



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 3/28/2005 **In control:** Jobs and Economic Development Committee

On agenda: 4/11/2005 **Final action:** 4/13/2005

Title: To authorize the Director of Development to consent to the transfer and assignment of the Enterprise Zone Agreement to 274 First, AGA, LLC; and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments:

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------|------------------------------------|--------|
| 4/13/2005 | 1 | ACTING CITY CLERK | Attest | |
| 4/12/2005 | 1 | ACTING MAYOR | Signed | |
| 4/11/2005 | 1 | Columbus City Council | Approved | Pass |
| 4/11/2005 | 1 | COUNCIL PRESIDENT | Signed | |
| 3/29/2005 | 1 | Dev Drafter | Sent for Approval | |
| 3/29/2005 | 1 | DEVELOPMENT DIRECTOR | Reviewed and Approved | |
| 3/29/2005 | 1 | Dev Drafter | Sent for Approval | |
| 3/29/2005 | 1 | CITY ATTORNEY | Reviewed and Approved | |
| 3/29/2005 | 1 | Dev Drafter | Sent to Clerk's Office for Council | |

BACKGROUND: This legislation authorizes the Director of Development to consent to the transfer and assignment of the Colpark & Associates, L.P. Enterprise Zone Agreement (EZA) to 274 First AGA, LLC in connection with the sale of the property. Columbus City Council approved the EZA on June 5, 2000. Columbus City Council amended the Enterprise Zone Agreement on February 10, 2003 to allow removal of a portion of the project area covered under the Enterprise Zone Agreement. The project site is located at 274 East First Avenue. Colpark & Associates, L.P., the owner of the project site, proposed to construct a 200,000 square foot facility, part of which would be occupied by the State Library of Ohio and GTE Telecommunications. The facility was completed and the abatement will run from 2002-2011. The parties agreed to invest \$5,600,000 in real property improvements and were granted a 75%/10-year abatement (on real property). By the end of 2003, the investment and job retention goals had been attained. The Columbus Tax Incentive Review Council, in its 2004 review, found the project to be in compliance.

Colpark & Associates L.P., plans to sell the project site to 274 First AGA, LLC and both companies have requested City consent for the assignment and transfer of Colpark & Associates L.P.'s interests in the EZA to 274 First AGA, LLC contingent upon the sell of the property to 274 First AGA, LLC. 274 First AGA, LLC has reviewed the EZA, has stated in writing that it will assume all the obligations of Colpark & Associates L.P. under the EZA. 274 First AGA, LLC is a newly formed single asset entity. The principals of the limited liability corporation are Lawrence F. Gunsorek, Jason Gunsorek and Randall Ward.

This legislation is presented as an emergency measure so that the tax abatement can transfer to 274 First AGA, LLC, contingent upon the sell of the property to the entity, which will provide incentive for 274 First AGA, LLC to see that progress continues toward the EZA job goal.

FISCAL IMPACT: No funding is required for this legislation.

To authorize the Director of Development to consent to the transfer and assignment of the Enterprise Zone Agreement to 274 First, AGA, LLC; and to declare an emergency.

WHEREAS, the Colpark & Associates L.P. Enterprise Zone Agreement (EZA) was authorized by Columbus City Council Ord. No. 1313-00, passed on June 5, 2000 and amended on February 10, 2003 by Ord. No. 0140-03; and

WHEREAS, Colpark & Associates L.P. owns the land and facility pertaining to the EZA project site; and

WHEREAS, as of the most recent performance review, the EZA was found to be in compliance by the Columbus Tax Incentive Review Council; and

WHEREAS, Colpark & Associates L.P. plans to sell the EZA's project land and facility to 274 First AGA, LLC; and

WHEREAS, both Colpark & Associates L.P. and 274 First AGA, LLC have requested the City to consent to the transfer and assignment of Colpark & Associates L.P.'s interests under the EZA to 274 First AGA, LLC, contingent upon the sell of the property to 274 First AGA, LLC; and

WHEREAS, 274 First AGA, LLC has stated in writing that it has reviewed the EZA and is capable and willing to comply with the terms of the EZA and fulfill all of the obligations of Colpark & Associates L.P. under the EZA, if the City consents to the transfer and assignment of the EZA; and

WHEREAS, the transfer and assignment of Enterprise Zone Agreements requires the prior express, written, approval of the City; and

WHEREAS, the City desires to consent to the transfer and assignment of the EZA to 274 First AGA, LLC; and

WHEREAS, an emergency exists in the usual daily operation of the Development Department in that it is immediately necessary to provide City consent for the transfer of the EZA to 274 First AGA, LLC, thereby providing incentive for the project to attain its job goal, thereby preserving the public health, peace, prosperity, safety and welfare; now, therefore,

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

Section 1. That the Director of the Department of Development be authorized to consent to the transfer and assignment of the interests of Colpark & Associates L.P. in the Colpark & Associates L.P. Enterprise Zone Agreement (EZA) to 274 First AGA, LLC, provided that 274 First AGA, LLC has agreed to comply with the terms of the EZA and to assume all of the obligations of Colpark and Associates L.P. under the EZA.

Section 2. That for the reasons stated in the preamble thereto, which is made a part hereof, this Ordinance is declared to be an emergency measure and shall 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.