

## ORDINANCE NO. 2024-52

### AN ORDINANCE DETERMINING TO PROCEED WITH THE ACQUISITION, INSTALLATION, EQUIPMENT, AND IMPROVEMENT OF CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF WILLOWICK, OHIO IN COOPERATION WITH THE LAKE COUNTY COMMUNITIES' ENERGY SPECIAL IMPROVEMENT DISTRICT; AND DECLARING AN EMERGENCY

**WHEREAS**, the Council duly adopted Resolution 2024-54 on November 19, 2024 (the "Resolution of Necessity"), (i) declaring 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 more fully described in the Petition referenced in this Resolution) located on real property owned by Polito Properties, LLC, an Ohio limited liability company (the "Owner"), at 28809 Lake Shore Boulevard, Willowick, Ohio, 44095 with Lake County Auditor Parcel ID No. 28-A-042-F-00-002-0. within the City of Willowick, Ohio (the "City") (the "Property", as more fully described in Exhibit A to the Petition); (ii) providing for the acquisition, installation, equipment, and improvement of the Project by the Owner, as set forth in the Owner's *Petition For Special Assessments for Special Energy Improvement Projects and Affidavit* (the "Petition"), including by levying and collecting special assessments to be assessed upon the Property (the "Special Assessments") in an amount sufficient to pay the costs of the Project, which was estimated to be \$386,972.10 in the Petition, including other related costs of financing the Project, which may include, without limitation, the payment of principal of and interest on nonprofit corporate obligations issued to pay the costs of the Project and other interest, financing, credit enhancement, and issuance expenses and ongoing trustee fees and Lake County Communities Energy Special Improvement District ("District") administrative fees and expenses; and (iii) determining that the Project will be treated as a special energy improvement project to be undertaken cooperatively by the City and the District; and

**WHEREAS**, the claims for damages alleged to result from, and objections to, the Project have been waived by the Owner as the owner of one hundred percent (100%) of the Property, and no claims for damages alleged to result from, or objections to, the Project have been filed within the times prescribed by Ohio Revised Code Sections 727.15 and 727.18.

**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 this Council declares that its intention is to proceed or to cooperate with the District to proceed with the acquisition, installation, equipment, and improvement of the Project described in the Petition and the Resolution of Necessity. The Project shall be made in accordance with the provisions of the Resolution of Necessity and with the plans, specifications, profiles, and estimates of cost previously approved and now on file with the Finance Director and the Clerk of this Council.

**Section 3.** That the Special Assessments to pay costs of the Project, which are estimated to be \$386,972.10 including any and all architectural, engineering, legal, insurance, consulting, energy auditing, planning, acquisition, installation, construction, surveying, testing, and inspection costs; the amount of any damages resulting from the Project and the interest on such damages; the costs incurred in connection with the preparation, levy and collection of the special assessments; the cost of purchasing and otherwise acquiring any real estate or interests in real estate; expenses of legal services; costs of labor and material; trustee fees and other financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued or incurred to provide a loan or to secure an advance of funds to the Owner or otherwise 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 or incurred, including any credit enhancement fees, trustee fees, program administration fees, financing servicing fees, and District administrative fees and expenses; an amount to reflect interest on unpaid Special Assessments which shall be treated as part of the cost of the Project for which the Special Assessments are made at an interest rate which shall be determined by the District to be substantially equivalent to the fair market rate that would have been borne by notes or bonds if notes or bonds had been issued by the District or another issuer of notes or bonds to pay the costs of the Project; together with all other necessary expenditures, shall be assessed against the Property in the manner and in the number of semi-annual installments provided in the Petition and the Resolution of Necessity. Each semi-annual Special Assessment payment represents the payment of a portion of any principal repayment and interest and administrative fees payable with respect to the Project. The Special Assessments shall be 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. In addition to the Special Assessments, the County Auditor of Lake County, Ohio may impose a special assessment collection fee with respect to each semi-annual payment, which amount, if imposed, will be added to the Special Assessments by the County Auditor of Lake County, Ohio.

**Section 4.** That the estimated Special Assessments for costs of the Project prepared and filed in the office of the Clerk of this Council and in the office of the Finance Director, in accordance with the Resolution of Necessity, are adopted.

**Section 5.** That in compliance with Ohio Revised Code Section 319.61, the Clerk of Council is directed to deliver a certified copy of this Ordinance to the County Auditor of Lake County, Ohio within 15 days after the date of its passage.

**Section 6.** That all contracts for the construction of the Project will be let in accordance with the Petition and the Program Plan, and the costs of the Project shall be financed as provided in the Resolution of Necessity.

**Section 7.** 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 8.** 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 15 days after its passage.

\_\_\_\_\_  
Clerk of the Council

RECEIPT OF COUNTY AUDITOR FOR  
LEGISLATION DETERMINING TO  
PROCEED WITH ACQUISITION, INSTALLATION,  
EQUIPMENT, AND IMPROVEMENT OF CERTAIN PUBLIC  
IMPROVEMENTS IN THE CITY OF WILLOWICK, OHIO  
IN COOPERATION WITH THE LAKE COUNTY COMMUNITIES' ENERGY SPECIAL  
IMPROVEMENT DISTRICT

I, Christopher Galloway, the duly elected, qualified, and acting Auditor in and for Lake County, Ohio hereby certify that a certified copy of Ordinance No. \_\_\_\_\_ duly passed by the Council of the City of Willowick, Ohio on \_\_\_\_\_, 2024, determining to proceed with the acquisition, installation, equipping, and improvement of certain public improvements in the City of Willowick, Ohio in cooperation with the Lake County Communities Energy Special Improvement District, was filed in this office on \_\_\_\_\_, 2024.

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

[SEAL]

\_\_\_\_\_  
County Auditor  
Lake County, Ohio