

RESOLUTION NO. 123-2017

TITLE: PACE PETITION APPROVAL

A RESOLUTION APPROVING A PETITION FOR SPECIAL ASSESSMENTS FOR SPECIAL ENERGY IMPROVEMENT PROJECTS AND A PLAN FOR PUBLIC IMPROVEMENTS, AND DECLARING AN EMERGENCY

WHEREAS, as set forth in Ohio Revised Code Chapter 1710, the Ohio General Assembly has authorized property owners to include their properties within energy special improvement districts (“ESIDs”) upon a petition to a municipal corporation or township, which ESIDs are voluntary organizations of property owners who undertake special energy improvement projects for their properties and finance such special energy improvement projects by way of voluntary special assessments; and

WHEREAS, the City of Barberton, Ohio (the “Owner”), as the owner of certain real property located within the City of Barberton, Ohio (the “City”), has identified certain real property located at 535 West Park Ave., Barberton, Ohio 44203 (the “Project Site”), as an appropriate property for special energy improvement projects pursuant to Ohio Revised Code Chapter 1710; and

WHEREAS, the Akron-Summit County Energy Special Improvement District (the “District”) was created under Ohio Revised Code Chapters 1702 and 1710 as an ESID and established pursuant to a resolution adopted by the City of Akron, Ohio (the “Creation Resolution”); and

WHEREAS, by the Creation Resolution and under Ohio Revised Code Section 1710.02, articles of incorporation (the “Articles of Incorporation”) for a nonprofit corporation, the board of directors of which governs the District, were approved and filed with the Ohio Secretary of State; and

WHEREAS, by the Creation Resolution and under Ohio Revised Code Section 1710.06, the District’s Akron Energy Special Improvement District Project Plan (as duly amended and supplemented from time to time, the “Plan”) was approved as a plan for public improvements and public services for the District; and

WHEREAS, as permitted under Ohio Revised Code Section 1710.02, the Plan and the Articles of Incorporation allow for the addition of real property within any “participating political subdivision” of the District or within any municipal corporation or township which is adjacent to any participating political subdivision of the District to the territory of the District by the approval of the municipal corporation or township in which that real property is located; and

WHEREAS, the Owner has determined to submit to the Council of the City (the “Council”) a Petition for Special Assessments for Special Energy Improvement Projects (the “Petition”), together with an Akron-Summit County Energy Special Improvement District Project Plan Supplement to Plan for 535 West Park Ave., Barberton, Ohio, Project (the “Supplemental Plan”), all in accordance with Ohio Revised Code Section 1710.02, each of which are now on file with the Council; and

WHEREAS, the Petition and the Supplemental Plan request that the Project Site be added to the District and that the City levy special assessments on the Project Site to pay the costs of special energy improvement projects to be provided on the Project Site, all as described more particularly in the Petition and the Supplemental Plan (the “Project”); and

WHEREAS, the Petition is for the purpose of developing and implementing special energy improvement projects in furtherance of the purposes set forth in Section 2o of Article VIII of the Ohio Constitution, including, without limitation, the Project, and further, the Petition identifies the amount and length of the special assessments to be imposed with respect to the Project; and

WHEREAS, this Council, as mandated by Ohio Revised Code Section 1710.02, must approve or disapprove the Petition within 60 days of the submission of the Petition; and

WHEREAS, this Council has determined to approve the Petition, together with the Supplemental Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Barberton, State of Ohio:

SECTION 1. That the Director of Planning & Community Development has signed the Petition and the Supplemental Plan, and this Council hereby ratifies and adopts those signatures.

SECTION 2. That this Council approves the Petition and the Supplemental Plan now on file with the Council. Under the Creation Resolution, Plan, and the Articles of Incorporation, the Project Site is added to the territory of the District. Thomas Harnden is hereby appointed to serve on the Board of Directors of the District as a representative of Council, all as provided in Ohio Revised Code Section 1710.04(A).

SECTION 3. That this Council approves and consents to (i) any addition of real property to the territory of the District within the boundaries of any municipal corporation or any township which is contiguous to the municipal corporations or townships in which a portion of the territory the District is located; (ii) the addition of the municipal corporation or township in which such real property is located as a “participating political subdivision,” as defined in Ohio Revised Code Section 1710.01(E), of the District; and (iii) any amendment to the Articles of Incorporation necessary to recognize and effect such addition.

SECTION 4. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution 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 meetings open to the public in compliance with the law.

SECTION 5. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience, and welfare of the City of Barberton and the inhabitants thereof, for the reason that it is necessary to allow the Owner to begin work on the special energy improvement project on the Property and the District to take advantage of financing available to it for a limited time, and provided it receives the necessary votes required by the City Charter, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Passed _____ 2017

Clerk of Council

President of Council

Approved _____ 2017

Mayor