are accepted and approved, and are placed in **File No. 321-2024-A**.

Section 2. That, under Chapter 1710 of the Code, there is hereby established in the City a special improvement district to be known as "The University Circle Special Improvement District of Cleveland", whose boundaries shall be as set forth in the Amendment, Petition and Plan on file with the Clerk of Council.

Section 3. That it is determined and declared necessary and conducive to the public health, convenience and welfare of the City to provide police and safety services for the District as described in the Amendment, Petition and Plan on file with the Clerk of Council for a five-year period commencing after passage of the ordinance to levy the assessment.

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Section 4. That it is determined that the property contained within the District will be specially benefited by the above described public services and shall be assessed to pay for the cost of the services, calculated in proportion to the benefits that should result from the services, as described in the Petition on file with the Clerk of Council.

Section 5. That the Plan placed in the above-mentioned file is approved at an estimated total cost in the amounts and years set forth as follows:

- 2025: \$3,946,700
- 2026: \$4,065,101
- 2027: \$4,187,054
- 2028: \$4,312,666
- 2029: \$4,442,046

Section 6. That the cost of the Plan shall be paid by special assessment of the property in the District levied in proportion to the benefits that may result from the services within the District. The cost of the Plan may include the cost of printing, serving, and publishing notices, resolutions, and ordinances; the costs incurred in connection with the preparation, levy, and collection of the special assessments; the expenses of legal services; and the cost of labor, materials and all other necessary expenditures allowed by law.

Section 7. That no notes or bonds of the City shall be issued in anticipation of the levy or collection of the special assessments.

Section 8. That the Commissioner of Assessments and Licenses of the City (the "Commissioner") is authorized to prepare and separately file with the Clerk of Council estimated assessment amounts for each lot or parcel of land to be assessed, which are based on the estimated cost of the Plan. After the estimated special assessments have been filed, the Clerk of Council shall cause notice of the adoption of this resolution and the filing of the estimated special assessments to be served in the manner provided by law on the owners of all lots and parcels to be assessed.

Section 9. That the assessments to be levied shall be certified to the Cuyahoga County Fiscal Officer to be placed on the tax duplicate and collected the same as other taxes, as provided by law. The City shall be under no duty or obligation to separately bill or collect from property owners any amounts of special assessments provided for herein.

Section 10. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of the Council and that all deliberations of the Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 11. That, pursuant to Section 727.12 of the Revised Code, this resolution of necessity requires the affirmative vote of three-fourths of all the members elected to City Council for passage.

Section 12. That this resolution is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

MC:nl
3-18-2024
FOR: Director Huang

