

Ordinance No. 104-2021

By Council Members: McCormack, Cleveland, B. Jones, 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 Downtown Cleveland Improvement District and the new plan to provide public services for the District; determining to proceed with the plan; adopting and levying the assessments; and authorizing the City of Cleveland to enter into an agreement with the Downtown Cleveland Improvement Corporation.

WHEREAS, under Resolution No. 910-2020, adopted December 2, 2020, the Assessment Equalization Board (the “Board”) was appointed to hear and determine all objections concerning the estimated assessments under Resolution No. 713-2020, adopted September 11, 2020 (the “Resolution of Necessity”), to provide for public services benefitting the Downtown 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 the Board, appointed under Resolution No. 910-2020, adopted December 2, 2020, is approved and placed in File No. 104-2021-A, along with the final assessments for the District, as equalized by the Board.

Section 2. That it is 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.

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 \$25,275,470.00 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 assessments for the first year shall be billed by and paid to the City of Cleveland's Division of Assessments and Licenses. All assessments which have not been paid by the specified due date, as well as the subsequent annual assessments, shall be certified by the Commissioner of the Division of Assessments and Licenses to the County Fiscal Officer on or before the certification deadline for the appropriate assessment years, to be placed on the tax duplicate and collected the same as other 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.

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 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 are authorized, in their discretion, to enter into a contract with the Downtown Cleveland

Improvement Corporation setting forth the terms under which the City will levy an assessment for the District and the use of the proceeds of the assessments levied herein.

Section 16. 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.

Passed February 22, 2021.

Effective February 24, 2021.