

Ordinance No. 1370-17

AN EMERGENCY ORDINANCE

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

Approving the report of the Assessment Equalization Board on objections concerning estimated assessments with respect to the formation of The Cleveland Superior Arts Improvement District and the comprehensive services plan for safety, maintenance and other services to be provided for the District; determining to proceed with the plan to provide services within the District; adopting the assessments; levying the assessments; and authorizing the City to enter into an agreement with the Cleveland Superior Arts Improvement Corporation.

WHEREAS, under Resolution No. 1068-17, adopted October 2, 2017, the Assessment Equalization Board (the "Board") was appointed to hear and determine all objections concerning the estimated assessments under Resolution No. 834-17, adopted August 16, 2017, to provide for services benefitting The Cleveland Superior Arts 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. 1068-17, adopted October 2, 2017, is approved and placed in File No. 1370-17-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 Resolution No. 834-17 (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, petitions, and assessments approved and filed in the office of the Clerk of Council.

Ordinance No. 1370-17

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, stated in the file mentioned above and aggregating \$645,944.60, 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 Clerk of Council is directed to file in her office a list of the assessments and the description of the lots and lands.

Section 10. That the annual installments against each lot and parcel of land shall be certified by the Clerk of Council to the County Auditor on or before the certification deadline in each of years 2018, 2019, and 2020, to be placed on the tax duplicate and collected the same as other taxes in each of the immediately following years, as provided by law.

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

Ordinance No. 1370-17

Section 12. That the Clerk of Council is directed to cause notice of the levy of the assessments to be filed with the County Auditor 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 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 and Finance are authorized to enter into a contract with the Cleveland Superior Arts 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.

MC:nl
11-13-17

FOR: Director Collier

