

ORDINANCE NO. 36-2016

Authorizing and Approving an Energy Project Cooperative Agreement by and Between the City of Worthington, Ohio, the Columbus Regional Energy Special Improvement District, Trivium Worthington LLC, and the Columbus-Franklin County Finance Authority, a Special Assessment Agreement by and Between the City of Worthington, Ohio, the Treasurer of Franklin County, Ohio, the Columbus Regional Energy Special Improvement District, and Trivium Worthington LLC, and Related Agreements, All of Which Provide for the Financing of Special Energy Improvements Projects (350 W. Wilson Bridge Road).

WHEREAS, Trivium Worthington LLC (together its affiliates or controlled entities, the “Owner”) has submitted its *Petition for Special Assessments for Special Energy Improvement Projects* (the “Petition”) in order to provide for the completion of a special energy improvement project on real property owned by the Owner in the City of Worthington, Ohio (the “City”); and,

WHEREAS, on October 10, 2016 this Council approved the Petition and added the Owner’s property subject to the Petition to the Columbus Regional Energy Special Improvement (the “District”); and,

WHEREAS, on October 10, 2016, this Council duly adopted a resolution declaring the necessity of acquiring, constructing, and improving certain public improvements in the City in cooperation with the District (the “Resolution of Necessity”); and,

WHEREAS, on October 17, 2016, this Council passed Ordinance No. 34-2016 determining to proceed with the Project (as defined in the Resolution of Necessity) and adopted the estimated Special Assessments filed with the Clerk of the Council pursuant to the Resolution of Necessity; and,

WHEREAS, pursuant to Ordinance No. 35-2016 passed on October 17, 2016, the City has levied special assessments against the Property (as defined in the Resolution of Necessity) to pay costs of the special energy improvement project (the “Special Assessments”); and,

WHEREAS, the City intends to enter into an Energy Project Cooperative Agreement (the “Energy Project Cooperative Agreement”) with the District, the Owner, and the Columbus-Franklin County Finance Authority (the “Finance Authority”) to provide for, among other things, (i) the making of the Project Advance (as defined in the Energy Project Cooperative Agreement) to pay costs of the Project, (ii) the disbursement of the Project Advance for the acquisition and construction of the Project and the transfer of the Special Assessments to the Finance Authority to pay principal and interest and other costs relating to the Project Advance; and,

ORDINANCE NO. 36-2016

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 the Special Assessment Agreement with the Franklin County Treasurer, the District, and the Owner.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of 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 Energy Project Cooperative Agreement, a copy of which is on file in the office of the Clerk of Council. The City Manager, the Finance Director, the Economic Development Manager, or any one of them shall sign and deliver, in the name and on behalf of the City, the Energy Project Cooperative Agreement, in substantially the form as is now on file with the Clerk of Council. The Energy Project 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 City Manager, the Finance Director, or the Economic Development Manager on behalf of the City, all of which shall be conclusively evidenced by the signing of the Energy Project Cooperative Agreement or amendments to the Energy Project Cooperative Agreement.

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 City Manager, the Finance Director, the Economic Development Manager, or any one of them 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 City Manager, the Finance Director, or the Economic Development Manager on behalf of the City, all of which shall be conclusively evidenced by the signing of the Special Assessment Agreement or amendments to the Special Assessment Agreement.

SECTION 4. That the City is hereby 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 City Manager, the Finance Director, or the Economic Development Manager on behalf of the City, all of which shall be conclusively evidenced by the signing of such agreements or any amendments to such agreements.

ORDINANCE NO. 36-2016

SECTION 5. 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 6. That notice of passage of the Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center, and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.

Passed October 17, 2016

/s/ Bonnie D. Michael  
President of Council

Attest:

/s/ D. Kay Thress  
Clerk of Council

Introduced October 10, 2016  
P.H. October 17, 2016  
Effective November 9, 2016