

REQUESTED BY: CITY MANAGER, SCOTT BAUER

DATE OF FIRST READING: 9-6-22 WAIVE RULES? YES NO

FINAL ACTION DATE: 9-20-22 VOTE: YES NO

SUSPENSION OF TWO
READING RULE:

ADOPTION OF
ORDINANCE:

YES	NO		YES	NO
<u> </u>	<u> ✓ </u>	DENISE LINGO	<u> </u>	<u> </u>
<u> </u>	<u> </u>	ROBERT PARSONS	<u> ✓ </u>	<u> </u>
<u> </u>	<u> ✓ </u>	JOE ROETTING	<u> ✓ </u>	<u> </u>
<u> </u>	<u> </u>	KISHA DOSA	<u> ✓ </u>	<u> </u>
<u> </u>	<u> ✓ </u>	CORDEL GEORGE	<u> ✓ </u>	<u> </u>
<u> </u>	<u> ✓ </u>	DANIEL MUELLER II	<u> ✓ </u>	<u> </u>
<u> </u>	<u> ✓ </u>	PAUL YOUNG III	<u> ✓ </u>	<u> </u>
<u> 0 </u>	<u> 5 </u>	TOTALS	<u> 6 </u>	<u> 0 </u>

Mr. PARSONS Made a motion to adopt this Resolution and

Mr. ROETTING seconded the motion.

ORDINANCE NO. 22-1994

AN ORDINANCE

DETERMINING TO PROCEED WITH THE ACQUISITION, CONSTRUCTION, AND IMPROVEMENT OF CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF MOUNT HEALTHY, OHIO IN COOPERATION WITH THE WESTERN COMMUNITIES ENERGY SPECIAL IMPROVEMENT DISTRICT, AND DECLARING AN EMERGENCY

WHEREAS, The Council ("Council") of the City of Mount Healthy, County of Hamilton, Ohio (the "City") duly adopted Resolution No. 22-1190 on September ~~6~~²⁰, 2022, (the "Resolution of Necessity"), (i) declaring the necessity of acquiring, constructing, and improving the special energy improvement Project defined in the Resolution of Necessity as the Project, located on real property owned by KSDD Properties, LLC (the "Owner") at 8046-8050 Hamilton Avenue, Cincinnati, Ohio, 45231, within the City (the "Property", as more fully described in Exhibit A to the Project Petition); (ii) providing for the acquisition, construction, and improvement of the Project by the Owner, as set forth in the Owners' Project Petition and Program Plan (each as defined in the Resolution of Necessity), including by levying and collecting the Special Assessments (as defined in the Resolution of Necessity) to be assessed upon the Property in an amount sufficient to pay the costs of the Project, which is estimated to be \$1,888,141.00, together

with other related costs of financing the Project, which 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 Western Communities Energy Special Improvement District ("ESID") 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 ESID; and,

WHEREAS, The claims for damages alleged to result from and objections to the Project have been waived by one hundred percent (100%) of the affected property owners and no claims for damages have been filed with this Council; and,

WHEREAS, It is necessary for the immediate preservation of public peace, property, health and safety, that this Ordinance take effect at the earliest possible date in order to allow the Owner to begin work on the special energy improvement project on the Property, and the ESID to take advantage of financing available to it for a limited time; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MOUNT HEALTHY, 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 with the acquisition, construction, and improvement of the Project described in the Project 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 Development Director and the Clerk of the Council.

Section 3. That the Special Assessments to pay costs of the Project, which are estimated to be \$1,888,141.00, together with other related financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued to provide a loan to the Owner and its affiliates or otherwise to pay costs of the Authorized Improvements 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 ESID administrative fees and expenses, shall be assessed against the Property in the manner and in the number of semi-annual installments provided in the Project Petition and the Resolution of Necessity. Each semi-annual Special Assessment payment represents the payment of a portion of the principal of and interest on obligations issued to pay the costs of the Project and the scheduled amounts payable as the ESID administrative fee. The Special Assessments shall be assessed against the Property commencing in tax year 2022 for collection in calendar year 2023 and shall continue through tax year 2046 for collection in calendar year 2047. In addition to the Special Assessments, the Auditor of Hamilton 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 Auditor of Hamilton County, Ohio.

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

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

Section 6. That all contracts for the construction of the Project will be let in the manner provided by law, subject to the provisions of the Ohio Revised Code, the Project Petition, and the Program Plan, and the costs of the Project shall be financed as provided in the Resolution of Necessity.

Section 7. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken 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 Ohio Revised Code Section 121.22.

Section 8. That for the reasons stated in the preamble hereof, this Ordinance is declared to be an emergency measure and shall take effect immediately upon its passage.

PASSED BY THE COUNCIL... SEPTEMBER 20, 2022

SIGNED BY THE MAYOR... SEPTEMBER 20, 2022



MAYOR OF THE CITY OF MOUNT HEALTHY, OHIO

ATTEST:



Clerk of the Council

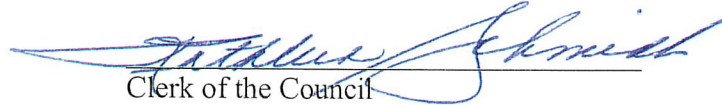
APPROVED AS TO FORM:



City Attorney

CERTIFICATE

The undersigned Clerk of the Council hereby certifies that the foregoing is a true copy of Ordinance No. ~~25-1994~~ ²⁰ duly adopted by the Council of the City of Mount Healthy, Ohio on September 6, 2022 and that a true copy thereof was certified to the Auditor of Hamilton County, Ohio.



Clerk of the Council
City of Mount Healthy, Ohio

RECEIPT OF COUNTY AUDITOR FOR
LEGISLATION DETERMINING TO
PROCEED WITH ACQUISITION, CONSTRUCTION,
AND IMPROVEMENT OF CERTAIN PUBLIC
IMPROVEMENTS IN THE CITY OF MOUNT HEALTHY, OHIO
IN COOPERATION WITH THE CITY OF MOUNT HEALTHY, OHIO
ENERGY SPECIAL IMPROVEMENT DISTRICT

I, Dusty Rhodes, the duly elected, qualified, and acting Auditor in and for Hamilton County, Ohio hereby certify that a certified copy of Ordinance No. 22-1994 duly adopted by the City Council of the City of Mount Healthy, Ohio on September 30, 2022, determining to proceed with the acquisition, construction, and improvement of certain public improvements in the City of Mount Healthy, Ohio in cooperation with the Western Communities Energy Special Improvement District, was filed in this office on _____, 2022.

WITNESS my hand and official seal at Cincinnati, Ohio on _____, 2022.

[SEAL]

Auditor
Hamilton County, Ohio