



## Legislation Details (With Text)

**File #:** 2126-2022      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 7/11/2022      **In control:** Economic Development Committee

**On agenda:** 7/25/2022      **Final action:** 7/27/2022

**Title:** To authorize the Development Director to execute a Third Amendment to a Development Agreement with Franklin County, Confluence Community Authority, Crew SC Development Company, LLC, Crew SC Stadium Company, LLC, and Crew SC Training Company, to memorialize commitments related to the creation of a Community Sports Park (“CSP”) as contemplated in the Development Agreement (as amended); to authorize the Directors of the Departments of Development, Recreation and Parks, and Finance and Management, to execute and approve such other agreements and/or execute instruments contemplated by this Third Amendment for construction of the CSP; and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

| Date      | Ver. | Action By             | Action   | Result |
|-----------|------|-----------------------|----------|--------|
| 7/27/2022 | 1    | CITY CLERK            | Attest   |        |
| 7/26/2022 | 1    | ACTING MAYOR          | Signed   |        |
| 7/25/2022 | 1    | COUNCIL PRESIDENT     | Signed   |        |
| 7/25/2022 | 1    | Columbus City Council | Approved | Pass   |

This ordinance authorizes the City to amend a Development Agreement with Franklin County (“County”), Confluence Community Authority (“Authority”), Crew SC Development Company, LLC (“DeveloperCo”), and Crew SC Stadium Company, LLC (“StadCo”), and Crew SC Training Company (“TrainingCo”) collectively, the “Parties,” dated July 3, 2019, subsequent First Amendment to Development Agreement dated December 19, 2019, and subsequent Second Amendment to Development Agreement dated November 10, 2021(collectively, the “Development Agreement”). The Development Agreement outlines certain mutual commitments of the Parties related to the financing, development, construction, operation, and occupancy of a new multi-purpose sports, entertainment, cultural and recreational facility (“Stadium”), the redevelopment of the MAPFRE Stadium site into a practice facility and training complex for Columbus Crew SC (“Crew”), a community sports campus that will include a community recreation facility and playing fields (“Community Sports Park”), and the development of a project containing mixed-use retail, entertainment, residential, hospitality, office and/or commercial uses (“Mixed-Use Development”) adjacent to the Stadium (collectively, the “Project.”)

The First Amendment to the Development Agreement added the Authority and DeveloperCo as parties to the Agreement, and assigned all of the rights and obligations of StadCo under the Development Agreement to DeveloperCo, an affiliate company. The Second Amendment to the Development Agreement (“Second Amendment”) memorialized DeveloperCo’s Workforce Housing commitment, the City’s commitments for certain public infrastructure improvements and the public parking garage within Astor Park, and the timing and funding of the Community Sports Park.

This Third Amendment to the Development Agreement (“Third Amendment”) will expand the location of the Community

Sports Park (“CSP”) to include other potential sites, including the City-owned Kilbourne Run Sports Park.

This legislation will also authorize the Directors of the Department of Development, Recreation and Parks Department, and Department of Finance and Management, to execute and approve such other agreements and instruments, and to take all actions necessary to implement this ordinance and the transactions contemplated by the Development Agreement, as amended, and as further amended herein.

To authorize the Development Director to execute a Third Amendment to a Development Agreement with Franklin County, Confluence Community Authority, Crew SC Development Company, LLC, Crew SC Stadium Company, LLC, and Crew SC Training Company, to memorialize commitments related to the creation of a Community Sports Park (“CSP”) as contemplated in the Development Agreement (as amended); to authorize the Directors of the Departments of Development, Recreation and Parks, and Finance and Management, to execute and approve such other agreements and/or execute instruments contemplated by this Third Amendment for construction of the CSP; and to declare an emergency.

**WHEREAS**, the City, Franklin County, and Crew SC Stadium Company, LLC (“StadCo”) (collectively, the “Original Parties”) executed a Development Agreement dated July 3, 2019, as authorized by Ordinance No. 1730-2019, approved by Council on July 1, 2019, outlining certain mutual commitments of the Original Parties related to the financing, development, construction, operation, and occupancy of a new Stadium, the redevelopment of the MAPFRE Stadium site that includes a training facility; providing for a Community Sports Park (the “CSP”), and the development of a mixed-use project containing retail, entertainment, residential, hospitality, office and/or commercial uses adjacent to the Stadium (“Mixed-Use Development”), collectively the “Project”; and

**WHEREAS**, the Original Parties, the Confluence Community Authority (the “Authority”) and Crew SC Development Company (“DeveloperCo” or “Developer”), executed the First Amendment to the Development Agreement dated December 19, 2019, as authorized by Ordinance No. 1730-2019, approved by Council on July 1, 2019, to join the Confluence Community Authority and DeveloperCo as parties to the Development Agreement, assigning the rights and obligations of StadCo to DeveloperCo, and delegating the rights and responsibilities related to certain commitments to appropriate affiliate entities; and

**WHEREAS**, the Original Parties, the Authority and DeveloperCo, and the Crew SC Training Company (“TrainingCo”) (collectively, the “Parties”) executed a Second Amendment to the Development Agreement dated November 10, 2021, as authorized by Ordinance No. 1492-2021, approved by Council on July 19, 2021, that memorialized DeveloperCo’s Workforce Housing commitment, and the City’s commitments related to public infrastructure improvements, including the public parking garage within Astor Park, and the timing and funding of the Community Sports Park (“CSP”); and

**WHEREAS**, the City finds it necessary to further amend the Development Agreement to expand the location of the Community Sports Park to include other potential sites, including the City-owned Kilbourne Run Sports Park; and

**WHEREAS**, the Parties have determined that it is in the best interest of the Parties to enter into a Third Amendment to the Development Agreement to outline the obligations of all Parties as it relates to the Community Sports Park; and

**WHEREAS**, an emergency exists in the usual daily operation of the City in that it is immediately necessary to authorize the Director of the Department of Development (“Director”) to enter into a Third Amendment to the Development Agreement to advance the development of the CSP, for the benefit of the Parties and the public, and for the preservation of the public health, peace, property, and safety; **NOW, THEREFORE**,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** Council finds and determines that it is in the City’s best interest to authorize the Development Director to

enter into a Third Amendment to the Development Agreement (as previously amended by the First Amendment and the Second Amendment) with the Commissioners of Franklin County, the Confluence Community Authority, Crew SC Development Company, LLC, Crew SC Stadium Company, LLC, and Crew SC Training Company. This Third Amendment will memorialize all Parties' commitments to the CSP, which shall include expanding the location of the CSP to include other potential sites, including, the City-owned Kilbourne Run Sports Park.

**SECTION 2.** In order to provide for the commitments to the Community Sports Park contemplated in Section 1, the Director is also authorized and directed to enter into an amendment to the Project Funding Agreement with the Commissioners of Franklin County, the Confluence Community Authority, Crew SC Development Company, LLC, Crew SC Stadium Company, LLC, and Crew SC Training Company, as necessary to reflect expanding the location of the CSP to include other potential sites, and to execute any and all documents necessary to implement this ordinance and the transactions contemplated herein.

**SECTION 3.** That the Director of the Department of Development, the Director of the Recreation and Parks Department, and the Director of the Department of Finance and Management are authorized to execute and approve such other agreements and instruments and to take all actions necessary to implement this ordinance and the transactions contemplated by the Agreement.

**SECTION 4.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.