



Legislation Details (With Text)

File #: 1463-2010 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 10/4/2010 **In control:** Finance & Economic Development Committee
On agenda: 10/18/2010 **Final action:** 10/20/2010

Title: To authorize the Director of the Department of Development to execute a Certificate of Completion determining that the Anthony Thomas Candy Company, Inc. has satisfied all obligations of the Development Agreement thereby releasing any reverter rights of the City; and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
10/20/2010	1	CITY CLERK	Attest	
10/19/2010	1	MAYOR	Signed	
10/18/2010	1	Columbus City Council	Approved	Pass
10/18/2010	1	COUNCIL PRESIDENT	Signed	
10/5/2010	1	Dev Drafter	Sent for Approval	
10/5/2010	1	CITY ATTORNEY	Reviewed and Approved	
10/5/2010	1	Dev Drafter	Sent to Clerk's Office for Council	
10/4/2010	1	Dev Drafter	Sent for Approval	
10/4/2010	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	

Background: This Council passed Ordinance 663-81 on March 12, 1981 authorizing the Mayor to enter into a Development Agreement to support the expansion of the Anthony Thomas Candy Company, Inc. and to execute any necessary deeds for the conveyance of real property as called for under the terms of the Development Agreement.

The expansion, located at 1160 West Broad Street, involved the construction of 13,000 square feet of new space. In order to facilitate this expansion, the City executed a quit claim deed to convey certain pieces of real property. The quit claim deed contained reverter rights to the City in the event that the Anthony Thomas Candy Company, Inc. failed to comply with the terms of the agreement.

The purpose of this legislation is to authorize the Director of the Department of Development to execute a Certificate of Completion determining that the Anthony Thomas Candy Company, Inc. has satisfied all obligations of the Development Agreement and thereby releasing any reverter rights of the City.

Fiscal Impact: No funding is necessary for this legislation.

To authorize the Director of the Department of Development to execute a Certificate of Completion determining that the Anthony Thomas Candy Company, Inc. has satisfied all obligations of the Development Agreement thereby releasing any reverter rights of the City; and to declare an emergency.

WHEREAS, the City, by Ordinance 663-81 on March 12, 1981 authorized the Mayor to enter into a Development Agreement to support the expansion of the Anthony Thomas Candy Company, Inc. and to execute any necessary deeds for the conveyance of real property as called for under the terms of the Development Agreement ; and

WHEREAS, on the 29th day of June, 1982, the City of Columbus, Ohio, a municipal corporation, pursuant to the authority of Ordinance 663-81, passed March 12, 1981, did execute and deliver unto Anthony Thomas Candy Company, Inc. its quit claim deed conveying certain real estate in the City of Columbus, Ohio aforesaid, and specifically therein described, which said quit claim deed was thereafter duly transferred and filed for record in the Office of the Recorder of Franklin County, Ohio, where it now appears of record in Deed Book 01854, page E-01; and

WHEREAS, said quit claim deed contains among other things references to certain documents, particularly a document known as the Development Agreement / Redevelopment Agreement by and between the City of Columbus and Anthony Thomas Candy Company, Inc., dated May 22, 1981, (hereinafter called "Agreement"); and

WHEREAS, said quit claim deed further contains and sets forth certain reverter rights reserved to the City of Columbus in the event Anthony Thomas Candy Company, Inc. failed to comply with the terms of the Agreement; and

WHEREAS, it is necessary for the Director of Development to execute a Certificate of Completion which constitutes a conclusive determination that Anthony Thomas Candy Company, Inc. has satisfied all obligations of the Agreement, thereby releasing any reverter rights of the City; and

WHEREAS, an emergency exists in the usual daily operation of the Columbus Department of Development in that it is immediately necessary to execute a Certificate of Completion to facilitate the redevelopment of the property creating jobs, investment, preservation of public health, peace and prosperity; **NOW, THEREFORE**,

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

Section 1. That the Director of Development is hereby authorized to execute a Certificate of Completion and those documents, as approved by the Department of Law, Real Estate Division, necessary to constitute a conclusive determination that Anthony Thomas Candy Company, Inc. has satisfied all obligations of the Agreement and thereby releasing any reverter rights of the City.

Section 2. That for reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance 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.