



Legislation Details (With Text)

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Type: Resolution **Status:** Passed

File created: 3/5/2024 **In control:** Economic Development & Small and Minority Business Committee

On agenda: 3/18/2024 **Final action:** 3/21/2024

Title: To determine that the Consent to Add Property to a New Community Authority for the addition of QT Apartments III LLC's parcel to the Marble Cliff Quarry Community Authority is sufficient and complies with the requirements of Chapter 349 of the Ohio Revised Code; to set the time and place for a public hearing on the consent; to authorize the notice of such public hearing by publication in a newspaper for three consecutive weeks; and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 0052X-2024 Exhibit A Expansion Area of Marble Cliff Quarry NCA (2024)

Date	Ver.	Action By	Action	Result
3/21/2024	1	CITY CLERK	Attest	
3/20/2024	1	MAYOR	Signed	
3/18/2024	1	COUNCIL PRESIDENT	Signed	
3/18/2024	1	Columbus City Council	Adopted	Pass

Background:

By Resolution Nos. 0268X-2019 and 0284X-2019, City Council, as the “organizational board of commissioners,” previously established the Marble Cliff Quarry Community Authority (the “Authority”) pursuant to Ohio Revised Code (“ORC”) Chapter 349 to support the redevelopment of approximately 300 acres of real property located at the northeast corner of Dublin Road and Trabue Road adjacent to a new metro park. Pursuant to Ordinance No. 3095-2019, the City and the Authority subsequently entered into the Marble Cliff Quarry Utility Cooperative Agreement to authorize the Authority to provide water and sewer service within its new community district. In order for The Columbus and Franklin County Metropolitan Park District (“Metro Parks”) to obtain water and sewer service for the new metro park under the aforementioned utility cooperative agreement, City Council approved Resolution Nos. 0197X-2022 and 0227X-2022 to add Metro Park’s property to the Authority’s new community district. Now, QT Apartments III LLC, an affiliate of Marble Cliff Canyon, LLC who is the developer of the Authority, (the “Affiliated Developer”), desires to also obtain the same water and sewer services for parcel no. 560-239130 through the Authority. On March 13, 2024, the Affiliated Developer submitted to the Clerk of City Council a Consent to Add Property to a New Community District (the “Consent”) to add an additional parcel to the Authority’s new community district. City Council is now required by ORC Chapter 349 to determine the sufficiency of the Consent to add the property to the Authority District, authorize public notices, and set a public hearing date on the Consent. In this Resolution, City Council authorizes the City’s Director of the Department of Development, or his or her authorized designee, to hold the required hearing and to forthwith certify to Council that the hearing was held as advertised.

Emergency Justification: Emergency action is requested in order to provide notice in a newspaper for three weeks prior to a public hearing and set the public hearing date within 30-45 days of the date after the Consent was filed in accordance with Ohio Revised Code Chapter 349.

Fiscal Impact: No funding is required for this legislation.

To determine that the Consent to Add Property to a New Community Authority for the addition of QT Apartments III LLC's parcel to the Marble Cliff Quarry Community Authority is sufficient and complies with the requirements of Chapter 349 of the Ohio Revised Code; to set the time and place for a public hearing on the consent; to authorize the notice of such public hearing by publication in a newspaper for three consecutive weeks; and to declare an emergency.

WHEREAS, pursuant to Chapter 349 of the Ohio Revised Code, on August 26, 2019, Marble Cliff Canyon, LLC (the "Developer") filed a petition (the "Petition") for the establishment of the Marble Cliff Quarry Community Authority (the "Authority") with the Clerk of City Council; and

WHEREAS, this Council, as the "organizational board of commissioners" as that term is defined in Section 349.01(F) of the Ohio Revised Code, adopted Resolution No. 0268X-2019 on October 7, 2019, and determined that the Petition complied as to form and substance with the requirements of Section 349.03(A) of the Ohio Revised Code and fixed the time and place for a hearing on the establishment of the Authority; and

WHEREAS, on October 10, 2019, a hearing was held on the Petition after public notice was duly published in accordance with Section 349.03(A) of the Ohio Revised Code; and

WHEREAS, this Council adopted Resolution No. 0284X-2019 on October 14, 2019, and determined that the Marble Cliff Quarry Community District (the "District") would be conducive to the public health, safety, convenience and welfare and that it was intended to result in the development of a new community as described in Chapter 349 of the Ohio Revised Code, and declared the Authority organized as a body corporate and politic in the State of Ohio; and

WHEREAS, pursuant to Ordinance No. 3095-2019, the City and the Authority subsequently entered into the Marble Cliff Quarry Utility Cooperative Agreement to authorize the Authority to provide water and sewer service within its new community district; and

WHEREAS, Section 349.03(B) of the Ohio Revised Code authorizes Council to add property to the Authority's District, with the consent of the owner of the property, so long as the developer who submitted the Petition does not file a written objection; and

WHEREAS, this Council, as the organizational board of commissioners, adopted Resolution No. 0197X-2022 on October 17, 2022, and determined that a consent filed by The Columbus and Franklin County Metropolitan Park District to expand the District with its property in order to obtain water and sewer services complied as to form and substance with the requirements of Section 349.03(B) of the Ohio Revised Code and fixed the time and place for a hearing on the expansion of the District; and

WHEREAS, this Council adopted Resolution No. 0227X-2022 on December 5, 2022, and determined that the expansion of the District with the above mentioned property would be conducive to the public health, safety, convenience and welfare; and

WHEREAS, QT Apartments III LLC, an affiliate of the Developer and as owner of the property shown as the "Proposed NCA District" on Exhibit A attached hereto (the "Expansion Area"), filed a written consent pursuant to Chapter 349.03 (B) of the Ohio Revised Code (the "Consent") with the Clerk of City Council to add such property to the District in order to also obtain water and sewer services; and

WHEREAS, Council authorizes the City's Director of the Department of Development (the "Director"), or his or her authorized designee, to hold the hearing required by Section 349.03(B) of the Ohio Revised Code and to forthwith certify

in writing to Council that the hearing was held as advertised; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to make the legislative determinations regarding the sufficiency of the Consent in order to provide notice in a newspaper for three weeks prior to a public hearing and set the public hearing date within 30-45 days of the date after the Consent were filed in accordance with Chapter 349 of the Ohio Revised Code all for the 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. That this Council acknowledges and determines it is the “organizational board of commissioners” for all purposes of Chapter 349 of the Ohio Revised Code, and it has examined the Consent and finds and determines that the Consent is sufficient and complies with the requirements of Section 349.03(B) of the Ohio Revised Code as to form and substance.

Section 2. That the Director, or duly authorized representative, shall hold a public hearing on the expansion of the District of the Marble Cliff Quarry Community Authority to include the Expansion Area, which shall be held on April 15, 2024, at 10:00 a.m. at the City Department of Development offices, 111 North Front Street, Columbus, Ohio 43215. The Director shall certify to City Council in writing that the hearing was held as advertised.

Section 3. That this Council hereby authorizes each of the City Attorney, the Clerk of Council, and the Director, or any of them individually, to cause notice of the hearing to be published once a week for three consecutive weeks, or as provided in Revised Code Section 7.16, in a newspaper of general circulation within Franklin County, Ohio, pursuant to Ohio Revised Code Section 349.03(A).

Section 4. That 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 days after the passage if the Mayor neither approves nor vetoes the same.