



## Legislation Details (With Text)

**File #:** 0242X-2021    **Version:** 1

**Type:** Resolution    **Status:** Passed

**File created:** 11/29/2021    **In control:** Economic Development Committee

**On agenda:** 12/13/2021    **Final action:** 12/16/2021

**Title:** To declare that the establishment of the Big Darby West Broad Street New Community Authority (the "Authority") will be conducive to the public safety, convenience, and welfare, and is intended to result in the development of a new community; to define the boundaries of the Authority's new community district; to declare that the Authority be organized as a body politic and corporate within the new community district along with its associated board of trustees; to make the City's initial appointments to the Authority's board of trustees and to fix surety for their bonds; to post notice of the Authority's creation in the City Bulletin; and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
12/16/2021	1	CITY CLERK	Attest	
12/14/2021	1	MAYOR	Signed	
12/13/2021	1	COUNCIL PRESIDENT	Signed	
12/13/2021	1	Columbus City Council	Adopted	Pass

**BACKGROUND:** Ordinance 1699-2020 passed by Council on November 16, 2020 (the "Rezoning Ordinance") rezoned the property at or near the northwest corner of the intersection of West Broad Street and Doherty Road and generally located at 5960 West Broad Street (tax parcel ID 570-184818, the "Developer Property") now owned by Crown Pointe, LLC, an affiliate of Metro Development, LLC (collectively, the "Developer") and tax parcel ID 570-301099 (the "Adjacent Property"). Consistent with Resolution 0216X-2008 adopted by Columbus City Council on April 20, 2009 and the Rezoning Ordinance, the Developer Property and Adjacent Property are subject to the requirements of the "Big Darby Revenue Program." Pursuant to Ordinance 2535-2020 passed by Council on November 23, 2020, the Director of the Department of Development entered into an agreement dated December 1, 2020 with the Developer (the "Big Darby Agreement") to outline the plans and respective commitments of the City and the Developer for the fulfillment of Big Darby Revenue Program requirements, including establishing the Big Darby West Broad Street New Community Authority (the "Authority") in relation to the Developer Property. On April 7, 2021, a petition for the organization of the Authority (the "Petition") was filed by the Developer with the City Clerk. By Resolution 0060X-2021 passed April 26, 2021, City Council, as the organizational board of commissioners described and required by Chapter 349 of the Ohio Revised Code, determined the sufficiency of the Petition, authorized a public notice, and set a public hearing date for May 20, 2021 on the Petition. This resolution establishes the Authority; defines the boundaries of the Big Darby West Broad Street New Community District; declares the Authority to be a body politic and corporate within the new community district along with its associated board of trustees; makes the City's initial appointments to the Authority's board of trustees and to fix surety for their bonds; and authorizes notice of the Authority in the City Bulletin.

**Emergency Justification:** Emergency action is requested to immediately establish the Big Darby West Broad Street New Community Authority in order to allow the City to immediately negotiate and enter into an intergovernmental cooperative agreement with the Authority for the development of the Developer Property, community facilities, and the public

infrastructure improvements in a timely manner in accordance with the Big Darby Agreement.

**FISCAL IMPACT:** No funding is required for this legislation.

To declare that the establishment of the Big Darby West Broad Street New Community Authority (the “Authority”) will be conducive to the public safety, convenience, and welfare, and is intended to result in the development of a new community; to define the boundaries of the Authority’s new community district; to declare that the Authority be organized as a body politic and corporate within the new community district along with its associated board of trustees; to make the City’s initial appointments to the Authority’s board of trustees and to fix surety for their bonds; to post notice of the Authority’s creation in the City Bulletin; and to declare an emergency.

**WHEREAS**, Crown Point LLC (the “Developer”) plans to develop an approximately 9.023-acre site (the “Developer Property”) located within the municipal corporate boundaries of the City of Columbus, Ohio (the “City”) as eight three-story multi-family residential buildings with appropriate associated amenities, and surface and structured parking necessary to support those uses; and

**WHEREAS**, pursuant to Ordinance 1699-2020 rezoning the Developer Property and as authorized by Ordinance 2535-2020, the Director of the Department of Development entered into an agreement (the “Big Darby Agreement”) dated December 1, 2020 with an affiliate of the Developer to outline the plans and respective commitments of the City and the Developer for the fulfillment of the Big Darby Revenue Program requirements, including establishing the Big Darby West Broad Street New Community Authority (the “Authority”) in relation to the Developer Property; and

**WHEREAS**, on April 7, 2021, the Developer submitted to the Council of the City (the “Council”), pursuant to Ohio Revised Code (“R.C.”) Section 349.03, a Petition for Establishment of the Authority under R.C. Chapter 349 (the “Petition”), a copy of which is on file with the City Clerk; and

**WHEREAS**, the Authority, as described in the Petition, is located entirely within the municipal corporate boundaries of the City, and this Council, as the legislative authority of the City, is therefore the organizational board of commissioners for the Authority; and

**WHEREAS**, on April 26, 2021, pursuant to R.C. Section 349.03, this Council adopted its Resolution 0060X-2021, which determined that the Petition is sufficient and complies with the requirements of R.C. Section 349.03 in form and substance; and

**WHEREAS**, pursuant to R.C. Section 349.03 and its Resolution 0060X-2021, this Council held a public hearing on the Petition on May 20, 2021, notices of which were published as required in R.C. Section 349.03, and the date of which hearing is not more than thirty nor more than forty-five days after the filing date of the Petition; and

**WHEREAS**, this Council has determined that the Petition will be conducive to the public health, safety, convenience, and welfare, and is intended to result in the development of a new community; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to determine the establishment of the Authority, its new community district, and its board of trustees so the City can immediately negotiate and enter into an intergovernmental cooperative agreement with the Authority in order to develop the Developer Property, the community facilities, and the public infrastructure improvements all for the timely preservation of the public health, peace, property, safety, and welfare; **NOW, THEREFORE**,

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

**SECTION 1. Approval of Petition.** The Petition is hereby accepted and shall be recorded, along with this Resolution, in the journal of this Council as the organizational board of commissioners for the purposes of the Revised Code, Chapter 349, and this Council hereby determines that the Big Darby West Broad Street New Community Authority will be conducive to the public health, safety, convenience, and welfare, and is intended to result in the development of a

new community as defined in Revised Code Section 349.01(A).

**SECTION 2. Establishment of Authority and District.** Pursuant to the Petition, the Big Darby West Broad Street New Community Authority is hereby organized as a body politic and corporate with the corporate name designated in the Petition (such name being the “Big Darby West Broad Street New Community Authority”), and the boundaries of the Big Darby West Broad Street New Community District are consistent with the boundaries described in the Petition.

**SECTION 3. Board of Trustees.** The Board of Trustees of the Big Darby West Broad Street New Community Authority shall be comprised of seven (7) members selected and appointed as provided in the Petition. Pursuant to Revised Code Section 349.04, there shall be posted for each member of the Board of Trustees a bond in the amount of \$10,000 for the faithful performance of his or her duties. The bond shall be with a company authorized to conduct business within the State of Ohio as a surety and shall be deposited with and preserved by the Clerk of Council. The initial appointees of the City to the Board of Trustees shall be as follows:

- (i) Hugh Garside is hereby appointed, as a citizen member, to a one-year term, such term beginning on the effective date of this resolution and expiring on December 6, 2022; and
- (ii) Abigail Everson is hereby appointed, as a citizen member, to a one-year term, such term beginning on the effective date of this resolution and expiring on December 6, 2022; and
- (iii) Ashley Hoyer is hereby appointed, as a citizen member, to a two-year term, such term beginning on the effective date of this resolution and expiring on December 6, 2023; and
- (iv) Mark Lundine is hereby appointed, as a member to serve as a representative of local government, to a two-year term, such term beginning on the effective date of this resolution and expiring on December 31, 2023.

**SECTION 4. Effective Date.** For the reasons stated in the Preamble hereto, which is hereby made a part hereof,, this resolution 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 (10) days after passage if the Mayor neither approves nor vetoes the same.