



## Legislation Details (With Text)

**File #:** 0182X-2022    **Version:** 1

**Type:** Resolution    **Status:** Passed

**File created:** 9/16/2022    **In control:** Economic Development Committee

**On agenda:** 10/3/2022    **Final action:** 10/6/2022

**Title:** To determine that the applications for the Written Consent to Add Property to the Big Darby West Broad Street NCA (as amended by City pursuant to Ohio Revised Code Chapter 349 with the consent of the Owners) are sufficient and comply with the requirements of Chapter 349 of the Ohio Revised Code; to set the time and place for a public hearing on the applications; and to authorize the notice of such public hearing by publication in a newspaper; and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
10/6/2022	1	CITY CLERK	Attest	
10/5/2022	1	MAYOR	Signed	
10/3/2022	1	COUNCIL PRESIDENT	Signed	
10/3/2022	1	Columbus City Council	Adopted	Pass

**Background:** Pursuant to the *Big Darby Accord Watershed Master Plan* and Resolution 0216X-2008 adopted by City Council on April 20, 2009, three revenue generation sources were identified: tax increment financing (TIF), new community authority (NCA) development charges, and per unit developer contributions for Big Darby Accord public improvements and other regionally beneficial public improvements within the Big Darby Accord area (the “Big Darby Revenue Program”). Ordinance 0411-2021 passed by Council on October 11, 2021 (the “Rezoning Ordinance”) rezoned the ±126.3 acres of property at or near the southeast corner of the intersection of West Broad Street and Alton Darby Creek Road and generally located at 6145 West Broad Street (tax parcel ID 010-256886 owned by both GMT Property Holdings LLC and Rock Capital Holdings LLC, and tax parcel ID’s 010-306518 and 010-306519 owned by Darby Crossing Apartments LP, the tax parcels collectively being, the “Developer Property,” and the companies collectively being, the “Owners”). The Owners plan to cause the private investment of approximately \$96.2 million to construct 260 multi-family units, 191 single family units, 150,000 square feet of commercial uses, and private improvements pursuant to the Rezoning Ordinance. Consistent with the *Big Darby Accord Watershed Master Plan* and the Rezoning Ordinance, the Developer Property is subject to the requirements of the Big Darby Revenue Program. Pursuant to Ordinance 2659-2021 passed by City Council on October 25, 2021, the Director of the Department of Development entered into the Big Darby - Blausner Farms Development Agreement dated November 22, 2021 to outline the plans and respective commitments for the fulfillment of Big Darby Revenue Program requirements including adding the Developer Property to the “Big Darby West Broad Street NCA” established in accordance with the petition submitted by Crown Pointe LLC, and assigned to Metro Development, LLC, pursuant to Resolutions 0060X-2021, 0242X-2021, and Ordinance 1291-2022. On September 9, 2022, applications for the Written Consent to Add Property to the Big Darby West Broad Street NCA (as amended by the City pursuant to Ohio Revised Code Chapter 349 with the consent of the Owners, the “Applications”) were filed by the Owners with the Clerk of City Council. By this resolution, City Council, as the organizational board of commissioners described and required by Chapter 349 of the Ohio Revised Code, will determine the sufficiency of the Applications, authorize a public notice, and set a public hearing date for the Applications.

**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 Petition was filed in accordance with Ohio Revised Code Chapter 349.

**Fiscal Impact:** No funding is required for this legislation.

To determine that the applications for the Written Consent to Add Property to the Big Darby West Broad Street NCA (as amended by City pursuant to Ohio Revised Code Chapter 349 with the consent of the Owners) are sufficient and comply with the requirements of Chapter 349 of the Ohio Revised Code; to set the time and place for a public hearing on the applications; and to authorize the notice of such public hearing by publication in a newspaper; and to declare an emergency.

**WHEREAS**, GMT Property Holdings LLC, Rock Capital Holdings LLC, and Darby Crossing Apartments LP (collectively, the “Owners”) plan to cause the development of an approximately ±126.3-acre site (the “Developer Property”) located at the southeast corner of the intersection of West Broad Street and Alton Darby Creek Road within the municipal corporate boundaries of the City of Columbus, Ohio (a municipal corporation, hereafter, the “City”) as 260 multi-family units, 191 single family units, 150,000 square feet of commercial uses, and private improvements; and

**WHEREAS**, pursuant to Ordinance 0411-2021 rezoning the Developer Property, as thereafter authorized by Ordinance 2659-2021, the Director of the Department of Development entered into the Big Darby - Blausner Farms Development Agreement dated November 22, 2021 (the “Big Darby Agreement”) to outline the plans and respective commitments for the Developer Property in fulfilling the “Big Darby Revenue Program” requirements required by Resolution 0216X-2008; and

**WHEREAS**, the Big Darby Revenue Program and the Big Darby Agreement require including the Developer Property in a new community district of a new community authority pursuant to Chapter 349 of the Ohio Revised Code (“R.C.”); and

**WHEREAS**, on April 7, 2021, Crown Pointe LLC (since assigned and assumed by Metro Development, LLC pursuant to Ordinance 1291-2022, the “Developer”) submitted to the Clerk of the Council of the City (“Council”), pursuant to R.C. Section 349.03, a Petition for Establishment of the Big Darby West Broad Street New Community Authority under R.C. Chapter 349 (the “Petition”); and

**WHEREAS**, the Big Darby West Broad Street New Community District, 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 purposes of this Petition in accordance with R.C. Chapter 349; and

**WHEREAS**, on April 26, 2021, pursuant to R.C. Section 349.03, Council adopted Resolution 0060X-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 Resolution 0242X-2021 adopted by Council on December 13, 2021, a new community authority with the corporate name designated in the Petition (such name being, the “Big Darby West Broad Street New Community Authority”) was organized as a body politic and corporate, and the boundaries of the Big Darby West Broad Street New Community District were made consistent with the boundaries described in the Petition encompassing the property owned by Crown Pointe LLC; and

**WHEREAS**, on September 9, 2022, applications for the Written Consent to Add Property to the Big Darby West Broad Street NCA (as amended by the City pursuant to R.C. Chapter 349 with the consent of the Owners, the “Applications”) were filed by the Owners with the Clerk of Council; and

**WHEREAS**, this Council has reviewed the Applications, and by this resolution desires to legislatively determine, pursuant to R.C. Section 349.03, that the Applications comply with the requirements of that section as to form and substance; pursuant to R.C. Section 349.03, to set the time and place of a hearing on the Applications; and further pursuant to R.C. Section 349.03, authorize the notice by publication of the hearing on the Applications; 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 described herein regarding the sufficiency of the Applications 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 Applications were filed in accordance with R.C. Chapter 349 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. Organizational Board of Commissioners.** This Council hereby acknowledges and determines that, pursuant to R.C. Section 349.01(F)(3), it is the “organizational board of commissioners” of the Big Darby West Broad Street New Community Authority for all purposes of R.C. Chapter 349.

**SECTION 2. Petition’s Sufficiency and Compliance with R.C. Section 349.03.** This Council has examined the Applications and finds and determines that the Applications, as amended by the City under the authority granted herein by R.C. Chapter 349 with the consent of the Owners, are sufficient and comply with the requirements of R.C. Section 349.03 in form and substance.

**SECTION 3. Time and Place of Hearing.** Pursuant to R.C. Section 349.03, this Council hereby determines to hold a hearing about the Applications on October 19, 2022 at 10:30 a.m. in the offices of the City Department of Development, 111 N. Front Street, Columbus, Ohio 43215, and this Council hereby authorizes each of the City Attorney, the Clerk of Council, and the City Director of the Department of Development, 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 R.C. Section 7.16, in a newspaper of general circulation within Franklin County, Ohio, pursuant to R.C. Section 349.03(A).

**SECTION 4. Effective Date.** 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.