

ORDINANCE NO. 33-2023

AN ORDINANCE REDUCING AND RECERTIFYING SPECIAL ASSESSMENTS LEVIED FOR THE PURPOSE OF CONSTRUCTING CERTAIN IMPROVEMENTS RELATED TO THE PICTORIA DEVELOPMENT AND DECLARING AN EMERGENCY

WHEREAS, pursuant to a petition filed by the owners of the benefited properties, dated July 27, 2006, (the "Petition") the Council of the City of Springdale ("Council") by passage of Resolution No. 11-2006 adopted August 2, 2006, has declared the necessity of acquiring and constructing the improvements described in such Resolution and has adopted the assessments with respect to such improvements prepared and filed with the Clerk of Council/Finance Director and by Ordinance No. 41-2006 adopted on August 2, 2006, determined to proceed with said improvements; and

WHEREAS, in accordance with the Petition, the improvements identified in such Resolution and Ordinance (the "Improvements") have been acquired and constructed on behalf of the City of Springdale and in cooperation with the Port of Greater Cincinnati Development Authority (the "Port Authority"); and

WHEREAS, pursuant to Chapter 727 of the Ohio Revised Code, the City of Springdale (the "City") has authorized the assessments be levied and collected for the Improvements; and

WHEREAS, this Council, by Ordinance No. 42-2006, adopted August 2, 2006, levied special assessments against benefited properties and certified said assessments to the Hamilton County Auditor for collection; and

WHEREAS, the Tax Increment and Special Assessment Financing Cooperative Agreement entered into by and among the City, the property owners and the Port Authority (the "Cooperative Agreement"), dated October 1, 2006 requires the assessments be reduced in accordance with the Cooperative Agreement, which includes reductions for the amount of service payments in lieu of taxes collected pursuant to section 5709.42 of the Ohio Revised Code and other available funds; and

WHEREAS, the City has received the report of the Administrator, as defined in the Cooperative Agreement, detailing the amount of service payments in lieu of taxes and other funds to be available during 2023 and 2024 for the purpose of making debt service payments and indicating the amount by which the special assessments to be collected should be reduced for the 2024 collection year (the "Administrator's Report"); and

WHEREAS, this Council determines that the assessments previously levied and certified to the County Auditor for the 2024 collection year should be reduced and recertified in accordance with the Administrator's Report;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Springdale, Ohio,
_____ members elected thereto concurring:

Section 1. That the assessments of the cost and expense of the Improvements plus Administrative Expenses, which were previously certified for the 2024 collection year by this Council to the Hamilton County Auditor's Office for parcel numbers and in the amounts as set forth in attached Exhibit A which is incorporated by reference, and which shall be reduced and recertified to the Hamilton County Auditor and shall be levied and collected for collection year 2024 in the amounts set forth on attached Exhibit B and Exhibit C, which documents the special assessment activity from 2007 to 2024 and is included for informational purposes only.

Section 2. The Clerk of Council/Finance Director is hereby directed to deliver a certified copy of this Ordinance to the County Auditor within fifteen days after its adoption and on or before September 11, 2023.

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. That this Ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety and general welfare and shall, subject to the terms of Article II(D)(3)(d) of the City Charter, be effective immediately. The reason for said declaration of emergency is the need to document and declare the reduction of the assessments and the recertification of the revised assessments related to the subject property.

Passed this 16th day of August, 2023.

President of Council

Attest:

Clerk of Council/Finance Director

Approved:

Mayor

Date

CERTIFICATE

The undersigned hereby certifies that the foregoing is a true and correct copy of an Ordinance adopted on the 16th day of August, 2023, and that on the ____ day of _____, 2023, a date on or before September 11, 2023, a true and correct copy of such Ordinance was filed with the County Auditor.

Clerk of Council/Finance Director

RECEIPT

The undersigned hereby acknowledges receipt of the foregoing Ordinance.

County Auditor

Date