



## Legislation Details (With Text)

**File #:** 3369-2023      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 11/20/2023      **In control:** Economic Development Committee

**On agenda:** 12/11/2023      **Final action:** 12/14/2023

**Title:** To appropriate and authorize the expenditure or transfer of the service payments in lieu of taxes generated by the parcels subject to the Old Dublin Road TIF deposited in the Old Dublin Road Public Improvement Tax Increment Equivalent Fund (that are not already pledged under agreements with the Columbus-Franklin County Finance Authority pursuant to Ordinance Nos. 1342-2020 and 0669-2021) pursuant to the Tax Increment Financing Agreement and Cooperative Agreement ("2023 Cooperative Agreement"); to authorize the Director of the Department of Development to execute and deliver the 2023 Cooperative Agreement by and among the City of Columbus, the Columbus-Franklin County Finance Authority, and Buckeye XO, LLC for the bond financing of certain public easements over and within Franklin County Auditor Tax Parcel ID No. 560-316947 (Buckeye Yard Phase 1 Reserve A); and to authorize the Director of the Department of Development or other appropriate officers of the City to deliver such other agreements and instruments, including but not limited to the public easements, and to take such other action necessary to secure the bonds.

### Sponsors:

### Indexes:

### Code sections:

### Attachments:

Date	Ver.	Action By	Action	Result
12/14/2023	1	ACTING CITY CLERK	Attest	
12/13/2023	1	MAYOR	Signed	
12/11/2023	1	COUNCIL PRESIDENT	Signed	
12/11/2023	1	COUNCIL PRESIDENT	Signed	
12/11/2023	1	Columbus City Council	Approved	Pass
12/4/2023	1	Columbus City Council	Read for the First Time	

**BACKGROUND:** City Council created a tax increment financing area near the northwest intersection of Old Dublin Road and Trabue Road pursuant to Section 5709.40(B) of the Ohio Revised Code (the "Old Dublin Road TIF") by its passage of Ordinance No. 1237-2015 on June 9, 2015. In order to fund additional public infrastructure improvements in and around the West Scioto Area Commission, City Council expanded the Old Dublin Road TIF area pursuant to Section 5709.40(B) of the Ohio Revised Code by its passage of Ordinance No. 3168-2019 on December 16, 2019. In order to fund additional public infrastructure improvements benefiting proactive industrial development in and around the former Buckeye Yard intermodal railroad terminal on Franklin County Auditor Tax Parcel ID Nos. 560-316942, 560-316943, 560-316944, 560-316945, 560-316946, and 560-316947 (collectively, the "Buckeye Yard Parcels"), the Department of Development has submitted legislation for City Council consideration of a second expansion of the Old Dublin Road TIF area pursuant to Section 5709.40(B) of the Ohio Revised Code.

As the owner of the Buckeye Yard Parcels, Buckeye XO, LLC (the "Developer"), is planning to sell to a purchaser that will redevelop a portion of the Buckeye Yard Parcels with a facility (the "Private Project") that will retain and generate new jobs and employment opportunities within the City. To enable the construction of the Private Project, certain public easements at the Buckeye Yard Parcels must be acquired over and within Franklin County Auditor Tax Parcel ID No. 560-

316947 (Buckeye Yard Phase 1 Reserve A) (such acquisition, the “Public Project,” with the easement area acquired being the “Project Site”) to support the Private Project and additional proactive industrial development in the vicinity A portion of the surplus TIF money from the 2019 and 2023 expansions of the Old Dublin Road TIF not already pledged under agreements with Columbus-Franklin County Finance Authority (the “CFCFA”) pursuant to Ordinance Nos. 1342-2020 and 0669-2021 (the “Available Service Payments”) will be used to finance the Public Project at the Project Site. This Ordinance approves and authorizes a new Tax Increment Financing and Cooperative Agreement (the “2023 Cooperative Agreement”) by and among the City, the CFCFA, and the Developer pursuant to which the CFCFA will issue bonds to finance a portion of the Public Project. The City will pledge the Available TIF Revenue to repaying those bonds and collecting the City’s TIF fees. This Ordinance will also appropriate and authorize the expenditure or transfer of the Available TIF Revenue pursuant to the 2023 Cooperative Agreement.

**FISCAL IMPACT:** No funding is required for this legislation. Pursuant to the Tax Increment Financing Agreement and Cooperative Agreement authorized by this Ordinance, the City is appropriating and authorizing the expenditure or transfer of the service payments in lieu of taxes generated by the parcels subject to the Old Dublin Road TIF deposited or to be deposited in the Old Dublin Road Public Improvement Tax Equivalent Fund that are not already pledged under agreements with the CFCFA pursuant to Ordinance Nos. 1342-2020 and 0669-2021.

To appropriate and authorize the expenditure or transfer of the service payments in lieu of taxes generated by the parcels subject to the Old Dublin Road TIF deposited in the Old Dublin Road Public Improvement Tax Increment Equivalent Fund (that are not already pledged under agreements with the Columbus-Franklin County Finance Authority pursuant to Ordinance Nos. 1342-2020 and 0669-2021) pursuant to the Tax Increment Financing Agreement and Cooperative Agreement (“2023 Cooperative Agreement”); to authorize the Director of the Department of Development to execute and deliver the 2023 Cooperative Agreement by and among the City of Columbus, the Columbus-Franklin County Finance Authority, and Buckeye XO, LLC for the bond financing of certain public easements over and within Franklin County Auditor Tax Parcel ID No. 560-316947 (Buckeye Yard Phase 1 Reserve A); and to authorize the Director of the Department of Development or other appropriate officers of the City to deliver such other agreements and instruments, including but not limited to the public easements, and to take such other action necessary to secure the bonds.

**WHEREAS**, by Ordinance No. 1237-2015 passed on June 9, 2015 (the “2015 TIF Ordinance”), this Council created a tax increment financing area pursuant to Sections 5709.40(B), 5709.42 and 5709.43 of the Ohio Revised Code (collectively, the “TIF Statutes”) whereby the City exempted certain parcels near the northwest intersection of Old Dublin Road and Trabue Road (the “Old Dublin Road TIF”); and

**WHEREAS**, pursuant to Ordinance No. 3168-2019 passed on December 16, 2019 (the “2019 TIF Ordinance”), this Council expanded the Old Dublin Road pursuant to the TIF Statutes to include additional nonresidential parcels within the West Scioto Area Commission; and

**WHEREAS**, pursuant to an ordinance submitted for consideration on the same dates hereof (the “2023 TIF Ordinance”), this Council will expand the Old Dublin Road pursuant to the TIF Statutes to include additional nonresidential parcels within the Far West Side Area Commission; and

**WHEREAS**, pursuant to Ordinance No. 1342-2020, the City appropriated and authorized the expenditure of a portion of the service payments in lieu of taxes generated by the 2019 TIF Ordinance to the Columbus-Franklin County Finance Authority (the “CFCFA”) under a Tax Increment Financing and Cooperative Agreement dated June 30, 2020 (the “2020 Cooperative Agreement”); and

**WHEREAS**, pursuant to Ordinance No. 0669-2021, the City appropriated and authorized the expenditure of the service payments in lieu of taxes generated by the 2015 TIF Ordinance to the CFCFA under a Tax Increment Financing and Cooperative Agreement dated May 12, 2021 (the “2021 Cooperative Agreement”); and

**WHEREAS**, in order to provide funds for the acquisition, design, and construction of public infrastructure improvements needed to benefit proactive industrial development in and around the former Buckeye Yard intermodal railroad terminal on Franklin County Auditor Tax Parcel ID Nos. 560-316942, 560-316943, 560-316944, 560-316945, 560-316946, and 560-316947 (collectively the “Buckeye Yard Parcels”), the Department of Development has submitted the 2023 TIF Ordinance for City Council consideration to again expand the Old Dublin Road TIF area; and

**WHEREAS**, as the owner of the Buckeye Yard Parcels, Buckeye XO, LLC (the “Developer”), is planning to sell to a purchaser that will redevelop a portion of the Buckeye Yard Parcels with a facility (the “Private Project”) that will retain and generate new jobs and employment opportunities within the City; and

**WHEREAS**, to enable the construction of the Private Project, certain public easements at the Buckeye Yard Parcels must be acquired over and within Franklin County Auditor Tax Parcel ID No. 560-316947 (Buckeye Yard Phase 1 Reserve A) (such acquisition, the “Public Project,” with the easement area acquired being the “Project Site”) to support the Private Project and additional proactive industrial development in the area; and

**WHEREAS**, the CFCFA is willing to issue bonds to finance the Public Project provided that the City and the Developer each approve and enter into a new Tax Increment Financing Agreement and Cooperative Agreement (the “2023 Cooperative Agreement”) with the CFCFA; and

**WHEREAS**, pursuant to the 2023 Cooperative Agreement for the Public Project, the City is appropriating and authorizing the expenditure or transfer of a portion of the surplus service payments in lieu of taxes generated by the parcels subject to the Old Dublin Road TIF deposited or to be deposited in the Old Dublin Road Public Improvement Tax Equivalent Fund that are not already pledged under the 2020 Cooperative Agreement and the 2021 Cooperative Agreement (the “Available TIF Revenue”); **NOW, THEREFORE**,

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

**SECTION 1. 2023 Cooperative Agreement.** That the Director of the Department of Development or his or her designee (collectively, the “Director”), for and in the name of the City, is hereby authorized to execute and deliver the 2023 Cooperative Agreement presently on file with the Director 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 as not being substantially adverse to the City, shall be evidenced conclusively by the execution and delivery of said 2023 Cooperative Agreement by the Director or designee.

**SECTION 2. Subsequent Agreements.** That the Director or other appropriate officers of the City are authorized to take all actions as may be necessary to implement this Ordinance and the transactions contemplated by the 2023 Cooperative Agreement including but not limited to being a signatory acknowledging and accepting the public easements for the Project Site.

**SECTION 3. Appropriation.** That the Available TIF Revenue deposited or to be deposited into the Old Dublin Road Public Improvement Tax Equivalent Fund (Fund 7467) created by the 2015 TIF Ordinance, shall be deemed appropriated for the purposes set forth in the 2023 Cooperative Agreement and authorized to be expended therefrom in accordance with the 2023 Cooperative Agreement, and the City Auditor is authorized to make payments to the CFCFA or its designee from the Available TIF Revenue in Old Dublin Road Public Improvement Tax Equivalent Fund (Fund 7467) in accordance with the 2023 Cooperative Agreement upon order of the Director, or his or her designee, 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. TIF Fees.** That the City Auditor is authorized to make annual transfers of \$5,000 from the Available TIF Revenue in the Old Dublin Public Improvement Tax Equivalent Fund (Fund 7467) to the Business Tax Incentive Fund (2229), subject to the authorization of the Director, for the City TIF Administrative Fee in accordance with the 2023 Cooperative Agreement and Ordinance No. 3169-2022.

**SECTION 5. Effective Date.** That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.