

RESOLUTION NO. 2013-18

A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A PETITION TO CREATE THE CITY OF CINCINNATI, OHIO ENERGY SPECIAL IMPROVEMENT DISTRICT, THE INCLUSION OF CERTAIN PORT OF GREATER CINCINNATI DEVELOPMENT AUTHORITY REAL PROPERTY THEREIN, AND ALL OTHER ACTIONS NECESSARY AND APPROPRIATE TO ESTABLISH THE CITY OF CINCINNATI, OHIO ENERGY SPECIAL IMPROVEMENT DISTRICT WITH RESPECT TO CERTAIN REAL PROPERTY OWNED BY THE PORT.

WHEREAS, the Port of Greater Cincinnati Development Authority (the "Port Authority") is an Ohio port authority created pursuant to Chapter 4582 of the Ohio Revised Code; and

WHEREAS, Ohio House Bill 1 of the 128th General Assembly, effective October 15, 2009, and Ohio Senate Bill 232 of the 128th General Assembly, effective June 17, 2010, amended Ohio law to authorize the creation of energy special improvement districts under Chapter 1710 of the Ohio Revised Code (collectively, the "Act"); and

WHEREAS, the Act empowers owners of real property to seek the creation of an energy special improvement district (a "District" or an "ESID") with respect to their property by means of petition and further to authorize special assessments to be levied to pay costs of developing and implementing plans for public improvements and public services that benefit the District, which improvements and services may include "any property, device, structure, or equipment necessary for the acquisition, installation, equipping, and improvement of any real or personal property used for the purpose of creating a solar photovoltaic project, a solar thermal energy project, a geothermal energy project, a customer-generated energy project, or an energy efficiency improvement, whether such real or personal property is publicly or privately owned"; and

WHEREAS, the Port Authority is the owner of certain real property in the City of Cincinnati, Hamilton County, Ohio identified as Hamilton County Parcel ID 117-0007-0064-00, and located at 1682 Seymour Avenue in Roselawn (the "Port Authority Property"); and

WHEREAS, this Board has determined that the creation of an energy special improvement district pursuant to Chapter 1710 of the Ohio Revised Code and including the Port Authority Property will advance the public purposes of the Port Authority, including but not limited to economic development, the creation and preservation of jobs and employment opportunities and the improvement of the economic welfare of the people of the State of Ohio; and

WHEREAS, this Board has determined that the Port Authority Property is suitable for inclusion in the proposed City of Cincinnati, Ohio Energy Special Improvement District (the "Cincinnati Energy Special Improvement District").

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Port of Greater Cincinnati Development Authority that:

Section 1. The Board hereby approves the Port Authority's participation in the petition to the City of Cincinnati (the "City") as on file with the Secretary of the Port Authority in substantially complete form (the "Petition"), which Petition requests the establishment of the Cincinnati Energy Special Improvement District including the Port Authority Property, and further authorizes the President and CEO of the Port Authority to execute on behalf of the Port Authority the Petition and such other documents not inconsistent with the Petition as may be necessary to effectuate the establishment of the Cincinnati Energy Special Improvement District.

Section 2. In connection with the establishment of the Cincinnati Energy Special Improvement District, the Board further authorizes the Port Authority to request that the City levy special assessments not to exceed \$50,000 with respect to the Port Authority Property, which special assessments shall be used for the purposes of special energy improvement projects as defined in Ohio Revised Code Chapter 1710 including, to the extent necessary, any debt service payments in connection with such special energy improvement projects.

Section 3. The Board finds and determines that participation in the Cincinnati Energy Special Improvement District pursuant to this Resolution is within the scope of the Port Authority mission, is for the purposes of economic development and job creation, is in the best interests of the Port Authority, and is consistent with the requirements of Chapter 4582 of the Ohio Revised Code and the Ohio Constitution.


Section 4. The Board finds and determines that all formal actions of this Board and any of its committees concerning and relating to the adoption of this Resolution were taken, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were held, in meetings open to the public, in compliance with the law.

Section 5. This Resolution shall be in full force and effect upon its adoption.


Adopted: December 11, 2013

Yeas: _____

Nays: _____



Chairperson



Attest: Secretary