

**ORDINANCE NO. 126-2017**

**TITLE: ORDINANCE LEVYING ASSESSMENTS**

**AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF BARBERTON, OHIO, IN COOPERATION WITH THE AKRON-SUMMIT COUNTY ENERGY SPECIAL IMPROVEMENT DISTRICT, AND DECLARING AN EMERGENCY**

**WHEREAS**, this Council of the City of Barberton, Ohio (the “Council”), duly adopted Resolution No. 124-2017 on October 9, 2017 (the “Resolution of Necessity”), and declared the necessity of acquiring, constructing, improving and installing energy efficiency improvements on its real property, including, without limitation, high-efficiency LED lighting 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 Ordinance No.125-2017 on October 9, 2017 and determined to proceed with the Project and adopted the estimated Special Assessments (as defined in the Resolution of Necessity) filed with the Council and the Director of Finance pursuant to the Resolution of Necessity; and

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

**SECTION 1.** That each capitalized term used in this Ordinance where the rules of grammar would otherwise not require and 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 in an amount sufficient to pay the costs of the Project, which is \$10,990.98, including 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 District 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 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 Council and the Director of Finance, is adopted and confirmed, and that the Special Assessments are levied and assessed on the Property. The interest portion of the Special Assessments, together with amounts used to pay administrative expenses, are determined to be substantially equivalent to the fair market rate or rates of interest that would have been borne by securities issued in anticipation of the collection of the Special Assessments if such securities had been issued by the City of Barberton, Ohio (the “City”).

The Special Assessments are assessed against the Property in tax year 2018 for collection in 2019. The annual installment of the Special Assessments shall be collected in each calendar year equal to a maximum annual amount of Special Assessments as shown in Exhibit A, attached to and incorporated into this Resolution.

All Special Assessments shall be certified by the Director of Finance to the Fiscal Officer of Summit County, Ohio (the “County Fiscal Officer”), 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 to and incorporated into this Resolution as Exhibit A.

**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 Director of Finance to the County Fiscal Officer 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 provide the Authorized Improvements in cooperation with the District in any manner, including assigning the Special Assessments actually received by 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 Director of Finance shall keep the Special Assessments on file in the Department of Finance.

**SECTION 7.** In compliance with Ohio Revised Code Section 319.61, the Director of Finance, the Clerk of Council, either of their designees, or any of them, is directed to deliver a certified copy of this Resolution to the County Fiscal Officer within 20 days after its passage.

**SECTION 8.** That it is hereby found and determined 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 meetings open to the public in compliance with the law.

**SECTION 9.** That this Ordinance 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

**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>
City of Barberton, Ohio	Summit Co. Parcel No.: 0102109	100%	\$10,990.98

SCHEDULE OF SPECIAL ASSESSMENTS  
FOR SUMMIT COUNTY PARCEL NOS.:

1908562\*

The following schedule of Special Assessment charges shall be certified for collection in two semi-annual installments to be collected with real property taxes in calendar year 2019:

Special Assessment Payment Date**	Special Assessment Installment***
1/31/2019	\$5,495.49
7/31/2019	5,495.49

\* As identified in the records of County Fiscal Officer of Summit County, Ohio, as of September 15, 2017.

\*\* Pursuant to Ohio Revised Code Chapter 323, the Special Assessment Payment Dates identified in this Schedule of Special Assessments are subject to adjustment by the County Fiscal Officer of Summit County, Ohio, under certain conditions.

\*\*\* The County Fiscal Officer of Summit County, Ohio, may impose a special assessment collection fee with respect to each annual Special Assessment payment. If imposed, this special assessment collection fee will be added by the County Fiscal Officer of Summit County, Ohio, to each annual Special Assessment payment.

### CERTIFICATE

The undersigned Clerk of Council of the City of Barberton, Ohio, hereby certifies that the foregoing is a true copy of Ordinance No. 126-2017 duly adopted by the Council of the City of Barberton, Ohio on October 9, 2017 and that a true copy of the Ordinance, together with the Schedule of Special Assessments attached to the Ordinance, was certified to the Fiscal Officer of Summit County, Ohio, within 20 days of the Ordinance's adoption as provided in Ohio Revised Code Section 319.61.

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Clerk of Council  
City of Barberton, Ohio

RECEIPT OF COUNTY FISCAL OFFICER FOR  
LEGISLATION LEVYING SPECIAL ASSESSMENTS  
FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING,  
AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS  
IN THE CITY OF BARBERTON, OHIO  
IN COOPERATION WITH THE AKRON-SUMMIT COUNTY  
ENERGY SPECIAL IMPROVEMENT DISTRICT

I, Kristen M. Scalise, the duly elected, qualified, and acting Fiscal Officer in and for Summit County, Ohio hereby certify that a certified copy of Ordinance No. 126-2017 duly adopted by the Council of the City of Barberton, Ohio (the “City”) on October 9, 2017, levying special assessments for the purpose of acquiring, constructing, and improving certain public improvements in the City in cooperation with the Akron-Summit County 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 two semi-annual installments to be collected with first-half and second-half real property taxes in calendar year 2019, was filed in this office on \_\_\_\_\_, 2017.

WITNESS my hand and official seal at Akron, Ohio on \_\_\_\_\_, 2017.

[SEAL]

\_\_\_\_\_  
Fiscal Officer  
Summit County, Ohio