

ORDINANCE NO. 2024-53

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF ACQUIRING, INSTALLING, EQUIPPING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF WILLOWICK, OHIO IN COOPERATION WITH THE LAKE COUNTY COMMUNITIES ENERGY SPECIAL IMPROVEMENT DISTRICT; APPROVING AN ENERGY PROJECT COOPERATIVE AGREEMENT AND A SPECIAL ASSESSMENT AGREEMENT IN CONNECTION WITH SUCH IMPROVEMENTS AND SPECIAL ASSESSMENTS; AND DECLARING AN EMERGENCY

WHEREAS, Polito Properties, LLC, an Ohio limited liability company (the “Owner”) has submitted its *Petition For Special Assessments for Special Energy Improvement Projects and Affidavit* (the “Petition”) in order to provide for the completion of a special energy improvement project on real property owned by the Owner in the City of Willowick, Ohio (the “City”); and

WHEREAS, this Council duly passed Resolution No. 2024-54 on November 19, 2024 (the “Resolution of Necessity”), which approved the Petition and added the Owner’s property subject to the Petition to the Lake County Communities Energy Special Improvement District (the “District”) and declared the necessity of acquiring, installing, equipping, and improving energy efficiency improvements, including, without limitation, air source heat pump systems, light fixtures, roof improvements, and related improvements (the “Project”), as described in the Resolution of Necessity and as set forth in the Petition requesting those improvements; and

WHEREAS, this Council duly adopted Resolution No. 2024-54 on November 19, 2024 and determined to proceed with the Project and adopted the estimated Special Assessments (as defined in the Resolution of Necessity) filed with the Clerk of this Council and the Finance Director pursuant to the Resolution of Necessity; and

WHEREAS, the actual costs of the Project have been ascertained and have been certified to the City in the Petition for the Project.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Willowick, County of Lake, and State of Ohio:

Section 1. That each capitalized term not otherwise defined in this Ordinance or by reference to another document shall have the meaning assigned to it in the Resolution of Necessity.

Section 2. That the list of Special Assessments to be levied and assessed on the Property (as further described on Exhibit A) in an amount sufficient to pay the costs of the Project, which is \$386,972.10, including other related financing costs incurred 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 this Council and are now on file in the offices of the Clerk of Council and the Finance Director, is adopted and confirmed, and that the Special Assessments are levied and assessed on the Property.

The Special Assessments are assessed against the Property commencing in tax year 2025 for collection in 2026 and shall continue through tax year 2039 for collection in 2040; provided, however, if the proceedings relating to the Special Assessments are completed at such time that the County Auditor of Lake County, Ohio determines that collections shall not commence in 2026, 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 Exhibit A, attached hereto and incorporated into this Resolution.

All Special Assessments shall be certified by the Finance Director to the County Auditor pursuant to the Petition and Ohio Revised Code Chapter 727.33 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 Petition.

The Special Assessments shall be allocated among the parcels constituting the Property as set forth in the Petition and the List of Special Assessments attached hereto as Exhibit A and incorporated herein.

Section 3. That this Council finds and determines that the Special Assessments are in proportion to the special benefits received by the Property as set forth in the Petition and are not in excess of any applicable statutory limitation.

Section 4. That the Owner has waived its right to pay the Special Assessments in cash, and all Special Assessments and installments of the Special Assessments shall be certified by the Finance Director to the County Auditor of Lake County, Ohio as provided by the Petition and Ohio Revised Code Section 727.33 to be placed by him or her 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 Petition.

Section 5. That the Special Assessments will be used by the City to pay the cost of the Project in cooperation with the District in any manner, including assigning the Special Assessments actually received by the City to the District or to another party the City deems appropriate, and the Special Assessments are appropriated for such purposes.

Section 6. That the Finance Director shall keep the Special Assessments on file in the Office of the Finance Director.

Section 7. That this Council hereby approves the Energy Project Cooperative Agreement, a copy of which is on file with the Clerk of Council. The Mayor shall sign and deliver, in the name and on behalf of the City, the Energy Project Cooperative Agreement, in substantially the form as is now on file with the Clerk of this Council. The Energy Project Cooperative Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved the Mayor on behalf of the City, all of which shall be conclusively evidenced by the signing of the Energy Project Cooperative Agreement or amendments to the Energy Project Cooperative Agreement.

Section 8. That this Council hereby approves the Special Assessment Agreement a copy of which is on file in the office of the Clerk of Council. The Mayor shall sign and deliver, in the name and on behalf of the City, the Special Assessment Agreement, in substantially the form as is now on file with the Clerk of this Council. The Special Assessment Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Mayor, on behalf of the City, all of which shall be conclusively evidenced by the signing of the Special Assessment Agreement or amendments to the Special Assessment Agreement.

Section 9. That the City is hereby authorized to enter into such agreements that are not inconsistent with the Resolution of Necessity and this Ordinance and that are approved by the Mayor on behalf of the City, all of which shall be conclusively evidenced by the signing of such agreements or any amendments to such agreements.

Section 10. That in compliance with Ohio Revised Code Section 319.61, the Clerk of this Council is directed to deliver a certified copy of this Resolution to the County Auditor of Lake County, Ohio within 20 days after its passage.

Section 11. That it is found and determined that all formal actions of this Council concerning and relating to the passage 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 actions were conducted in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 12. That this Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety, and welfare of the inhabitants of the City of Willowick and further provides for improvements petitioned for by the owners of a majority of the front footage of the property benefitted and to be specially assessed therefor as set forth in Article III, Section 3.16 of the Charter; wherefore, this Ordinance shall be in full force and take effect immediately upon its passage by Council and approval by the Mayor.

Adopted by Council: _____, 2024

Monica Koudela, Council President

Submitted to the Mayor: _____, 2024

Michael Vanni, Mayor

Approved by the Mayor: _____,
2024

ATTEST:

Clerk of Council

CERTIFICATE

The undersigned Clerk of this Council hereby certifies that the foregoing is a true copy of Ordinance _____ duly adopted by the Council of the City of Willowick, Ohio on _____, 2024, and that a true copy of such Ordinance was certified to the County Auditor of Lake County, Ohio within 20 days after its passage.

Clerk of the Council

EXHIBIT A

**LIST OF SPECIAL ASSESSMENTS AND
SCHEDULE OF SPECIAL ASSESSMENTS**

LIST OF SPECIAL ASSESSMENTS

<u>Name</u>	<u>Assessed Properties Description</u>	<u>Portion of Benefit and Special Assessment</u>	<u>Amount of Special Assessments</u>
Polito Properties, LLC	Lake County Auditor Parcel ID No. 28-A-042-F-00-002-0	100%	\$386,972.10

SCHEDULE OF SPECIAL ASSESSMENTS
FOR LAKE COUNTY PARCEL NO.:

28-A-042-F-00-002-0¹

The following schedule of Special Assessment charges shall be certified for collection in 30 semi-annual installments to be collected with first-half and second-half real property taxes in calendar years 2026 through 2040:

Special Assessment Payment Date ²	Special Assessment Installment Amount ³
January 31, 2026	\$12,899.07
July 31, 2026	12,899.07
January 31, 2027	12,899.07
July 31, 2027	12,899.07
January 31, 2028	12,899.07
July 31, 2028	12,899.07
January 31, 2029	12,899.07
July 31, 2029	12,899.07
January 31, 2030	12,899.07
July 31, 2030	12,899.07
January 31, 2031	12,899.07
July 31, 2031	12,899.07
January 31, 2032	12,899.07
July 31, 2032	12,899.07
January 31, 2033	12,899.07
July 31, 2033	12,899.07
January 31, 2034	12,899.07
July 31, 2034	12,899.07
January 31, 2035	12,899.07
July 31, 2035	12,899.07
January 31, 2036	12,899.07
July 31, 2036	12,899.07
January 31, 2037	12,899.07
July 31, 2037	12,899.07
January 31, 2038	12,899.07
July 31, 2038	12,899.07
January 31, 2039	12,899.07
July 31, 2039	12,899.07
January 31, 2040	12,899.07
July 31, 2040	12,899.07

¹ As identified in the records of the County Auditor of Lake County, Ohio as of September 23, 2024.

² Pursuant to Ohio Revised Code Chapter 323, the Special Assessment Payment Dates identified above are subject to adjustment by the Lake County Auditor under certain conditions.

³ Pursuant to Ohio Revised Code Section 727.36, the Lake County Auditor may charge and collect a fee in addition to the amounts listed in the above schedule.

RECEIPT OF COUNTY AUDITOR FOR
LEGISLATION LEVYING SPECIAL ASSESSMENTS
FOR THE PURPOSE OF ACQUIRING, INSTALLING, EQUIPPING,
AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS
IN THE CITY OF WILLOWICK, OHIO
IN COOPERATION WITH THE LAKE COUNTY COMMUNITIES' ENERGY
SPECIAL IMPROVEMENT DISTRICT

I, Christopher A. Galloway, the duly elected, qualified, and acting Auditor in and for Lake County, Ohio hereby certify that a certified copy of Ordinance _____, duly adopted by the Council of the City of Willowick, Ohio on _____, 2024 levying special assessments for the purpose of acquiring, installing, equipping, and improving certain public improvements in the City of Willowick, Ohio in cooperation with the Lake County Communities Energy Special Improvement District, including the List of Special Assessments and Schedule of Special Assessments, which Special Assessment charges shall be certified for collection in 30 semi-annual installments to be collected with first-half and second-half real property taxes in calendar years 2026 to 2040, was filed in this office on _____, 2024.

WITNESS my hand and official seal at Painesville, Ohio on _____, 2024.

[SEAL]

County Auditor
Lake County, Ohio