



## Legislation Details (With Text)

**File #:** 2923-2021      **Version:** 1

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

**File created:** 10/29/2021      **In control:** Economic Development Committee

**On agenda:** 11/22/2021      **Final action:** 11/24/2021

**Title:** To appropriate and authorize the expenditure of service payments generated by the parcels subject to the Weinland Park.40(C) TIF and deposited in the Weinland Park .40(C) Municipal Public Improvement Tax Increment Equivalent Fund pursuant to the Cooperative Agreement and First Amendment to Tax Increment Financing Agreement; to authorize the Director of the Department of Development to execute and deliver a Cooperative Agreement and First Amendment to Tax Increment Financing Agreement by and among the City of Columbus, the Columbus-Franklin County Finance Authority, and Weinland Park Development, LLC for the financing of public parking spaces in Weinland Park Development, LLC's new garage near N. 4th St. and E. 5th Ave.; to authorize the Director to execute a declaration of public parking garage covenants to secure public use of 189 public spaces for 30 years; and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
11/24/2021	1	CITY CLERK	Attest	
11/23/2021	1	MAYOR	Signed	
11/22/2021	1	COUNCIL PRESIDENT	Signed	
11/22/2021	1	Columbus City Council	Approved	Pass

**Background:** City Council passed Ordinance No. 1799-2010 on December 13, 2010 (the “TIF Ordinance”) creating the Weinland Park Incentive District .40(C) TIF, requiring the deposit of service payments generated by parcels subject to the TIF Ordinance (the “Service Payments”) into a special TIF fund, and designating authorized public improvements to be financed by those Service Payments. Pursuant to Ordinance No. 0205-2012 passed by City Council on February 6, 2012, the City entered into a Tax Increment Financing Agreement with Weinland Park Development, LLC (the “Developer”) dated as of April 17, 2013 (the “Prior TIF Agreement”) with respect to parcels subject to the TIF Ordinance in order to reimburse the Developer for its costs of certain public improvements benefiting or serving the development of the Weinland Park Incentive District from the Service Payments. The Weinland Park Incentive District and surrounding neighborhoods have experienced new growth and development since the passage of the TIF Ordinance, and the area now needs more public parking to allow the public to access the residences, businesses, and public facilities in the area. The Developer is now proposing to construct a ninety-eight million dollar (\$98,000,000) 311-unit apartment complex and a 557-space structured parking facility (the “Project”) with approximately 189 public spaces (the “Public Spaces”) on approximately ±3.445 acres of real property known as Franklin County Auditor Tax Parcel ID No. 010-024540 owned by an affiliate of the Developer and located to the northeast corner of N. 4<sup>th</sup> Street and E. 5<sup>th</sup> Avenue. The Department of Development has submitted for Council’s consideration Ordinance 2918-2021 to amend the TIF Ordinance to add parking facilities to the list of public infrastructure improvements that may be financed with Service Payments. This Ordinance approves and authorizes a new Cooperative Agreement and First Amendment to Tax Increment Financing Agreement by and among the City, the Columbus-Franklin County Finance Authority (the “CFCFA”) and the Developer (the “Cooperative Agreement and First Amendment”) pursuant to which the CFCFA will issue bonds to finance the Public Spaces; the City will pledge Service Payments to repay those bonds, with such pledge superior in priority to any

reimbursement pursuant to the Prior TIF Agreement. This Ordinance will also appropriate and authorize the expenditure of the Service Payments pursuant to the Cooperative Agreement and First Amendment and authorize the Director of Development to execute a Declaration of public parking garage covenants to secure public use of the Public Spaces for 30 years.

**Emergency Justification:** Emergency legislation is necessary to allow the Developer to maintain its project schedule and allow for the timely sale of bonds to finance the public spaces.

**Fiscal Impact:** No funding is required for this legislation. The City is appropriating and authorizing the expenditure of service payments generated by the parcels in the Weinland Park Incentive District .40(C) TIF subject to the TIF Ordinance that are deposited or to be deposited in the Weinland Park .40(C) Municipal Public Improvement Tax Increment Equivalent Fund all in accordance with the Cooperative Agreement and First Amendment to Tax Increment Financing Agreement.

To appropriate and authorize the expenditure of service payments generated by the parcels subject to the Weinland Park.40(C) TIF and deposited in the Weinland Park .40(C) Municipal Public Improvement Tax Increment Equivalent Fund pursuant to the Cooperative Agreement and First Amendment to Tax Increment Financing Agreement; to authorize the Director of the Department of Development to execute and deliver a Cooperative Agreement and First Amendment to Tax Increment Financing Agreement by and among the City of Columbus, the Columbus-Franklin County Finance Authority, and Weinland Park Development, LLC for the financing of public parking spaces in Weinland Park Development, LLC's new garage near N. 4<sup>th</sup> St. and E. 5<sup>th</sup> Ave.; to authorize the Director to execute a declaration of public parking garage covenants to secure public use of 189 public spaces for 30 years; and to declare an emergency.

**WHEREAS**, pursuant to Ordinance No. 1799-2010 passed December 13, 2010 (as amended by Ordinance 2918-2021 submitted for City Council consideration, collectively the "TIF Ordinance"), this Council created the Weinland Park Incentive District and the Weinland Park .40(C) municipal public improvement tax increment equivalent fund (the "TIF Fund") under Ohio Revised Code Sections 5709.40 to 5709.43 as well as designated certain public improvements (the "Public Improvements") to be financed from service payments generated from the parcels subject to the TIF Ordinance (the "Service Payments") and deposited into the TIF Fund; and

**WHEREAS**, pursuant to Ordinance No. 0205-2012 passed by City Council on February 6, 2012, this Council appropriated and authorized the expenditure of the Service Payments in accordance with the Tax Increment Financing Agreement by and among the City and Weinland Park Development, LLC (the "Developer") dated as of April 17, 2013 (the "Prior TIF Agreement") to reimburse the Developer for costs incurred by the Developer for Public Improvements that benefit or serve the development of the Weinland Park Incentive District; and

**WHEREAS**, an affiliate of the Developer has acquired certain real property identified as Franklin County Auditor Tax Parcel ID No. 010-024540 that is subject to the TIF Ordinance on which it plans to develop a 311-unit apartment complex and 557-space parking garage (the "Project") with approximately 189 public spaces (the "Public Spaces"); and

**WHEREAS**, the Weinland Park Incentive District and the surrounding University District and Short North neighborhoods, having experienced new growth and development since the passage of the TIF Ordinance, are in need of more public parking to allow the public to access the residences, businesses, and public facilities in the area; and

**WHEREAS**, the Columbus-Franklin County Finance Authority is willing to issue bonds to finance the Public Spaces provided that the City and the Developer each (a) approve and enter into a Cooperative Agreement and First Amendment to Tax Increment Financing Agreement (the "Cooperative Agreement and First Amendment") with the Finance Authority pursuant to which the City agrees to pledge the Service Payments to repayment of the bonds and the Developer agrees to subordinate its claim to the Service Payments under the Prior TIF Agreement to repayment of the bonds, and (b) execute a Declaration of public parking garage covenants (the "Declaration") which the Developer shall record against the property to secure public use of the Public Spaces for 30 years; and

**WHEREAS**, an emergency exists in the usual daily operations of the Department of Development in that it is necessary

to enter into the foregoing Cooperative Agreement and First Amendment and said Declaration to expedite the development of the Project and to secure the timely sale of bonds to finance the Public Spaces, all 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.** That the Director of Development (the “Director”), for and in the name of the City, is hereby authorized to execute and deliver the Cooperative Agreement and First Amendment to Tax Increment Financing Agreement (the “Cooperative Agreement and First Amendment”) and the Declaration of public parking garage covenants to secure public use of 189 public spaces for 30 years (the “Declaration”) presently on file with the Director along with any changes or amendments thereto not inconsistent with this Ordinance and not substantially adverse to the City and which shall be approved by the Director and the City Attorney, provided that the approval of such changes and amendments thereto, and the character of those changes and amendments as not being substantially adverse to the City, shall be evidenced conclusively by the execution and delivery of said Cooperative Agreement and First Amendment and Declaration by the Director.

**Section 2.** That the Director or other appropriate officers of the City are authorized to execute such other agreements and instruments, subject to approval by the City Attorney’s Office, and to take all actions as may be necessary to implement this Ordinance and the transactions contemplated by the Cooperative Agreement and First Amendment and the Declaration.

**Section 3.** That the service payments in lieu of taxes and property tax rollback payments deposited into the Weinland Park .40(C) Municipal Public Improvement Tax Increment Equivalent Fund (Fund 7460, or the “TIF Fund”) created by Ordinance No. 1799-2010, as amended by Ordinance 2918-2021 (the “TIF Ordinance”), shall be deemed appropriated for the purposes set forth in the Cooperative Agreement and First Amendment and authorized to be expended therefrom in accordance with the Cooperative Agreement and First Amendment, and the City Auditor is authorized to make payments to the Columbus-Franklin County Finance Authority or its designee from the TIF Fund in accordance with the Cooperative Agreement and First Amendment upon order of the Director or his or her designee and that no order shall be drawn or money paid except by voucher, the form of which shall be approved by the City Auditor.

**Section 4.** That the City Auditor is authorized to make a one-time transfer of \$10,000 and annual transfers of \$5,000 from the TIF Fund (7460) to the Business Tax Incentive Fund (2229), subject to the authorization of the Director, for the City TIF Administrative Fees in accordance with the Cooperative Agreement and First Amendment and Ordinance 3221-2018.

**Section 5.** That for 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 full 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.