

Ordinance No. 481-2026

By Council Members Howse-Jones, Santana and Griffin (by departmental request)

FOR PASSAGE
APRIL 13, 2026

AN EMERGENCY ORDINANCE

To amend Sections 1, 2 and 3 of Ordinance No. 747-2024, passed July 10, 2024, relating to approving the addition of certain property to the Northeast Ohio Advanced Energy District and providing for the assessments of the cost of the special energy improvement project in the District.

WHEREAS, under Ordinance No. 747-2024, passed July 10, 2024, this Council authorized the addition of property located at 1301 East 9th Street to the Northeast Ohio Advanced Energy District for purposes of authorizing a special energy improvement project; and

WHEREAS, the scope of the special energy improvement project has increased in size and complexity and the original Lender, Peachtree Group, is unable to continue with the new project; and

WHEREAS, a new Lender, Nuveen Green Capital, has been selected; 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 Sections 1, 2 and 3 of Ordinance No. 747-2024, passed July 10, 2024, are amended to read as follows:

Section 1. That the Project Petition and the Project Plan placed in File No. ~~747-2024-A~~ 747-2024-B are approved, and this Council consents to the addition of the Property to the District.

Section 2. That it is determined and declared necessary and conducive to the public health, convenience, and welfare of the City to conduct the Project as defined in the Project Plan for a ~~25~~ 27-year period and that the Property will be specifically benefited by the Project and shall be assessed to pay for the costs of the Project, calculated according to the Cooperative Agreement.

Section 3. That the Project Plan placed in the above-mentioned file is approved with a maximum amount of Special Assessments of ~~\$41,781,686.50~~ \$125,892,664.02 which is sufficient to pay the costs of the Project, including other related financing costs in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued to pay costs of the Project in anticipation of the receipt of the Special Assessments, capitalized interest on, and financing reserve funds for, such securities, nonprofit corporate obligations, or other obligations so issued, including any credit enhancement fees, trustee fees, and District administrative fees and expenses, which costs were set forth in the Petition and previously reported to Council and are now on file in the offices of the Clerk of Council and the Director of Finance and that the maximum Special Assessments are levied and assessed on the Property. The maximum interest portion of the Special Assessments, together with amounts used to pay administrative expenses, has been determined by the District to be substantially equivalent to the fair market rate that would have been borne by notes or bonds issued by the District.

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The Special Assessments are to be assessed against the Property commencing in tax year ~~2026~~ 2027 for collection in ~~2027~~ 2028 and shall continue through tax year ~~2050~~ 2053 for collection in ~~2051~~ 2054; provided, however, if the proceedings relating to the Special Assessments are completed at such time that the County Fiscal Officer of Cuyahoga County, Ohio determines that collections shall not commence in ~~2027~~ 2028, then the collection schedule may be deferred by one year. The semi-annual installment of the Special Assessments shall be collected in each calendar year equal to a maximum semi-annual amount of Special Assessments as shown in the Project Petition.

As requested in the Petition, the final aggregate amount of the Special Assessments may be in an amount less than the aggregate amount of ~~\$41,781,686.50~~ \$125,892,664.02 if the final rate of interest for the financing for the Project is less than the assumed maximum rate of interest. If the rate of interest is less than the assumed maximum rate of interest such that the aggregate amount of Special Assessments necessary to repay the financing for the Project is less than the aggregate amount of ~~\$41,781,686.50~~ \$125,892,664.02, the Owner and the provider of the financing shall certify a final schedule of Special Assessments to the City, which final schedule shall be certified to the County Fiscal Officer of Cuyahoga County, Ohio for collection.

All Special Assessments shall be certified by the Clerk of Council to the County Fiscal Officer pursuant to the Petition and Chapter 727.33 of the Revised Code to be placed on the tax list and duplicate and collected with and in the same manner as real property taxes are collected and as set forth in the Project Petition.

The Special Assessments shall be allocated among the parcels constituting the Property as set forth in the Project Petition and the List of Special Assessments attached to the Project Petition.

Section 2. That Sections 1, 2 and 3 of Ordinance No. 747-2024, passed July 10, 2024, are repealed

Section 3. 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:uo
4-13-26

FOR: Director Bourdeau Small

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**REPORT
after second Reading**

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READ FIRST TIME
and referred to

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME on APRIL 13, 2026

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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READ FIRST, SECOND AND THIRD TIME