

Resolution No. 834-17

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

AN EMERGENCY RESOLUTION

Approving the formation of a new special improvement district in the City; accepting petitions from owners of property in the proposed district; revising and approving the Articles of Incorporation for the Ohio nonprofit corporation to be set up to govern the new district; approving the initial comprehensive services plan for the new district; declaring it necessary to provide cleaning and safety services; office, retail and residential development; and marketing for the district; providing for an assessment for the cost of such work upon benefited property in the district; and declaring an emergency.

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

WHEREAS, owners of at least sixty percent of the front footage of all qualifying real property located in a new proposed special improvement district (the "District") have signed a petition (the "Petition") requesting that the City of Cleveland (the "City") create the new District consisting generally of that portion of the City bounded on the north by St. Clair Avenue; on the south by Payne Avenue; on the west by East 18th Street; and on the east by East 26th Street; and

WHEREAS, the Petition requests that the District be governed by a new Ohio nonprofit corporation (the "Corporation") to be formed pursuant to the requirements of Chapters 1702 and 1710 of the Code and attaches proposed Articles of Incorporation (the "Articles") for the Corporation; and

WHEREAS, under Section 1710.02(F) of the Code, the petitioners have approved an initial plan for public services benefitting all of the District (the "Plan") and have submitted the Plan as part of the Petition proposing the creation of the District; and

WHEREAS, the Petition, including the proposed Articles and the Plan, have been filed with the Clerk of Council and the Mayor of the City; and

WHEREAS, under Section 1710.02(E) of the Code, within sixty days of filing the Petition with the City, the City Council must approve or disapprove the Petition, including the proposed Articles and the Plan, by resolution, with or without the imposition of reasonable conditions; 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, including the Articles and the Plan, is accepted and approved with the following revision and is placed in File No. 834-17-A. Pursuant to section 1710.02(D)(1) of the Code, the name of the District must include the name of the political subdivision. Therefore, the name of the Corporation shall be "The Cleveland Superior Arts Improvement Corporation" and the name of the District shall be "The Cleveland Superior Arts Improvement District". The proposed Articles shall be revised accordingly and filed with the Ohio Secretary of State.

Section 2. That, under Chapter 1710 of the Code, there is hereby established in the City a special improvement district to be known as "The Cleveland Superior Arts Improvement District", whose boundaries shall be as follows: St. Clair Avenue to the north; Payne Avenue to the south; East 18th Street to the west; and East 26th Street to the east, as more particularly described in the Petition on file with the Clerk of Council.

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Section 3. That it is determined and declared necessary and conducive to the public health, convenience and welfare of the City to provide additional cleaning and safety services; job, resident, and business attraction efforts; and other image and advocacy services for the District as described in the Petition on file with the Clerk of Council for a three-year period commencing after passage of the ordinance to levy the assessment.

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 should result from the services, as described in the Petition on file with the Clerk of Council.

Section 5. That the Plan placed in the above-mentioned file is approved at an estimated total cost of \$645,945.

Section 6. That the cost of the Plan may 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 labor, materials and all other necessary expenditures which the City is permitted to pass on by law.

Section 7. That the assessments to be levied shall be paid when levied in three annual installments. The first annual installment shall be payable in cash to the Commissioner of Assessments and Licenses of the City (the "Commissioner") on or before January 15, 2018. All payments not received by the Commissioner by July 31, 2018, shall be certified to the Cuyahoga County Fiscal Officer to be placed on the tax duplicate and collected the same as other taxes, as provided by law. The second and third annual installments will be certified to the County to be placed directly on the tax duplicate.

Section 8. That no notes or bonds of the City shall be issued in anticipation of the levy or collection of the special assessments.

Section 9. That the Commissioner is authorized to prepare and separately file with 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 and placed in the aforementioned file. After 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 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 11. 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
7-12-17

FOR: Director Collier

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

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READ FIRST TIME on JULY 12, 2017

**and referred to DIRECTORS of City Planning Commission, Finance, Law;
COMMITTEE 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

