



Legislation Details (With Text)

File #: 2837-2015 **Version:** 2

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On agenda: 11/23/2015 **Final action:** 11/24/2015

Title: To authorize the Director of Development to execute the first amendment to the Madison Township Joint Economic Development District Contract with the Village of Ashville and Madison Township and the first amendment to the Annexation Moratorium Agreement with the Village of Ashville and Madison Township.

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD2837-2015 EXHIBIT A, 2. ORD2837-2015 Exhibit B - JEDD Amendment, 3. ORD2837-2015 Exhibit C - Proof of Publication, 4. ORD2837-2015 Exhibit D - Original AMA, 5. ORD2837-2015 Exhibit E - AMA Amendment, 6. ORD2837-2015 Exhibit F - Reaffirmed AMA Area

| Date | Ver. | Action By | Action | Result |
|------------|------|-----------------------|-----------------------------------|--------|
| 11/24/2015 | 2 | CITY CLERK | Attest | |
| 11/24/2015 | 2 | MAYOR | Signed | |
| 11/23/2015 | 2 | COUNCIL PRESIDENT | Signed | |
| 11/23/2015 | 1 | Columbus City Council | Amended as submitted to the Clerk | Pass |
| 11/23/2015 | 1 | Columbus City Council | Approved as Amended | Pass |
| 11/16/2015 | 1 | Columbus City Council | Read for the First Time | |

BACKGROUND: The City of Columbus entered into a Joint Economic Development District (“JEDD”) Contract with the Village of Ashville and Madison Township on June 30, 2010, creating the Madison Township Joint Economic Development District, where a 2.50% tax on income is withheld from employees working within the JEDD territory and on net business profits situated to the JEDD territory. Additionally, the City entered into an Annexation Moratorium Agreement on June 30, 2010, with the Village of Ashville and Madison Township.

The City of Columbus, the Village of Ashville and Madison Township agree to amend the Joint Economic Development District Contract and the Annexation Moratorium Agreement to include an additional 201.8 acres of land for development in the Joint Economic Development District boundaries.

FISCAL IMPACT: No funding is required for this legislation.

To authorize the Director of Development to execute the first amendment to the Madison Township Joint Economic Development District Contract with the Village of Ashville and Madison Township and the first amendment to the Annexation Moratorium Agreement with the Village of Ashville and Madison Township.

WHEREAS, pursuant to Ohio Revised Code (“R.C.”) Sections 715.72 - 715.81 (the “JEDD Statutes”), the City of Columbus (this “City”), Madison Township (the “Township”) and the Village of Ashville (the “Village”) executed a Joint Economic Development District Contract, executed as of June 30, 2010 (the “Original JEDD Contract”), creating the Madison Township Joint Economic Development District (the “JEDD”). The JEDD currently encompasses a portion of the Township (the “Original JEDD Area”); and

WHEREAS, pursuant to the Original JEDD Contract, the Board of Directors for the JEDD (the “JEDD Board”) imposed a 2.50% tax on income withheld from employees working within the JEDD Territory and on net business profits situated to the Original JEDD Area; and

WHEREAS, the Columbus Regional Airport Authority (the “Authority”) and DRCS, LLC (“DRCS,” and together with the Authority, the “Developers”) desire to develop a parcel of land for commercial purposes (the “Project” or “Project Area”) at a site within the boundaries of the Township (the “JEDD Addition,” which is further described on the attached Exhibit A and incorporated herein by this reference), provided that the appropriate economic development incentives are available to support the economic viability of the Project. The JEDD Addition is located outside of the Original JEDD Area. The Original JEDD Area and the JEDD Addition are referred to collectively here in as the “Expanded JEDD Area.” The Expanded JEDD Area is depicted on Exhibit A hereto and incorporated herein by this reference; and

WHEREAS, the City Council (this “City Council”) of this City desires to add the JEDD Addition to the Original JEDD Area by executing a First Amendment to Madison Township Joint Economic Development Contract (the “First Amendment to JEDD Contract”), substantially in the form attached hereto as Exhibit B and incorporated herein by this reference; and

WHEREAS, this City Council desires to enter into the First Amendment to JEDD Contract for the purpose of facilitating economic development, to create jobs and employment opportunities and to improve the economic welfare of the people in this City, the Township, the Village, Pickaway County (the “County”), and the State of Ohio (the “State”) and anticipates that adding the JEDD Addition to the Original JEDD Area will bring economic development, jobs and revenue to this City, the Township, the County and the State; and

WHEREAS, the JEDD Addition meets all of the criteria set forth in R.C. Section 715.73; and

WHEREAS, this City Council has authority to enter into the First Amendment to JEDD Contract pursuant to the JEDD Statutes; and

WHEREAS, pursuant to R.C. Sections 715.761, this City Council has made available for public inspection a copy of the First Amendment to JEDD Contract, a description of the area to be added to the Original JEDD Area, and a map of the area to be added to the Original JEDD Area in sufficient detail to denote the specific boundaries of the area and to indicate any zoning restrictions applicable to the area; and

WHEREAS, pursuant to R.C. Sections 715.761 and 715.75, this City Council has published a notice of public hearing in a newspaper of general circulation in this City, certificates of which are attached hereto as Exhibit C; and

WHEREAS, the Authority, as the only owner of the JEDD Addition and the Developers as the only owners of a business located within the JEDD Addition have filed property owner and business owner petitions pursuant to R.C. Section 715.761(C)(6), thus alleviating the need for this City to give notice as would otherwise have been required under R.C. Section 715.76; and

WHEREAS, pursuant to R.C. Sections 715.761(B) and 715.75(C), this City Council caused a copy of the First Amendment to JEDD Contract to be delivered to the Board of County Commissions of Pickaway County on ~~November 6,~~ **November 16, 2015**; and

WHEREAS, pursuant to Ohio Revised Code (“R.C.”) Section 709.192, this City, the Township and the Village executed

the Madison Township Annexation Moratorium Agreement effective June 30, 2010; and

WHEREAS, the Original AMA originally encompassed a portion of the Township (the “Original AMA Area”), commonly referred to as the Northern Industrial Area, as depicted on the map attached as Exhibit A to the Original AMA and attached hereto as Exhibit D and incorporated herein by this reference; and

WHEREAS, this City, the Township, the Village and the Companies desire to reaffirm that the Project Area is included in the Original AMA Area by executing the First Amendment to Madison Township Annexation Moratorium Agreement attached hereto as Exhibit E. The Original AMA Area and the Project Area are referred to collectively here in as the “Reaffirmed AMA Area.” The Reaffirmed AMA Area is depicted on Exhibit F hereto and incorporated herein by this reference; and NOW, THEREFORE,

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

SECTION 1. This City Council hereby finds and determines that the terms of the First Amendment to JEDD Contract are in the best interests of this City and its residents and will enhance economic development, create jobs and employment opportunities, and improve the economic welfare of the people in this City, the Township, the Village, the County, and the State.

SECTION 2. This City Council hereby approves the execution of the First Amendment to JEDD Contract and the First Amendment to the Madison Township Annexation Moratorium Agreement, freely and without duress or coercion, and authorizes the Director of Development to execute the First Amendment to JEDD Contract and the First Amendment to Madison Township Annexation Moratorium Agreement on behalf of this City substantially in the form attached hereto as Exhibit B and Exhibit E, with such non-material and/or non-adverse changes as may be deemed appropriate by the President and one other member of this City Council. Such execution on behalf of this City shall constitute conclusive evidence of this City Council’s approval of any such changes. This City Council further authorizes and directs the Director of Development to take any further actions, and to execute and deliver any further agreements, certificates or documents that are necessary, reasonable or appropriate to carry out the purposes of the First Amendment to JEDD Contract and the First Amendment to Madison Township Annexation Moratorium Agreement.

SECTION 3. This City Council hereby authorizes and directs the Clerk of this City Council to file with the Board of County Commissioners of Pickaway County, in conjunction with the Village and Township, all documents required to be filed under R.C. Sections 715.76 and 715.761, including, without limitation, (i) a signed copy of the First Amendment to JEDD Contract, (ii) a description of the area to be added to the Original JEDD Area, including a map in sufficient detail to denote the specific boundaries of the area and to indicate any zoning restrictions applicable to the area, (iii) a certified copy of this Resolution, (iv) a certificate of this City that the public hearings required by R.C. Sections 715.761 and R.C. 715.75 were held, the date of the hearings, and evidence of publication of the notice of the hearings, (v) the petition signed by the Authority as the only owner of the JEDD Addition and (vi) the petition signed by the Developers as the only owners of a business located within the JEDD Addition.

SECTION 4. This City Council hereby consents, pursuant to R.C. Section 715.81, to the granting of tax exemptions in the Expanded JEDD Area, including but not limited to exemptions under R.C. Section 3735.67, notwithstanding anything to the contrary in the JEDD Agreement.

SECTION 5. It is hereby found and determined that all formal actions of this City Council concerning and relating to the passage of this Resolution were taken in an open meeting of this City Council, and that all deliberations of this City Council and any decision making bodies of the Village and Township that resulted in such formal actions were in meetings open to the public and in compliance with all legal requirements.

SECTION 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.