



NORWOOD, OHIO

*Ordinance No.* 20 2019

**AN ORDINANCE AUTHORIZING AND APPROVING AN ENERGY PROJECT COOPERATIVE AGREEMENT BY AND AMONG THE CITY, THE CITY OF NORWOOD, OHIO ENERGY SPECIAL IMPROVEMENT DISTRICT, 4620 WESLEY, LLC AND INLAND GREEN TRUST, PROVIDING FOR THE FINANCING OF A SPECIAL ENERGY IMPROVEMENT PROJECT IN THE CITY; AUTHORIZING AND APPROVING A SPECIAL ASSESSMENT AGREEMENT BY AND BETWEEN THE CITY, THE COUNTY TREASURER, 4620 WESLEY, LLC, AND THE CITY OF NORWOOD, OHIO ENERGY SPECIAL IMPROVEMENT DISTRICT; AUTHORIZING AND APPROVING RELATED AGREEMENTS; AND DECLARING AN EMERGENCY;**

**WHEREAS**, 4620 Wesley, LLC (the “Developer”) has submitted a Petition and Supplemental Plan in order to provide for the completion of a special energy improvement project on real property owned by the Developer in the City of Norwood, Ohio (the “City”); and

**WHEREAS**, on \_\_\_\_\_, 2019 this Council approved the Petition and Supplemental Plan; and

**WHEREAS**, on \_\_\_\_\_, 2019, this Council duly adopted a resolution declaring the necessity of acquiring, constructing, and improving certain public improvements in the City in cooperation with the City of Norwood, Ohio Energy Special Improvement District (the “District”) (the “Resolution of Necessity”); and

**WHEREAS**, on \_\_\_\_\_, 2019, this Council passed Ordinance No. \_\_\_\_\_ determining to proceed with the Project and adopted the estimated Special Assessments filed with the Clerk of the Council and pursuant to the Resolution of Necessity; and

**WHEREAS**, pursuant to Ordinance No. \_\_\_\_\_ passed on \_\_\_\_\_, 2019, the City has levied special assessments against the Property to pay costs of the special energy improvement project (the “Special Assessments”);

**WHEREAS**, the City intends to enter into an Energy Project Cooperative Agreement (the “Cooperative Agreement”) with the District, the Developer and Inland Green Trust (the “Investor”) to provide for, among other things, (i) making of the Project Advance (as defined in the Cooperative Agreement) to pay costs of the special energy improvement project, (ii) the disbursement of the Project Advance for the acquisition and construction of the special energy improvement project and the transfer of the Special Assessments by the City to the Investor to pay principal and interest and other costs relating to the Project Advance; and

**WHEREAS**, to provide for the security for the Project Advance and for administration of payments on the Project Advance and related matters, the City intends to enter into an agreement with the Hamilton County Treasurer, the District and the Developer (the “Special Assessment Agreement”);

**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 Developer 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.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORWOOD, OHIO:**

**SECTION 1**

That each capitalized term or definition 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 hereby approves the Cooperative Agreement, a copy of which is on file in the office of the Clerk of Council. The Mayor shall sign and deliver, in the name and on behalf of the City, the Cooperative Agreement, in substantially the form as is now on file with the Clerk of Council. The Cooperative Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Mayor on behalf of the City, all of which shall be conclusively evidenced by the signing of the Cooperative Agreement or amendments thereto.

**SECTION 3**

That this Council hereby approves the Special Assessment Agreement a copy of which is on file in the office of the Clerk of Council. The Mayor shall sign and deliver, in the name and on behalf of the City, the Special Assessment Agreement, in substantially the form as is now on file with the Clerk of Council. The Special Assessment Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Mayor on behalf of the City, all of which shall be conclusively evidenced by the signing of the Special Assessment Agreement or amendments thereto. The City is authorized to enter into such other agreements that are not inconsistent with the Resolution of Necessity and this Ordinance and that are approved by the Mayor on behalf of the City, all of which shall be conclusively evidenced by the signing of such agreements or any amendments thereto.

**SECTION 4**

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 5**

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

PASSED

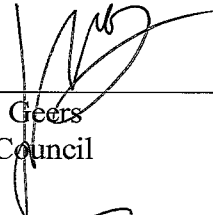
5/14/19

Date


Leslie Stevenson  
~~Donna Laake~~ Leslie Stevenson  
President of Council Pro Tem

**ATTEST:**

Joseph S. Geers, the duly appointed Clerk of Council, attests that this Ordinance was passed at a regular/special meeting of Norwood City Council on the 14<sup>th</sup> day of May, 2019, in compliance with the rules of Norwood City Council and the laws of the State of Ohio. The foregoing ordinance was submitted to the Mayor of the City of Norwood, Ohio for his signature on the 14<sup>th</sup> day of May, 2019.

  
\_\_\_\_\_  
Joseph S. Geers  
Clerk of Council

**APPROVED** 5/14/19  
Date

  
\_\_\_\_\_  
Thomas F. Williams DONNA M. LAAKE  
ACTING Mayor

**CERTIFICATION OF PUBLICATION:**

Joseph S. Geers, the duly appointed Clerk of Council, attests that this ordinance was published in the

\_\_\_\_\_ on \_\_\_\_\_ and \_\_\_\_\_.  
(Name of Newspaper) (Date) (Date)

\_\_\_\_\_  
Joseph S. Geers  
Clerk of Council

1<sup>st</sup> Reading \_\_\_\_\_  
Date

2<sup>nd</sup> Reading \_\_\_\_\_  
Date

3<sup>rd</sup> Reading \_\_\_\_\_  
Date

All 3 Readings \_\_\_\_\_  
Date

Tabled \_\_\_\_\_  
Date

Vetoed \_\_\_\_\_  
Date

CERTIFICATE

The undersigned Clerk of the Council hereby certifies that the foregoing is a true copy of Ordinance No. \_\_\_\_\_ duly adopted by the Council of the City of Norwood, Ohio on \_\_\_\_\_, 2019 and that a true copy thereof was certified to the Auditor of Hamilton County, Ohio.

\_\_\_\_\_  
Joseph S. Geers, Clerk of the Council  
City of Norwood, Ohio