

Ordinance No. 104-2026

By Council Members Davis, Santana and Griffin (by departmental request)

AN EMERGENCY ORDINANCE

Approving the addition of property located at 1200 West 58th Street to the Northeast Ohio Advanced Energy District; accepting and approving a petition and plan from a property owner in the District proposing a special energy improvement project; declaring it necessary to conduct the special energy improvement project; providing for the assessment of the cost of such special energy improvement project; authorizing the Director of Development to enter into an Energy Project Cooperative Agreement and a Special Assessment Agreement to implement the project; and declaring an emergency.

WHEREAS, this Council adopted Resolution No. 1078-10 on September 20, 2010, and passed Ordinance No. 1551-13 on December 3, 2013, which authorized the City of Cleveland to establish and participate in the Northeast Ohio Advanced Energy District, formerly known as the Cleveland First-Suburbs Development Council Advanced Energy Special Improvement District (the “District”); and

WHEREAS, the District is a special improvement district formed under Chapter 1710 of the Ohio Revised Code (the “Revised Code”) and is authorized to levy assessments to pay costs for developing and implementing plans for public improvements and public services that benefit the special improvement district, including special energy improvement projects as defined in Chapter 1710 of the Revised Code; and

WHEREAS, Chapter 1710 of the Revised Code authorizes property owners to petition the City to add their property to the District and request the imposition of a special assessment on their property to support a special energy improvement project; and

WHEREAS, Westinghouse-Breakwater Properties LLC (the “Owner”) is the owner of Permanent Parcel No. 002-11-002, located at 1200 West 58th Street, Cleveland, Ohio 44102 (the “Property”); and

WHEREAS, the Property constitutes one hundred percent (100%) of the property now proposed to be added to the District and the Owner has submitted a petition (the “Project Petition”) to the City and the District requesting that the Property be added to the District and that special assessments be placed upon the Property (the “Special Assessments”) to secure the proper and available funding advancement(s) as will be

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defined in the to-be-negotiated Energy Project Cooperative Agreement (the “Cooperative Agreement”), from Greenworks Lending LLC (together with its affiliates, successors, or assigns, the “Lender”) to fund the special energy improvement project (the “Project”) further described in the plans and specifications (the “Project Plan”) attached to the Project Petition at Exhibit E; and

WHEREAS, the District has reviewed and approved the Project Petition and the Project Plan and, under Section 1710.02(E) of the Revised Code, the Project Petition and the Project Plan are to be approved or disapproved by ordinance of this Council within sixty (60) days of filing of the Project Petition with the City in accordance with Section 1710.02(E) of the Revised Code; 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 Project Petition and the Project Plan placed in File No. **104-2026-A**, 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 twenty-eight (28) 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 \$17,619,015.88, which is sufficient to pay the costs of the Project, including other related financing costs set forth in the Petition. The maximum interest portion of the Special Assessments, together with amounts used to pay administrative expenses, has been determined by the District

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to be substantially equivalent to the fair market rate that would have been borne by notes or bonds issued by the District.

The Special Assessments are to be assessed against the Property commencing in tax year 2028 for collection in 2029 and shall continue through tax year 2055 for collection in 2056; 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 for tax year 2028 for collection in 2029, then the collection schedule may be deferred by one (1) year.

As requested in the Petition, the final aggregate amount of the Special Assessments may be in an amount less than the aggregate amount of \$17,619,015.88 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 \$17,619,015.88, the Owner and the provider of the financing shall, prior to April 1st in the first tax year for which the Special Assessments are levied, provide an amended schedule of Special Assessments to the City, and the amended schedule shall be certified to the County Fiscal Officer of Cuyahoga County, Ohio, for collection.

All unpaid 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 and will 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 Property shall be assessed as set forth in the Project Petition and the schedules therein attached to the Project Petition.

Section 4. That no notes or bonds of the City of Cleveland shall be issued in anticipation of the levy or collection of the Special Assessments.

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Section 5. The Clerk of Council may cause notice of the adoption of this ordinance. The Commissioner of Assessments and Licenses is authorized to deliver to the Cuyahoga County Fiscal Officer a certified copy of this ordinance within fifteen (15) days after the passage of this ordinance.

Section 6. That the Director of Development is authorized, on behalf of the City, to negotiate and enter into the Cooperative Agreement and a Special Assessments Agreement to provide for the calculation, imposition, and payment of the Special Assessments.

Section 7. That any such agreements shall be prepared by the Director of Law.

Section 8. That the Director of Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees and the fees are appropriated to cover costs incurred in processing the Project Petition and servicing the Special Assessments. The fees shall be deposited to and expended from 17 SF 305, Loan Fees Fund.

Section 9. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were passed in an open meeting of this Council and that all deliberations of this 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 10. 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
2-2-26

FOR: Director Bourdeau Small

By Council Members Davis, Santana and Griffin (by departmental request)

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READ FIRST TIME on FEBRUARY 2, 2026

and referred to DIRECTORS of Development, Finance, Law; COMMITTEES on Development Planning and Sustainability, Finance, Diversity, Equity and Inclusion

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. 113

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Published in the City Record

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REPORT after second Reading

PASSAGE RECOMMENDED BY
COMMITTEE ON
DEVELOPMENT, PLANNING AND
SUSTAINABILITY

PASSAGE RECOMMENDED BY
COMMITTEE ON
**FINANCE, DIVERSITY, EQUITY
and INCLUSION**

ED WITH COMMITTEE

FILED WITH COMMITTEE