



Legislation Details (With Text)

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File created: 11/30/2021 **In control:** Economic Development Committee

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

Title: To declare that the establishment of the Sugar Farm-Renner South 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 1685-2020 passed by Council on November 9, 2020 (the "Rezoning Ordinance") rezoned the property at the northeast, southwest, and southeast corners of Alton & Darby Creek Road and Renner Road and generally located at 1980 Alton & Darby Creek Road (tax parcel ID's 203-299511, 203-299510, 203-299512, 203-299509, 203-299508, 203-299507, and 125-299513, the "Developers' Property") now owned or controlled by Pulte Homes of Ohio LLC and Harmony Development Group, LLC (collectively, the "Developers"). Consistent with Resolution 0216X-2008 adopted by Council on April 20, 2009 and the Rezoning Ordinance, the Developers' Property is subject to the requirements of the "Big Darby Revenue Program." Pursuant to Ordinance 1557-2020 passed by Council on November 16, 2020, the Director of Development entered into an agreement dated March 10, 2021 with the Developers (the "Big Darby Agreement") to outline the plans and respective commitments of the City and the Developers for the fulfillment of Big Darby Revenue Program requirements, including establishing the Sugar Farm-Renner South New Community Authority (the "Authority") in relation to the Developers' Property. On July 14, 2021, a petition for the organization of the Authority (the "Petition") was filed by the Developers with the Clerk of City Council. By Resolution 0118X-2021 passed July 19, 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 August 23, 2021 on the Petition. This resolution establishes the Authority; defines the boundaries of the Sugar Farm-Renner South 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 Sugar Farm-Renner South 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 Developers' 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 Sugar Farm-Renner South 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, Pulte Homes of Ohio LLC and Harmony Development Group, LLC (the “Developers”) plan to develop an approximately ±369.2 acre site (the “Developers’ Property”) located within the municipal corporate boundaries of the City of Columbus, Ohio (a municipal corporation, hereafter, the “City”) as 555 single family homes, 121 empty nester/patio style homes, and 432 apartments with appropriate associated amenities, and parking necessary to support those uses; and

WHEREAS, pursuant to Ordinance 1685-2020 rezoning the Developers’ Property and authorized by Ordinance 1557-2020, the Director of Development entered into an agreement (the “Big Darby Agreement”) dated March 10, 2021 with the Developers to outline the plans and respective commitments of the City and the Developers for the fulfillment of the Big Darby Revenue Program requirements, including establishing the Sugar Farm-Renner South New Community Authority (the “Authority”) in relation to the Developers’ Property; and

WHEREAS, on July 14, 2021, the Developers 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 July 19, 2021, pursuant to R.C. Section 349.03, this Council adopted its Resolution 0118X-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 0118X-2021, this Council held a public hearing on the Petition on August 23, 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 Sugar Farm-Renner South 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 Sugar Farm-Renner South New Community Authority is hereby organized as a body politic and corporate with the corporate name designated in the Petition (such name being the “Sugar Farm-Renner South New Community Authority”), and the boundaries of the Sugar Farm-Renner South New Community District are consistent with the boundaries described in the Petition.

SECTION 3. Board of Trustees. The Board of Trustees of the Sugar Farm-Renner South 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 City Clerk. The initial appointees of the City to the Board of Trustees shall be as follows:

- (i) Cliff Hetzel 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) Beth Poling 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) Paul Lambert 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) Michelle Larsen 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 6, 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.