

Ordinance No. 109-2020

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

AN EMERGENCY ORDINANCE

Approving the report of the Assessment Equalization Board on objections concerning estimated assessments with respect to the continuation and expansion of the Ohio City - Cleveland Business 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 public services within the District; adopting the assessments; levying the assessments; and authorizing the City of Cleveland to enter into an agreement with the Ohio City Improvement Corporation.

WHEREAS, under Resolution No. 1281-2019, adopted November 11, 2019, the Assessment Equalization Board (the “Board”) was appointed to hear and determine all objections concerning the estimated assessments under Resolution No. 711-2019, adopted August 21, 2019 (the “Resolution of Necessity”), to provide for public services benefitting the Ohio City - Cleveland Business 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. 1281-2019, adopted November 11, 2019, is approved and placed in **File No. _109-2020-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 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, specifications, profiles, and assessments approved and filed in the office of the Clerk of Council.

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.

Ordinance No. 109-2020

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, placed in the file mentioned above and aggregating \$3,008,337.66 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 final assessments which have been filed with the Clerk of Council shall remain open to public inspection.

Section 10. That the first year installments against each lot and parcel of land shall be billed by and paid to the City of Cleveland's Division of Assessments and Licenses. All first year assessments which have not been paid by the specified due date, as well as the subsequent annual assessments, shall be certified by the Commissioner of the Division of Assessments and Licenses to the County Fiscal Officer on or before the certification deadline for the appropriate assessment years, to be placed on the tax duplicate and collected the same as other taxes, as provided by law.

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

Section 12. That the Clerk of Council is directed to cause notice of the levy of the assessments to be filed with the County Fiscal Officer within twenty (20) days following the passage of this ordinance, or as otherwise required by Section 319.61 of the Revised Code.

Ordinance No. 109-2020

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, in their discretion, to enter into a contract with the Ohio City 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
1-27-20

FOR: Director Collier

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

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READ FIRST TIME on JANUARY 27, 2020 **REPORTS**
and referred to DIRECTORS of City Planning Commission, Finance, Law;
COMMITTEES on Development Planning and Sustainability, Finance

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
