

ORDINANCE NO. 2017-051

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE FINDLAY SURGICAL PROPERTIES, LTD. PROJECT AND DECLARING AN EMERGENCY.

SUMMARY & BACKGROUND:

The City of Findlay created an Energy Special Improvement District ("District") under Ohio Revised Code Chapter 1710 and a non-profit corporation, known as the City Of Findlay, Ohio Energy Special Improvement District, Inc. ("Corporation"), to govern the District. Property owners within the District are permitted to make certain "energy efficiency improvements" to their properties, which constitute a "special energy improvement project", and pay for the cost of the special energy improvement project by way of special assessments in accordance with the process set out in Chapters 727 and 1710 of the Ohio Revised Code. Revised Code Section 1710.01(G) provides that special energy improvement projects (including energy efficiency improvements) constitute public improvements and are therefore subject to special assessments.

The City of Toledo and the Toledo-Lucas County Port Authority ("Port Authority") have partnered to create an Energy Special Improvement District under Ohio Revised Code Chapter 1710 and a non-profit corporation, known as the Northwest Ohio Advanced Energy Improvement District, to govern the District. The Northwest Ohio Advanced Energy Improvement District and Port Authority have provided technical and financial assistance to the District for this project.

Findlay Surgical Properties, Ltd., (the "Petitioner") is the owner of 100% of the property described on **Exhibit A** attached hereto (the "Properties"). The Petitioner has executed an Energy Project Agreement (the "Agreement") with the Corporation and the Northwest Ohio Advanced Energy Improvement District. A copy of the Energy Project Agreement is attached to the Petition as **Exhibit C**.

Pursuant to the Agreement, and upon Application to the City of Findlay, Ohio Energy Special Improvement District for membership and financing of special energy improvement projects to the Properties; the Port Authority, Corporation, and Findlay Surgical Properties, Ltd., have caused an energy audit to the property to be completed.

The energy audit has identified energy conservation measures, all of which qualify as energy efficiency improvements as defined in Revised Code Section 1710.01(K), which Findlay Surgical Properties, Ltd., has determined to proceed with implementation, and to pay by way of special assessments.

The Findlay Surgical Properties, Ltd., has submitted to this Council a petition ("Petition") seeking (i) the addition certain of its property to the District and (ii) approval of the District's initial comprehensive plan for special energy improvement projects, including the Findlay Surgical Properties, Ltd. Special Energy Improvement Projects and requesting that those Projects be undertaken by the District and that the costs thereof be specially assessed against the properties of the Findlay Surgical Properties, Ltd., specially benefited thereby.

A complete list and description of the Findlay Surgical Properties, Ltd. Special Energy Improvement Projects is on file with the Clerk of Findlay City Council and is attached as **Exhibit B** to this Resolution. Exhibit B provides the following information for the Findlay Surgical Properties, Ltd. Special Energy Improvement Projects:

1. Identification of the parcel numbers and name of the property/building to be improved;
2. A description of the nature of the special energy improvement project for the particular parcel;
3. The estimated amount of the special assessment to be levied against each parcel of property and the number of years the special assessment will be collected (if not paid in cash within 30 days after the passage of the assessing ordinance as provided by law).

The Findlay Surgical Properties, Ltd., expressly waives the right to pay the assessments in cash within 30 days after passage of the assessing ordinance.

The annual special assessments for the Project are to be paid in semi-annual payments over fourteen years. The plans and specifications for the Findlay Surgical Properties, Ltd. Special Energy Improvement Projects are on file with the Clerk of Council. The Findlay Surgical Properties, Ltd., petition also waives all further notices, hearings, claims for damages, rights to appeal and other rights of property owners under the law, including but not limited to those specified in the Ohio Constitution, Chapter 727 of the Revised Code, the Findlay City Charter and the Findlay Municipal Code. Findlay Surgical Properties, Ltd., consents to the immediate imposition of the special assessments upon the various properties specially benefited by the Findlay Surgical Properties, Ltd. Special Energy Improvement Projects. This special assessment process is a voluntary process with one hundred percent of the cost of the special energy improvement projects being assigned to the specially benefited properties. Final costs for the Findlay Surgical Properties, Ltd. Special Energy Improvement Projects are now known and this assessing ordinance completes the assessing process, which included the adoption of a Resolution of Necessity (Resolution No. 040-2016) and an Ordinance to Proceed (Ordinance No.2017-052) by levying the assessments against the benefitted properties.

NOW, THEREFORE, Be it ordained by the Council of the City of Findlay:

SECTION 1. That the special assessments for the cost of providing the Findlay Surgical Properties, Ltd. Special Energy Improvement Projects in the District pursuant to Resolution No. 040-2016 adopted by this Council on November 15, 2016 (the Resolution of Necessity), which were filed and are on file in the office of the Clerk of Council are adopted and confirmed; provided that the cost of providing such Projects are reduced to the aggregate amount of \$1,545,025.00 which reduction is adopted and confirmed. Those special assessments are levied and assessed upon the properties in the respective amounts set forth in the schedule attached as Exhibits A and on file with the Clerk of Council, which special assessments have been calculated in a manner provided for in the Resolution of Necessity and are not in excess of the special benefits or any statutory limitation. The special assessments are levied and assessed in accordance with the payment schedule attached hereto as Exhibit B in the amounts sufficient to pay the principal of and interest and the scheduled amounts payable as the Authority administrative fee, the Authority program administration fee, the Trustee fee, and the Hancock County, Ohio special assessment collection fee due with respect to each semi-annual period identified in such payment schedule.

SECTION 2. That Findlay Surgical Properties, Ltd., waives the right to pay the special assessments in cash within thirty days after the passage of this ordinance, and shall pay the assessments in fourteen annual installments (twenty-eight semi-annual installments) in accordance with the schedules attached hereto as Exhibit B. All special assessments shall be certified by the Clerk of Council to the County Auditor as provided by law to be placed on the tax duplicate and collected as taxes are collected. All payments shall be made to the County Treasurer of Hancock County, Ohio and shall be subject to the same delinquency procedures, penalties, and interest as the payment of real property taxes in accordance with Ohio Revised Code Chapter 323.

Notwithstanding the foregoing, pursuant to the Energy Project Agreement between the Findlay Surgical Properties, Ltd., City of Findlay, Ohio Energy Special Improvement District, and the Northwest Ohio Advanced Energy Improvement District ("the Corporation"), attached to the petition as Exhibit C and providing that the Findlay Surgical Properties, Ltd., grants the Corporation the authority to determine, in its sole discretion, the amount of the special assessments, the Corporation, acting through its Chairman or other authorized representative, may annually, on or before August 15th, deliver to the City Auditor or other appropriate official, a certificate signed by the Chairman reflecting a reduction, in whole or in part, in the amount of the special assessment to be certified by the City Auditor to the County Auditor in that year for placement onto the tax duplicate the following year and collected as other taxes and assessments are collected. The Corporation's certificate shall reflect payments made by or on behalf of the Findlay Surgical Properties, Ltd., or its successors, directly to the Corporation or to the Corporation's designee for some or all of the cost of the special energy improvement project thereby resulting in a reduction in the required annual special assessment. The City Auditor and all officials with authority to certify special assessments to the County Auditor shall, without any further action by this Council, rely upon the Corporation's certificate and take all actions necessary to implement the annual reduction of the special assessment, if any, evidenced by the certificate. In the event the City Auditor does not receive such a certificate in any given year on or before August 15th, the assessment officer shall certify the full amount of the annual special assessment as provided herein to the County Auditor.


SECTION 3. The Council finds and determines that it has previously waived notice of the passage of this assessing Ordinance and therefore no notice need be published in a newspaper of general circulation in the City.

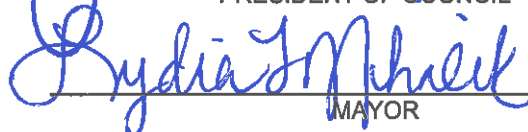
SECTION 4. That the Clerk of Council shall deliver a certified copy of this Ordinance to the County Auditor within twenty days after its passage, but in no event later than the second Monday in September, 2017 (or by such other date as may be specified in the Ohio Revised Code or acceptable to the County Auditor of Hancock County, Ohio for the certification of assessments in connection with the preparation of the general tax list for tax year 2017).

SECTION 5. That the proceeds of the special assessments levied by this Ordinance that are received by the City shall be applied as provided in Section 1710.12 of the Revised Code and are hereby appropriated for that purpose. This Council covenants and agrees that it will give effect to the appropriation in the ordinances it hereafter adopts appropriating money for expenditure or encumbrance. The City Auditor is authorized and directed to make appropriate accounting entries and adjustments to reflect the City's receipt and disbursement of those proceeds.

SECTION 6. That this Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council and any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with the law.

SECTION 7. That this Ordinance is declared to be an emergency measure and shall take effect and be enforced from and after its passage. The reason for the emergency lies in the fact that this Ordinance is necessary for the immediate preservation of the public peace, health, safety and property and for the further reason that the immediate action is necessary in order to conserve energy and protect the environment of the City, as well as, undertake the construction of the public improvements and enable and provide for the timely levying, certification and collection of the special assessments for the Findlay Surgical Properties, Ltd. Special Energy Improvement Projects.



PRESIDENT OF COUNCIL


MAYOR

PASSED May 16, 2017

ATTEST Debbie DeVore
CLERK OF COUNCIL

APPROVED May 16, 2017

EXHIBIT A

DESCRIPTION OF REAL PROPERTY SUBJECT TO THIS PLAN:

The real property subject to this Petition is located at the commonly used mailing address: 1709 Medical Boulevard, Findlay, Ohio 45840. The area of the real property subject to this Petition is approximately 5.745 acres. The Hancock County Auditor Parcel IDs for the real property subject to this Petition are: 580001010514 and 580001010515. The following is the legal description for the real property subject to this Petition:

Situated in the City of Findlay, County of Hancock, State of Ohio, described as follows:

Lots 4 and 5 in Lake Cascades Corporate Centre, as recorded in Plat Volume 17, Page 33, City of Findlay, Hancock County, Ohio.

Parcel Nos. 580001010514 and 580001010515
Property Address: 1709 Medical Boulevard, Findlay, Ohio 45840

EXHIBIT B

**SCHEDULE OF SPECIAL ASSESSMENTS
Project Plan for Findlay Surgical Properties, Ltd.**

The real property owned by at 1709 Medical Boulevard, Findlay, Ohio 45840, serves as a medical surgical facility. The legal description of the property is set forth on the attached Exhibit A. The property will be subject to special assessments for energy improvements in accordance with Revised Code Chapter 1710.

The energy efficiency savings for the project are expected to be 20% or more annually and consist of the following energy efficiency elements:

1. HVAC Replacement
2. Boiler Replacement
3. Steam Generator and Sterilizer Cleaning Unit
4. Climate Control and Mini Split HVAC Heat Pump

Total Project Cost: \$997,450.00

Total cost including financing and other charges: \$1,095,000.00

Total assessment payments to be collected: \$1,545,025.00

Estimated annual special assessment for 14 years: *Varies (See Schedule Below)*

Estimated semi-annual special assessments for 14 years*: *Varies (See Schedule Below)*

Number of semi-annual installments: 28

First annual installment due: January 31, 2018

**Note: Numbers do not reflect additional charges that County Auditor may apply to the annual assessment.*

TAX YEAR	YEAR ANNUAL ASSESSMENT IS DUE	ANNUAL ASSESSMENT FOR PARCEL # 580001010514	ANNUAL ASSESSMENT FOR PARCEL # 580001010515	TOTAL ANNUAL ASSESSMENT
2017	2018	\$ 98,395.35	\$ 11,370.28	\$ 109,765.63
2018	2019	\$ 100,319.83	\$ 11,592.67	\$ 111,912.50
2019	2020	\$ 97,630.59	\$ 11,281.91	\$ 108,912.50
2020	2021	\$ 99,423.42	\$ 11,489.08	\$ 110,912.50
2021	2022	\$ 100,885.70	\$ 11,658.06	\$ 112,543.76
2022	2023	\$ 97,748.25	\$ 11,295.51	\$ 109,043.76
2023	2024	\$ 99,092.87	\$ 11,450.89	\$ 110,543.76
2024	2025	\$ 100,106.93	\$ 11,568.07	\$ 111,675.00
2025	2026	\$ 96,521.28	\$ 11,153.72	\$ 107,675.00
2026	2027	\$ 97,417.69	\$ 11,257.31	\$ 108,675.00
2027	2028	\$ 97,983.56	\$ 11,322.70	\$ 109,306.26
2028	2029	\$ 102,804.58	\$ 11,879.80	\$ 114,684.38
2029	2030	\$ 98,325.31	\$ 11,362.19	\$ 109,687.50
2030	2031	\$ 98,325.31	\$ 11,362.19	\$ 109,687.50
	TOTAL	\$ 1,384,980.68	\$ 160,044.37	\$1,545,025.05

Pursuant to Ohio Revised Code Chapter 323, the Assessment Payment Dates identified in this Exhibit B to the Plan are subject to adjustment by the Hancock County Fiscal Officer under certain conditions.

The County Fiscal Officer of Hancock County, Ohio may impose a special assessment collection fee with respect to each Semiannual Assessment payment. If imposed, this special assessment collection fee will be added by the County Fiscal Officer of Hancock County, Ohio to each semi-annual Semiannual Assessment payment.

EXHIBIT C

Energy Project Agreement

[Attached]