

Resolution No. 711-2019

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

AN EMERGENCY RESOLUTION

Approving the continuation and expansion of the Ohio City - Cleveland Business Improvement District as a Special Improvement District in the City; accepting petitions from owners of property in the District; approving an amendment to the Articles of Incorporation of the Market District Improvement Corporation; approving a new plan for public services; declaring it necessary to provide safety, cleaning, and other services for the District; and providing for the assessment of the cost of such work upon benefited property in the District; and declaring an emergency.

WHEREAS, Chapter 1710 of the Ohio Revised Code ("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, owners of at least sixty percent of the front footage of all real property located in the Ohio City - Cleveland Business Improvement District ("District") (formerly known as The Market District – Cleveland Business Improvement District) that abuts upon any street, alley, public road, place, boulevard, parkway, park entrance, easement, or other existing public improvement within the District, excluding certain property as provided in Section 1710.02(E) of the Revised Code, have signed petitions ("Petitions") requesting that the City of Cleveland ("City") renew and expand the District as described in this ordinance; and

WHEREAS, the District is governed by the Ohio City Improvement Corporation ("Corporation") (formerly known as the Market District Improvement Corporation), an Ohio nonprofit corporation formed under Chapters 1702 and 1710 of the Revised Code; and

WHEREAS, under Section 1710.02(F) of the Revised Code, the petitioners have proposed a new plan for public services benefitting all of the District, as expanded ("Plan"), and have submitted the Plan as part of the Petitions proposing expansion and continuation of the District; and

WHEREAS, the Petitions, including the Articles of Incorporation of the Corporation and all amendments thereto ("Articles") and the Plan, have been submitted to the municipal executive ("Mayor") and the legislative authority ("Council") of the City; and

WHEREAS, under Section 1710.02(E) of the Revised Code, the City has sixty days to approve or disapprove the Petitions by resolution; 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 Petitions, including the Amendment to the Articles and the Plan, are accepted and approved and are placed in File No. 711-2019-A.

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

On the North by Detroit Avenue to West 33rd Street; on the South by 2144 West 25th Street; on the west by Lorain Avenue and West 50th Street; and on the East along West 24th Street, West 25th Street and Gehring Avenue, as more particularly depicted on the map attached as Exhibit A of the Plan.

Section 3. That it is determined and declared necessary and conducive to the public health, convenience and welfare of the City to provide safety and security services, cleaning and maintenance services, and additional permitted services for the District, for an additional five-year period commencing January 1, 2020.

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 may result from the services.

Section 5. That the Plan placed in the above mentioned file is approved at an estimated cost of \$3,026,207.

Section 6. That the entire cost of the Plan will 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 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; the expenses of legal services; the cost of all labor and materials; and all other necessary expenditures allowed by law.

Section 7. 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 8. That the City Commissioner of Assessments and Licenses 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 amounts of 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 payment for the assessments shall be due in each of the years 2020, 2021, 2022, 2023, and 2024, which payment may occur prior to the commencement of the services to be provided under the Plan. The Clerk of Council shall certify unpaid assessments to the county auditor to be placed on the tax list and collected with and in the same manner as other taxes.

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

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committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 11. That, pursuant to O.R.C. §727.12, this resolution of necessity requires the affirmative vote of three-fourths of all the members elected to 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
6-3-19

FOR: Director Collier

Council Members McCormack, Brancatelli and Kelley (by departmental request)

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Approving the continuation and expansion of the Ohio City - Cleveland Business Improvement District as a Special Improvement District in the City; accepting petitions from owners of property in the District; approving an amendment to the Articles of Incorporation of the Market District Improvement Corporation; approving a new plan for public services; declaring it necessary to provide safety, cleaning, and other services for the District; and providing for the assessment of the cost of such work upon benefited property in the District; and declaring an emergency.

READ FIRST TIME on JUNE 3, 2019

**and referred to DIRECTORS of City Planning Commission, Finance, Law;
COMMITTEES on Development Planning and Sustainability, Finance**

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

**PASSAGE RECOMMENDED BY
COMMITTEE ON
DEVELOPMENT, PLANNING AND
SUSTAINABILITY**

FILED WITH COMMITTEE

**PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE**

FILED WITH COMMITTEE
