

University Circle Special Improvement District of Cleveland

March 23, 2023

Dear Property Owner:

We are working to establish a Special Improvement District (SID) in University Circle. Our goal is to sustain and enhance our neighborhood safety services by providing a reliable source of revenue to fully fund the work of the University Circle Police Department (UCPD).

Chapter 1710 of the Ohio Revised Code permits property owners to petition their local governments to pass legislation in creating a SID and levying a special assessment on the district's properties for specified services. Owners of property comprising 60% of serviceable frontage or 75% of area, at a minimum, must sign the petition in order for the assessment to move forward.

Included in this package are the following materials for your review. Once you have reviewed, your prompt return of the signed petition and all accompanying exhibits is appreciated, as it will enable us to proceed to the next step in the legislative process with the City of Cleveland.

- **Petition (and instructions):** Complete, sign and date, as instructed.
- **Property Summary (Exhibit D):** Summary of your properties, assessment methodology and estimated SID assessment for the 5-year period from 2024 – 2028.
- **SID Service Area (Exhibit A):** Map of the proposed District
- **Parcel List (Exhibit B):** List of all parcels included in the proposed District
- **Service Plan (Exhibit C):** Addressing the purpose, governance, District area, services provided, budget, assessment methodology, period of assessment, administration & design, and accountability & reporting of the proposed SID.

Please return the completed petition with exhibits to UCI at the address listed below. If you have any questions, you may email Cherie Bandy at Cherie.Bandy@universitycircle.org. Thank you for helping to make University Circle a vibrant, thriving, and enriching place.

Gary Hanson



Interim President
University Circle Inc.

PETITION

TO APPROVE THE CREATION OF THE UNIVERSITY CIRCLE SPECIAL IMPROVEMENT DISTRICT OF CLEVELAND AND THE IMPOSITION OF SPECIAL ASSESSMENTS TO PAY COSTS OF THE PROVISION OF SERVICES IN ACCORDANCE WITH THE SERVICES PLAN OF THE DISTRICT

City of Cleveland, Ohio

~~March~~ 3, 2023
APR

To the Mayor and the Council of the City of Cleveland, Ohio:

We petition the City to approve the creation of the University Circle Special Improvement District (the “District”) as a special improvement district under Ohio Revised Code (“Revised Code”) Chapter 1710, containing the boundaries described in the map attached as Exhibit A, for the purpose of developing and implementing plans for public improvements and public services that benefit the District. The District is to be formed by University Circle, Inc., pursuant to Section 1710.02 of the Revised Code, as an “existing qualified non-profit corporation” in accordance with its amended articles of incorporation submitted to the City for the purpose thereof.

We are the owners of 60% or more of the front footage of property that abuts upon any street, alley, public road, place, boulevard, parkway, park entrance, easement, or other existing public improvement, excluding, as required by law, any properties owned by the federal and state governments and any properties owned by a church or by city and county governments unless the church or city or county specifically requested in writing that its designated property be included in the District.

A list of all the properties included in the proposed University Circle Special Improvement District of Cleveland (identified by permanent parcel numbers shown on the records in the Cuyahoga County Fiscal Officer’s office) and shown on the attached Exhibit B. Excluded from the property comprising the District are any properties owned by the federal and State governments and any properties owned by a church or by city and county governments unless the church or city or county specifically requested in writing that its designated property be included in the District.

University Circle Incorporated has prepared and submitted to the City, with the amended articles of incorporation, the Service Plan of the District (in the form attached as Exhibit C (the “Plan”) which we hereby approve. The University Circle Special Improvement District of Cleveland is to provide, or contract for the provision of, the services described in the Plan. The City is to levy special assessments upon the properties in the District to pay for the costs of the services described in the Plan.

We petition the Council of the City to assess our properties for the services as set forth in the Plan in proportion to the benefits. We agree that the determination of the benefits shall be in accordance with the formula outlined in the Plan. We request that the assessment be payable in 5 annual installments payable in advance of the services to be provided by the Plan. A schedule of those assessments for the permanent parcel numbers identified below are shown in the attached Exhibit D. We acknowledge that the actual assessments may include an additional amount for the costs expended by the City in levying and collecting the assessments.

We further acknowledge and agree, in consideration of the services of the Plan, that the assessment of our properties does not exceed the benefit to be received from the Plan by each of the properties to be assessed for the Plan, that no other property other than those properties shown on Exhibit B will receive special benefits from that Plan for which any such property should be assessed, that the undersigned will pay promptly all special assessments levied against the properties pursuant to this petition as they become due, and that the determination by the Council of the special assessment against the properties pursuant to and in accordance with this Petition will be final, conclusive and binding upon the undersigned, its successors, assigns, heirs, executors and any grantees of the properties or any portion thereof.

The undersigned property owners consent and request that, subject to the terms hereof, these special assessments be levied and collected without limitation as to the value of the property assessed, consent to our respective property being included in more than one special improvement district, if applicable, and waive all the following relating to the Plan and the special assessments described herein:

- (1) any and all rights, benefits and privileges specified by Sections 727.03 and 727.06 of the Revised Code that may be deemed applicable to the Plan and thereby restrict these special assessments to 33-1/3% of the actual improved value of the properties as enhanced by the Plan;
- (2) any and all resolutions, ordinances and notices required for the Plan, including the notice of the adoption of the resolution of necessity and the filing of estimated special assessments, the equalization of the estimated special assessments, any increase in the cost of labor and materials over the estimated cost, and the passage of the assessing ordinance, including but not limited to notices authorized and required by Sections 727.13, 727.16, 727.17, 727.24 and 727.26 of the Revised Code; and
- (3) any and all irregularities and defects in the proceedings.

A. Property Address(es): The address(es) identified and listed in Exhibit D attached hereto which are incorporated by reference herein.

Permanent Parcel No(s): Those parcels identified and listed in Exhibit D attached hereto which are incorporated by reference herein.

B. Name of Owner:* 11319 Hessler LLC

C. Name, title and signature of authorized representative of owner:*

Russell Bensch

Manager

RB

*Please refer to the enclosed instructions for signing the Petition.

INSTRUCTIONS FOR EXECUTION OF PETITION

It is very important that this document be executed correctly. Please read these instructions carefully.

The name of the owner must be correct. Please double-check and correct.

Certain information would allow us to better serve you and get the information correct the first time. Please note any requests for information below. If there would be no inconvenience in providing the information, it would be very much appreciated.

CORPORATION:

Only an OFFICER of the Corporation can execute this Document. Next to the name of the person who executes this Document for the Corporation, please write WHETHER THE PERSON IS THE PRESIDENT, VICE PRESIDENT, TREASURER, SECRETARY, etc. of the Corporation.

DOUBLE-CHECK THE NAME OF THE CORPORATION. Is it correct on the Document?

PARTNERSHIP:

Only a PARTNER of the partnership can execute this Document.

DOUBLE-CHECK THE NAME OF THE PARTNERSHIP. Is it correct on the Document?

INFORMATION: Could you please provide the date of the Partnership Agreement?

LIMITED PARTNERSHIP:

Only a GENERAL PARTNER or an OFFICER of a GENERAL PARTNER can execute this Document. Next to the name of the person who executes this Document for the Limited Partnership, please write WHETHER THE PERSON IS A GENERAL PARTNER or if the person is an OFFICER of the GENERAL PARTNER, please write WHICH OFFICER the person is.

DOUBLE-CHECK THE NAME OF THE LIMITED PARTNERSHIP. Is it correct on the Document?

INFORMATION: Could you please provide the date of the Limited Partnership Agreement.

LIMITED LIABILITY COMPANY:

Only a MANAGING MEMBER or an OFFICER of a MANAGING MEMBER or a MANAGER can execute this Document. Next to the name of the person who executes this Document for the Limited Liability Company, please write WHETHER THE PERSON IS A MANAGER or a MANAGING MEMBER or if the person is an OFFICER of the MANAGING MEMBER, please write WHICH OFFICER the person is.

DOUBLE-CHECK THE NAME OF THE LIMITED LIABILITY COMPANY. Is it correct on the Document?

INFORMATION: Could you please provide the date of the Operating Agreement.

TRUST:

Only a TRUSTEE of the Trust can execute this Document.

DOUBLE-CHECK THE NAME OF THE TRUST. Is it correct on the Document?

INFORMATION: Could you please provide the date of the Trust Agreement.

AFFIDAVIT

My legal name is Russell Berusch ("Affiant").

Being duly sworn, I hereby swear under oath that: I am the Manager (insert title of authorized representative) of 11319 Hessler LLC (insert owner/entity's name) (the "Organization"), and I am duly authorized to execute the foregoing Petition on behalf of the Organization.

Under penalty of perjury, I hereby declare and affirm that the above-mentioned statement is, to the best of my knowledge, true and correct.

FURTHER, AFFIANT SAYETH NAUGHT

Affiant's Signature: *RS* Date: 4-3-23

STATE OF OHIO)
) SS:
COUNTY OF CUYAHOGA)

SWORN TO before me and subscribed
in my presence, this 3 day of ~~March~~, 2023.
APRIL

Sheila Obrycki
Notary Public

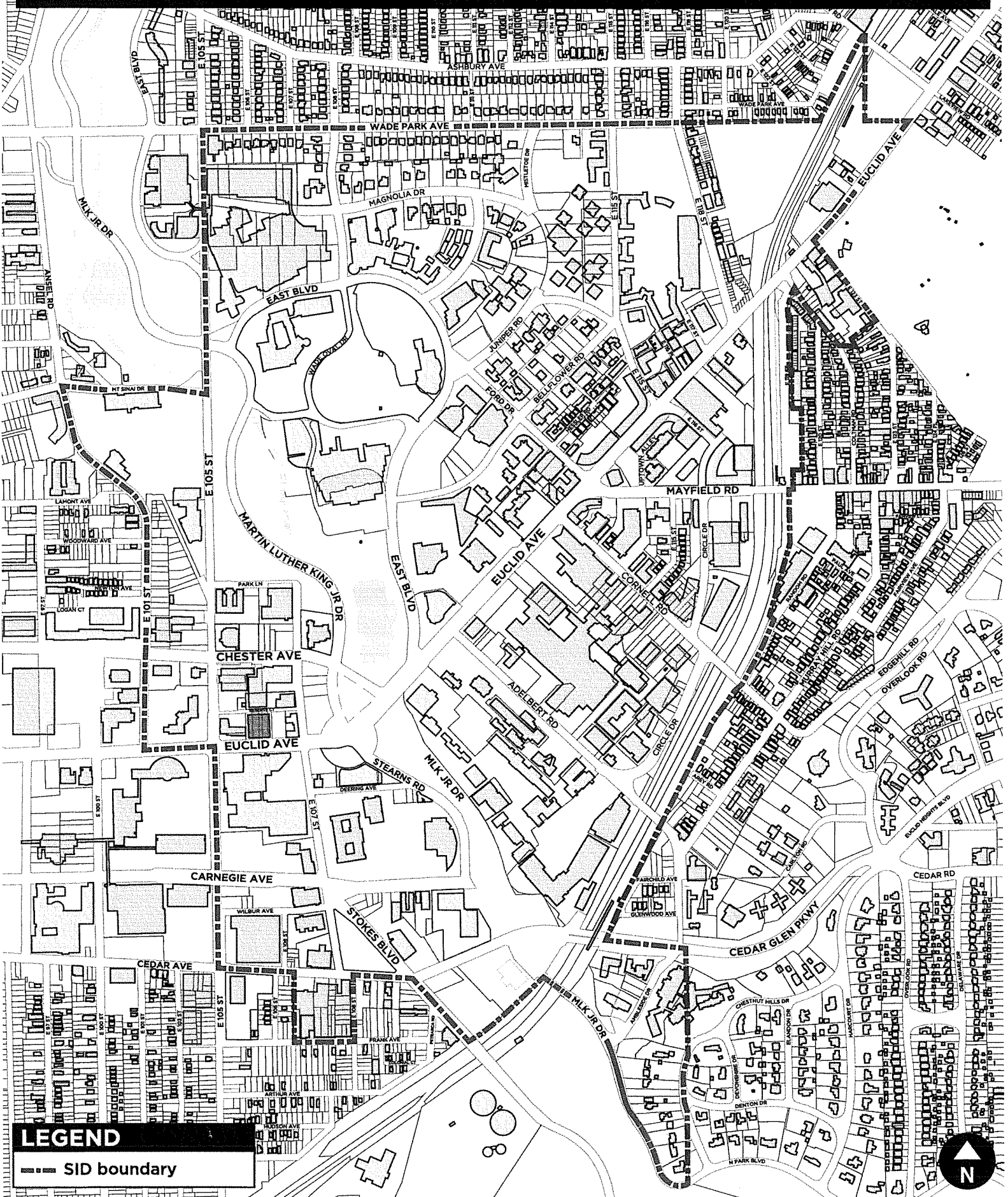
My commission expires: November 8, 2026



SHEILA OBRYCKI
Notary Public
State of Ohio
My Comm. Expires
November 8, 2026

Exhibit A

UNIVERSITY CIRCLE SID SERVICE AREA



LEGEND

--- SID boundary



Exhibit B

EXHIBIT B

**Parcel Numbers for Properties Included in the
University Circle Special Improvement District of Cleveland**

<u>Parcel Pins</u>	<u>Parcel Pins</u>	<u>Parcel Pins</u>	<u>Parcel Pins</u>
10726001	11920050	12020015	12024045
10726004	11920051	12020016	12025008
11910008	11920301	12020017	12025013
11910016	11920302	12020018	12025018
11911044	11925014	12020020	12026001
11911049	11925029	12020021	12026003
11911051	11925030	12020022	12027001
11911052	11925031	12020023	12027002
11911055	11925037	12020025	12027003
11911056	11925038	12020032	12027010
11911057	11925046	12020038	12027011
11911058	11925047	12021041	12027012
11911067	11925059	12021042	12027014
11912029	11925060	12021043	12027015
11912052	11925061	12021044	12027016
11912053	11925062	12022008	12027017
11919006	11925301	12022088	12027019
11919024	11925302	12022089	12027020
11920001	11925303	12023010	12027021
11920005	11925304	12023012	12028001
11920008	11925305	12023014	12028002
11920009	12017004	12023025	12028003
11920015	12017005	12023028	12028004
11920016	12017006	12023029	12028007
11920019	12017012	12023030	12028010
11920020	12018001	12023031	12028011
11920021	12018002	12023032	12028012
11920022	12018003	12023033	12028013
11920023	12018004	12023034	12028014
11920024	12018005	12023054	12028016
11920025	12018006	12023071	12028021
11920026	12018007	12023077	12028022
11920033	12018013	12023078	12028023
11920034	12018014	12023079	12028024
11920035	12018015	12024002	12028025
11920039	12018019	12024003	12028028
11920041	12019001	12024008	12028029
11920042	12019002	12024013	12028030
11920046	12019003	12024015	12028032
11920047	12019032	12024020	12028033
11920048	12020013	12024041	12028034
11920049	12020014	12024044	12028035

EXHIBIT B

<u>Parcel Pins</u>	<u>Parcel Pins</u>	<u>Parcel Pins</u>	<u>Parcel Pins</u>
12028043	12037001	12109012	12120018
12028052	12101001	12109013	12120019
12028053	12101002	12109014	12120084
12028054	12101005	12109015	12120085
12028055	12101006	12109016	12120086
12028056	12101009	12109017	12120087
12028057	12101012	12109018	12120088
12028060	12101014	12109019	12120089
12028065	12101016	12109020	12120090
12028074	12101018	12109021	12120091
12028076	12101031	12109027	12120092
12028078	12101036	12109028	12120185
12029001	12102001	12109029	12120186
12029002	12102002	12109030	12120187
12029004	12102003	12109031	12120188
12029005	12102004	12109032	12120189
12029015	12102005	12110001	12120190
12029019	12102006	12110002	12123002
12029024	12102007	12110003	12123010
12029025	12102008	12110004	12123011
12029054	12102009	12111001	12123015
12029055	12102010	12111004	12123016
12029056	12102011	12111005	12123017
12029057	12102012	12112001	12124013
12029058	12102013	12112003	12124015
12029300	12102018	12112047	12124017
12030116	12102021	12112048	12124019
12031001	12102022	12112049	12124020
12031002	12102023	12112051	12124021
12031003	12103008	12112052	12124022
12031007	12103009	12112058	12124023
12031008	12103010	12112064	12124024
12031009	12103011	12113001	12124049
12031023	12103012	12114001	12124058
12031024	12103013	12114004	12124061
12031025	12103022	12114005	12124062
12031026	12108001	12114006	12124063
12031027	12108007	12114016	12125001
12031049	12108011	12120009	12125007
12031050	12108012	12120012	12125010
12031051	12108030	12120013	12125303
12031076	12108032	12120014	12125304
12031077	12109009	12120015	12125305
12031084	12109010	12120016	12125307
12036002	12109011	12120017	12125308
12036002A			

Exhibit C

**UNIVERSITY CIRCLE
SPECIAL IMPROVEMENT DISTRICT OF CLEVELAND
SERVICE PLAN**

The University Circle Special Improvement District of Cleveland (the “District” or “SID”) is established pursuant to the provisions of Chapter 1710 of the Revised Code (the “Act”). This Plan refers to the Act and any and all future amendments to the Act. Any specific statutory reference contained in this Plan shall also refer to any succeeding or amending statutory provision.

The terms and conditions regarding the District are addressed in this Plan, and include, without limitation, a petition, a schedule of assessments to be made on included property (the “Assessment Schedule”), and the governing documents forming the District. The District is formed by University Circle, Inc. as an “existing qualified nonprofit corporation” under the Act (herein referred to as “UCI”). The governing documents of the District include the Articles of Incorporation of UCI, as amended for this purpose, Code of Regulations, resolutions duly adopted by the board of directors of the District, and the applicable resolutions and ordinances of the participating political subdivisions where the real property is located (collectively, the “Governing Documents”). The Governing Documents, this Plan, the petitions, and the Assessment Schedules are referred to herein collectively as the “District Documents.”

The District Documents establish the terms and conditions of the Program. The Program terms and conditions may be amended from time to time as described herein.

I. Purpose of the Program

The Program is intended to sustain and improve community safety in University Circle through services provided by the University Circle Police Department and UCI (the “Program Services”). The City of Cleveland (the “Participating Political Subdivision”) shall levy special assessments on real property included in the District, the payment of which will pay for the costs of the Program Services and the costs of administering the Program. Special assessment payments levied to pay costs of Program Services will be due and payable by property owners at the same time real property taxes are due.

II. The District’s Governance

The District shall be governed, pursuant to the District Documents and the Act, by the Board of Trustees of UCI functioning in the capacity of the Board of Directors of the District (the “Board”) all in accordance with the Act.

Pursuant to the Act, other Ohio law, and any Code of Regulations adopted for the governance of UCI, the Board may from time to time, and under such conditions as the Board determines, delegate any or all of the authority contained in this Plan to a sub-committee or to an agent, independent contractor, or employee of the District or the Board.

III. District Area Description

The District Area shall contain the territory within the boundaries depicted in the map of the District attached hereto as Exhibit A and incorporated herein by reference and is largely congruous with the University Circle, Inc. service boundary within the City of Cleveland.

IV. Description of Services Provided

The Program is intended to sustain and improve community safety in University Circle through services provided by the University Circle Police Department (UCPD) and UCI. The UCPD is a community police department with full law enforcement authority granted by state law. The presence of the UCPD, along with its reputation for quick response, is intended to be a strong deterrent to criminal activity in the District. Minimized opportunity coupled with timely and decisive intervention in actual criminal incidents has characterized the UCPD's public safety strategy since its inception. In keeping with its preventative methods, the UCPD will:

- Work closely with UCI's member institutions and property owners in focusing on crime prevention.
- Support the principles of community policing, a concept which recognizes the interdependence and shared responsibility of police and community, as the best approach to problem solving.
- Work in partnership and share resources with the Case Western Reserve University Security Department, University Hospitals Cleveland Medical Center Police Department, and other University Circle institutional forces to enhance personal safety in the District.
- Make crime prevention presentations, upon request, to the employees and constituents of University Circle institutions, businesses and other properties, as well as to neighborhood groups and University Circle residents in the interest of promoting public awareness and cooperation.
- Provide various additional measures to ensure transparency and accountability to the communities it serves, as outlined in Section IX.

As a full-service police department, the UCPD will provide the following services:

- 24-hour patrol in marked vehicles;
- Foot and bicycle patrols in designated areas;
- Rapid response to emergency calls;
- Surveillance using plainclothes officers and unmarked vehicles;
- Apprehension and arrest of criminals, as well as criminal investigations conducted by the UCPD Detective Bureau;
- Handling of many non-criminal incidents involving vehicles, missing persons, and disturbance complaints;
- Additional community services that contribute to the overall well-being of University Circle and are critical to the maintenance of public safety, including:

- Mental health crisis intervention and social services co-response;
- Expanded officer training;
- Comprehensive assistance to motor vehicle owners and operators;
- Traffic control;
- Special property checks;
- Managing Project Yield, the district’s pedestrian safety initiative;
- Working with community stakeholders to advance local initiatives, including the Pedal with Police program, bicycle and pedestrian safety messaging, and bicycle/shared mobility safety events;
- Tracking pedestrian safety data to inform programs, advocacy, and enforcement efforts;
- Serving as a District representative for citywide Vision Zero efforts.

V. Program Budget

The baseline budget in Year 1 (2024) is \$3,500,000. The budget will increase by 3% annually, through 2028, as follows:

- 2024: \$3,500,000
- 2025: \$3,605,000
- 2026: \$3,713,150
- 2027: \$3,824,544
- 2028: \$3,939,280

Additional payments to for UCPD and UCI transportation safety services may be collected on a case-by-case basis for services above and beyond those listed above or by property owners or other supporters outside the District.

VI. Assessment Methodology

The assessment of eligible properties within the District is based on equal parts 1) serviceable frontage, 2) gross certified value, and 3) land area. The values for each property are derived from County records and additional frontage measurements conducted using the Cuyahoga County Web Mapping Application. The figures have been verified by the City of Cleveland’s Division of Engineering and Division of Assessments and Licenses. Additional conditions include:

- A maximum of two serviceable frontages are included in the assessment calculation for each property.
- Properties with a County tax land use code of 1-Family, 2-Family, 3-Family, or Residential Condo are not included in the assessment.

- Per ORC Section 1710.03, properties owned by public entities are not included in the assessment unless such entity specifically requests in writing that its property be included in the District.
- Per ORC Section 1710.03, church properties are not included in the assessment unless the church specifically requests in writing that its property be included in the District.
- Railroad right of way properties traveling through the district with no additional facilities are not included in the assessment.
- Cemeteries within the District service area will be assessed based on serviceable frontage and property value alone; their land area is not included.

VII. Period of Assessment

The term of the assessment will be for five (5) years beginning with Tax Collection Year 2024 through Tax Collection Year 2028, with collections spanning those collection years 2024 through 2028.

The amount of voluntary assessments or other amounts payable to UCI under arrangements with its members established prior to the establishment of the District, including, without limitation, those for the period from July 1, 2023 through December 31, 2023, shall remain due and payable notwithstanding anything hereto to the contrary.

VIII. Program Administration & Design

- A. Administration: The Board is hereby authorized to provide for ongoing services to the District, its property, and the property owners. All services provided under this Plan shall be deemed to be services provided in furtherance of Program Services under this Plan.

Pursuant to the Act, such Program costs may be included in the special assessments levied on real property within the District.

- B. Design: The determination of services provided and budget required to perform these services will be made by the Board of Directors. The Board will solicit feedback from eligible property owners within the Service Area on a regular basis (see Section IX) and will incorporate this input into future Service Plans.

IX. Accountability & Reporting

This Plan and the Safety Services Program should be accountable to the community it serves and the property owners who support it. This includes provisions for Board and community oversight, as well as measures to promote transparency. To these ends, the following practices will be instituted as a component of the Service Program:

- A. A Citizen Review Board will exist to field and review citizen complaints against the UCPD and to meet the requirements of the City of Cleveland's Memorandum of Understanding that enables the UCPD to operate within the city.
- B. After establishment of the District, a University Circle Safety Services Advisory Committee will be created for the purpose of providing additional oversight and advisory capacity from property owners within in the SID service area.
- C. Each year, an Annual Report will be published by UCI on behalf of the SID, detailing the revenues and expenditures of the SID, outlining key programs and services, and performance measures, as defined by the above bodies.
- D. Prior to the expiration of the five-year term, the SID will re-evaluate the Service Plan, Program, and Budget with its members and contributing property owners to confirm the effectiveness of the programs and services provided.

Exhibit D

11319 Hessler LLC

Attn: Russell Berusch
19942 Chagrin Boulevard
Shaker Heights, OH 44122

Summary of Property & Assessment Value

Parcel #	Parcel Address	Value	Frontage	Area	2024 Assessment	Special Conditions
12028060	11319-11327 Hessler	\$1,126,400	199.7	9,742	\$4,535	
Totals		\$1,126,400	199.7	9,742	\$4,535	

Definitions

The **values** provided in the above table represent the certified “appraised total” for County tax year 2022. This includes both the total appraised land and building value for the parcel.

The **frontage** provided in the above table represents the “total serviceable linear feet” along the parcel’s primary and secondary frontages. Serviceable frontage is defined as the property frontage that abuts public right of way or another publicly accessible area and usually includes a roadway and/or sidewalk.

The **area** provided in the above table represents the “total square footage” for the parcel, as recorded by Cuyahoga County.

The **assessment** value in the above table is the SID payment amount attributed to the parcel in Year 1. This is derived from the parcel’s representative share of the eligible property in the district and the weighting of 1/3 value, 1/3 frontage, and 1/3 area, as described in the previous pages. The assessment value will increase by 3% each year, through 2028, as follows:

- 2024: \$4,535
- 2025: \$4,671
- 2026: \$4,811
- 2027: \$4,955
- 2028: \$5,104

Special Conditions & Other Notes

- Final assessment values will be calculated following City of Cleveland review and verification of property information, property owner objections, and other details.