



Legislation Details (With Text)

File #: 1436-2024 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 5/10/2024 **In control:** Economic Development & Small and Minority Business Committee

On agenda: 6/3/2024 **Final action:** 6/5/2024

Title: To appropriate and authorize the expenditure of service payments in lieu of taxes deposited, or to be deposited, in the Lucent Commercial TIF Fund to the developer, or its designee, pursuant to the following agreement; to authorize the Director of the Department of Development, on behalf of the City, to enter into a Tax Increment Financing Agreement with Trident Broad Development LLC to reimburse the developer for a portion of the prorated costs of shared stormwater basins serving both the developer’s project and the Department of Public Service’s Roadway - Westbourne Avenue Extension project within and around Franklin County Auditor Parcel No. 520-269045 owned by the developer; and to declare an emergency. (0.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
6/5/2024	1	CITY CLERK	Attest	
6/4/2024	1	ACTING MAYOR	Signed	
6/3/2024	1	COUNCIL PRESIDENT	Signed	
6/3/2024	1	Columbus City Council	Approved	Pass

Background: Trident Broad Development LLC (the “Developer”) owns (more or less) 77 acres of real property located at 260 Taylor Station Road near the intersection of Taylor Station Road and Westbourne Ave on the former Lucent Technologies, Inc. manufacturing, distribution, and office site (parcel ID number 520-269045, the “Site”). The Developer is proposing to invest approximately \$60,000,000 on the Site to construct approximately 240 multi-family residential rental units including affordable housing units, two industrial buildings of approximately 200,000 to 225,000 square feet of warehouse space, and another building with approximately 40,000 to 60,000 square feet of flex office space (collectively, the “Project”). Pursuant to Ordinance No. 2046-2022 passed by City Council on July 18, 2022, the City and Developer entered into an Economic Development Agreement that contemplated the City would, among other things, appropriate and authorize the expenditure of certain tax increment financing adjacent to and overlapping the Site established by Ordinance No. 1159-2005 (the “E. Broad TIFs”) to finance the public infrastructure improvements necessary to develop the Project.

The Department of Public Service has submitted Ordinance No. 0472-2024 to enter into contract with Trucco Construction Company, Inc. for the Roadway - Westbourne Avenue Extension project (the “Public Roadway”) and to provide payment for construction and inspection using the E. Broad TIFs. The Economic Development Agreement further plans, as a cost savings to the City, for the Developer to cause the design and construction of shared stormwater basins on the Site serving both the Project and the Public Roadway on the condition that the City would reimburse the Developer certain costs on an agreed prorated basis using the existing E. Broad TIFs. This legislation authorizes the Director of the Department of Development to enter into a Tax Increment Financing Agreement with the Developer and to appropriate and authorize the expenditure of service payments from the E. Broad TIFs to reimburse the Developer for the aforementioned public costs including any incurred after the date of Ordinance 2046-2022.

Fiscal Impact: The City is appropriating and authorizing the expenditure of service payments in lieu of taxes deposited, and to be deposited, into the Lucent Commercial TIF Fund (4432) in accordance with a Tax Increment Financing Agreement between the City and Trident Broad Development LLC.

Emergency Justification: Emergency action is requested to authorize the Director of the Department of Development to immediately enter into the TIF Agreement to begin reimbursing the Developer in order to allow the Developer to immediately begin financing and constructing the shared stormwater basins, to avoid delay in their completion which will impede the Department of Public Service from issuing its notice to proceed for the Roadway - Westbourne Avenue Extension project pursuant to the agreed upon date in the Economic Development Agreement causing the risk of either terminating said agreement or causing the contractor for the roadway to withdraw its bid price therefore costing the City additional expenses to rebid it.

To appropriate and authorize the expenditure of service payments in lieu of taxes deposited, or to be deposited, in the Lucent Commercial TIF Fund to the developer, or its designee, pursuant to the following agreement; to authorize the Director of the Department of Development, on behalf of the City, to enter into a Tax Increment Financing Agreement with Trident Broad Development LLC to reimburse the developer for a portion of the prorated costs of shared stormwater basins serving both the developer's project and the Department of Public Service's Roadway - Westbourne Avenue Extension project within and around Franklin County Auditor Parcel No. 520-269045 owned by the developer; and to declare an emergency. (0.00)

WHEREAS, Trident Broad Development LLC (the "Developer") is proposing an approximately \$60 million mixed-use development (the "Project") on real property located on the former Lucent Technologies, Inc. site at 260 Taylor Station Road and currently identified as Franklin County Auditor tax parcel ID number 520-269045 (the "Site"); and

WHEREAS, as part of a public-private-partnership (P3), Ordinance No. 2046-2022 passed by City Council on July 18, 2022 (the "EDA Ordinance Date") authorized the City and the Developer to enter into an Economic Development Agreement; and

WHEREAS, the City desires to encourage the redevelopment of the Site by funding through certain tax incrementing financing adjacent to and overlapping the Site established by Ordinance No. 1159-2005 (the "E. Broad TIFs") the design and construction of certain public infrastructure improvements including the Roadway - Westbourne Avenue Extension project (the "Public Roadway") and its related shared stormwater basins on the Site; and

WHEREAS, a cost savings benefit to the City exists in that it is not necessary for the City to acquire property and construct its own separate stormwater basins for the Public Roadway, since the Developer agreed to cause the design and construction of shared stormwater basins on the Site serving both the Project and the Public Roadway on the condition that the City would reimburse the Developer certain costs on an agreed prorated basis using the E. Broad TIFs; and

WHEREAS, it is now necessary to appropriate and authorize the expenditure of the service payments in lieu of taxes deposited, and to be deposited, into the Lucent Commercial TIF Fund (4432), as provided hereafter; and

WHEREAS, the City and the Developer desire to memorialize their understanding and commitments with respect to such reimbursement of costs incurred after the EDA Ordinance Date for the shared stormwater basins by entering into a Tax Increment Financing Agreement (the "TIF Agreement"); and

WHEREAS, an emergency exists in the usual daily operations of the Department of Development in that it is immediately necessary to authorize the Director to execute as quickly as possible the TIF Agreement to begin reimbursing

the Developer in order to allow the Developer to immediately begin financing and constructing the shared stormwater basins to avoid any delay to their completion which will impede the Department of Public Service from issuing its notice to proceed for the Public Roadway pursuant to the agreed upon date in the Economic Development Agreement causing the risk of either terminating said agreement or causing the contractor for the Public Roadway to withdraw its bid price therefore costing the City additional expenses to rebid it, all for the immediate preservation of the public health, peace, property, safety and welfare; and **NOW, THEREFORE,**

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

Section 1. That the Director of the Department of Development or his or her designee (the “Director”), on behalf of the City, is hereby authorized to enter into the TIF Agreement presently on file with the Department of Development, along with any changes or amendments thereto not inconsistent with this Ordinance and not substantially adverse to the City and which shall be approved by the Director and the City Attorney, provided that the approval of such changes and amendments thereto, and the character of those changes and amendments not being substantially adverse to the City, shall be evidenced conclusively by the execution and delivery thereof, and to pay for the costs of certain public infrastructure improvements incurred after the EDA Ordinance Date as identified in the TIF Agreement.

Section 2. That the Director or other appropriate officers of the City are authorized to execute subsequent amendments to the TIF Agreement to add additional work related to the Public Roadway and its associated stormwater basins; to increase the maximum reimbursement provided thereunder; or extend the deadline thereunder, and to execute such other agreements, modifications, and instruments, subject to approval by the City Attorney’s Office, and to take all actions as may be necessary to implement this Ordinance and the transactions contemplated by the TIF Agreement.

Section 3. That the service payments in lieu of taxes and property tax rollback payments deposited, and to be deposited, into the Lucent Commercial TIF Fund (Fund 4432) created by the Ordinance No. 1159-2005 shall be deemed appropriated for the purposes set forth in the TIF Agreement and authorized to be expended therefrom in accordance with the TIF Agreement; provider however, that the Director is hereby authorized to amend the amount of the authorized maximum obligation pursuant to the TIF Agreement if it is determined by the City that additional financing is required for the Public Roadway and its associated stormwater basins; the City Auditor is authorized to make payments to the Developer, or its authorized designee, from the Lucent Commercial TIF Fund in accordance with the TIF Agreement upon order of the Director, and that no order shall be drawn or money paid except by voucher, the form of which shall be approved by the City Auditor.

Section 4. That funds are deemed appropriated and expenditures are authorized to carry out the purposes of this ordinance; the City Auditor is authorized to establish such accounting codes as necessary, to make any accounting changes to revise the funding source for all agreements, contracts, amendments, or modifications associated with this Ordinance and the transactions contemplated by the TIF Agreement.

Section 5. That the City Auditor is hereby authorized to transfer the unencumbered balance in a project account or subfund to the unallocated balance account within the same fund upon receipt of certification by the Director of the Department administering said project that the project has been completed and the monies are no longer required for said project.

Section 6. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this Ordinance is 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 passage if the Mayor neither approves nor vetoes the same.