

Resolution No. 713-2020

By Council Members: McCormack, Cleveland, B. Jones, Brancatelli and Kelley (by departmental request)

An emergency resolution approving the expansion of the Downtown Cleveland Improvement District; accepting the petitions from owners of property in the proposed District as expanded; approving the amended Articles of Incorporation of the Downtown Cleveland Improvement Corporation; approving the comprehensive services plan for the continued operations of the District; declaring it necessary to provide for additional security, cleaning, maintenance and economic development and marketing of the District; and providing for the assessment of the cost and expense of such work upon benefited property in the District; and declaring an emergency.

WHEREAS, Chapter 1710 of the Revised Code authorizes the formation of special improvement districts within the boundaries of a municipality by petition of property owners in a district and approval by the municipality for the purpose of developing and implementing plans for public improvements and public services that benefit a district; and

WHEREAS, by Resolution No. 1386-05, adopted on August 3, 2005, this Council approved the formation of the Downtown Cleveland Improvement District and approved an initial plan for public services benefitting all of the District from 2006 through 2010; and

WHEREAS, by Resolution No. 272-10, adopted on March 8, 2010, this Council approved the comprehensive services plan for the continuation of the operations of the Downtown Cleveland Improvement District, which plan pertained to the period 2011 through 2015; and

WHEREAS, by Resolution No. 699-15, adopted July 22, 2015, this Council approved the expansion of the Downtown Cleveland Improvement District and approved the comprehensive services plan for the continuation of the operations of the expanded Downtown Cleveland Improvement District, which plan pertains to the period 2016 through 2020; and

WHEREAS, owners of sixty percent 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 within the Downtown Cleveland Improvement District, excluding certain property as provided in division (E) of Section 1710.02 of the Revised Code, and including certain additional property in and around the area known as the Columbus Road Peninsula, have signed a petition (the "Petition") requesting that the City of Cleveland approve the expansion of the Downtown Cleveland Improvement District (as so expanded, the "District") and to approve a comprehensive services plan

(the “Plan”) for the continuation of operations of the District for the period 2021-2025 and have submitted the Plan as part of the Petition; and

WHEREAS, the District is to be governed by the Downtown Cleveland Improvement Corporation, an Ohio nonprofit corporation formed pursuant to Chapters 1702 and 1710 of the Ohio Revised Code (the “Corporation”), and the Corporation proposes to amend its Articles of Incorporation to include the expanded territory (as so amended, the “Articles”); and

WHEREAS, the Petition, the Articles and the Plan have been filed with the Clerk of Council and copies have been delivered to the Mayor of the City; and

WHEREAS, the Petition is to be approved or disapproved by resolution of this Council within sixty days of the filing of the Petition with the City; 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 Petition, the Articles and the Plan, referred to in the preambles of this resolution and on file in File No. 713-2020-A, are approved.

Section 2. Pursuant to Chapter 1710 of the Ohio Revised Code, the Petition, the Articles and this resolution, the special improvement district known as the Downtown Cleveland Improvement District is confirmed as expanded, the expanded district consisting generally of that portion of the City which is bounded on the North by the Conrail lines; on the West by the Cuyahoga River from the Conrail tracks south to West 3rd Street at Stones Levee/Eagle Street; on the South by Stones Levee/Eagle Street to Ontario Street and the Inner Belt; and on the East by East 18th Street.

Section 3. That, consistent with the approval of the Plan, this Council hereby commences proceedings to provide for special assessments in accordance with the Plan, which special assessments shall be levied in accordance with Chapters 727 and 1710 of the Revised Code.

Section 4. That it is determined and declared necessary and conducive to the public health, convenience and welfare of the City of Cleveland to provide additional security for the District, additional cleaning and maintenance of the public rights-of-way within the District and collective economic development and marketing of the District for a five-year period commencing after passage of the ordinance to proceed in this matter.

Section 5. 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 may result from the services.

Section 6. That the Plan on file in File No. 713-2020-A is approved at an estimated cost of \$25,366,969.

Section 7. That the entire cost of the Plan in the District be specially assessed in proportion to the benefits that may result from the services within the District. The cost of the Plan shall 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, expenses of legal services, the cost of all labor and materials and all other necessary expenditures allowed by law.

Section 8. That the City will not issue securities in anticipation of either the levy or the collection of the special assessments for the cost of the Plan.

Section 9. That the Commissioner of Assessments and Licenses is authorized to prepare and file in the Office of the Clerk of Council an estimated assessment under the provisions of this resolution showing the amount of the assessment against each lot or parcel of land to be assessed. Such estimated assessment shall be based on the estimated cost of the Plan which is now on file in the Office of the Clerk of Council. When 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 10. That payment for the assessments shall be due in each of the years 2021, 2022, 2023, 2024, and 2025. The Clerk of Council is authorized to cause unpaid assessments to be certified to the county fiscal officer to be placed on the tax records and collected with and in the same manner as other taxes.

Section 11. 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 12. That this resolution is declared to be an emergency measure and, provided it receives the affirmative vote of three-fourths 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.

Referred to the City Planning Commission; Finance; and Law; Committees on Development, Planning and Sustainability; and Finance.