

Ordinance No. 981-2020

By Council Members Spencer, Brancatelli and Kelley (by departmental request)

FOR PASSAGE
December 9, 2020

AN EMERGENCY ORDINANCE

Approving the report of the Assessment Equalization Board on objections concerning estimated assessments with respect to the continuation and expansion of the Gordon Square Arts District - Cleveland Improvement District; determining to proceed with the plan to provide public services within the District; adopting the assessments; levying the assessments; authorizing the City to enter into an agreement with the Gordon Square Arts District - Cleveland Improvement Corporation; and to amend Section 2 of Resolution No. 505-2020, adopted August 12, 2020.

WHEREAS, under Resolution No. 911-2020, adopted November 18, 2020, the Assessment Equalization Board (the “Board”) was appointed to hear and determine all objections concerning the estimated assessments under Resolution No. 505-2020, adopted August 12, 2020 (“Resolution of Necessity”), to provide for public services benefitting the Gordon Square Arts District - Cleveland Improvement District (the “District”); and

WHEREAS, the Board has filed its report with this Council as to its determination of the objections; and

WHEREAS, this Council deems the report proper in all respects; and

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

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

Section 1. That the report of Board is approved and placed in **File No. 981-2020-A**, along with the final assessments for the District, as equalized by the Board.

Section 2. That it is hereby determined to proceed to provide for the plan for public services benefitting the District (collectively, “District Services”) as established in the Resolution of Necessity.

Section 3. That the District Services shall be performed under the provisions of the Resolution of Necessity, and consistent with the plans, specifications, profiles, and assessments approved and filed in the office of the Clerk of Council.

Section 4. That judicial inquiry into all claims for damages resulting from the District Services filed under law shall occur after completion of the District Services.

Ordinance No. 981-2020

Section 5. That the cost of the District Services to be assessed against benefited property shall be assessed in the amount, manner and number of installments as provided for in the Resolution of Necessity, as equalized by the Board.

Section 6. That the final assessments, as equalized by the Board, for the cost of the District Services, placed in the File mentioned above and aggregating \$891,976.91, are adopted and confirmed as final assessments.

Section 7. That the final assessments shall be assessed and levied on the lots and lands benefited and to be charged therewith in the District in proportion to the benefits as described in the Resolution of Necessity.

Section 8. That it is determined that the assessments do not exceed the special benefits resulting from the District Services, and do not exceed any statutory limitation.

Section 9. That the final assessments which have been filed with the Clerk of Council shall remain open to public inspection.

Section 10. That the first-year installments against each lot and parcel of land shall be billed by and paid to the City of Cleveland's Division of Assessments and Licenses. All first-year assessments which have not been paid, as well as subsequent annual assessments, shall be certified by the Commissioner of the Division of Assessments and Licenses to the County Fiscal Officer to be placed on the tax duplicate and collected the same as other property taxes, as provided by law.

Section 11. That the Clerk of Council is directed to cause a certified copy of this ordinance to be filed with the County Fiscal Officer within fifteen (15) days after the passage of this ordinance, or as otherwise required by Section 319.61 of the Revised Code.

Section 12. That the Clerk of Council is directed to cause notice of the levy of the assessments to be filed with the County Fiscal Officer within twenty (20) days following the passage of this ordinance, or as otherwise required by Section 319.61 of the Revised Code.

Ordinance No. 981-2020

Section 13. That the Clerk of Council is directed to cause a notice of the passage of this ordinance to be published once in a newspaper of general circulation in this City.

Section 14. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were conducted in meetings open to the public, in compliance with all legal requirements.

Section 15. That the Directors of City Planning, Public Safety and Public Works, in their discretion, are authorized to enter into a contract with the Gordon Square Arts District - Cleveland Improvement Corporation.

Section 16. That Section 2 of Resolution No. 505-2020, adopted August 12, 2020, is amended to read as follows:

Section 2. That, under Chapter 1710 of the Revised Code, the District is hereby continued and expanded with approximate boundaries as follows:

Along Detroit Avenue between West 58th Street and West 73rd Street, with additional assessed front footage along West 65th Street and West 67th Street from West 58th Street through 7418 Detroit Avenue (Parcel No. 002-05-024), on the north side, and through 7301 Detroit Avenue (Parcel No 002-18-004), on the south side, with additional assessed front footage along West 65th Street and West 67th Street.

Section 17. That existing Section 2 of Resolution No. 505-2020, adopted August 12, 2020, is repealed.

Section 18. That this ordinance 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 passage 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
12-9-2020
FOR: Director Collier

**By Council Members Spencer, Brancatelli and Kelley
(by departmental request)**

AN EMERGENCY ORDINANCE

Approving the report of the Assessment Equalization Board on objections concerning estimated assessments with respect to the continuation and expansion of the Gordon Square Arts District - Cleveland Improvement District; determining to proceed with the plan to provide public services within the District; adopting the assessments; levying the assessments; authorizing the City to enter into an agreement with the Gordon Square Arts District - Cleveland Improvement Corporation; and to amend Section 2 of Resolution No. 505-2020, adopted August 12, 2020.

READ FIRST, SECOND AND THIRD TIME

READ FIRST TIME
and referred to

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME on DECEMBER 9, 2020

PRESIDENT

CITY CLERK

APPROVED

MAYOR