



## Legislation Details (With Text)

**File #:** 1515-2012      **Version:** 1

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

**File created:** 6/28/2012      **In control:** Development Committee

**On agenda:** 7/9/2012      **Final action:** 7/11/2012

**Title:** To amend Ordinance 1751-2010, passed on December 6, 2010, authorizing the Director of Development to amend a Community Reinvestment Area Agreement with the Whirlpool Corporation et al by changing the listed owner in the Agreement from DB RREEF US Properties LLC to BRE/DP WH Columbus LLC; and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
7/11/2012	1	CITY CLERK	Attest	
7/10/2012	1	MAYOR	Signed	
7/9/2012	1	COUNCIL PRESIDENT	Signed	
7/9/2012	1	Columbus City Council	Approved	Pass

**BACKGROUND:** The need exists to amend Ordinance 1751-2010 which was approved by Columbus City Council on December 6, 2010. The ordinance authorized the Director of Development to amend the Whirlpool Corporation, Kenco Logistic Services, LLC & DB RREEF US Properties LLC Community Reinvestment Area Agreement (the Agreement) by changing the job creation requirement and the new job payroll commitment as set forth in the Agreement, to allow the non-Whirlpool Corporation and non-Kenco Logistic Services, LLC jobs at the project site that were created as a result of the project to be counted towards the job creation goal of the Agreement and to change the listed owner in the Agreement from DB RREEF US Properties LLC to D/P Rickenbacker LLC. The project site identified in Ordinance 1751-2010 being 6241 Shook Road, Lockbourne, Ohio 43217 on parcel numbers 495-286103 and 495-287287.

The amendment to the Agreement as authorized by Ordinance 1751-2010 was prepared and submitted for signature to Crowe Horwath LLP, the annual reporting consultant for the project, on December 10, 2010 via Certified Mail. This mailing was received by Crowe Horwath LLC on December 20, 2010. The amendment to the agreement has yet to be returned with signature.

A letter received by the City via email on July 22, 2012 indicated that as of June 21, 2012, the ownership of the project site has changed from D/P Rickenbacker LLC to BRE/DP WH Columbus LLC. The letter requests that the Agreement be amended to reflect this change in ownership.

As the amendment to the Agreement as authorized by Ordinance 1751-2010 has yet to be executed and as ownership of the project site has changed prior to the execution of the amendment to the Agreement, an amendment to Ordinance 1751-2010 is now required to authorize the Director of Development to change the listed owner in the Agreement from DB RREEF US Properties LLC to BRE/DP WH Columbus LLC instead of to D/P Rickenbacker LLC.

This legislation is requested to be considered as an emergency in order for the Agreement to be amended prior to the 2012 Tax Incentive Review Council which will be held in August 2012.

**FISCAL IMPACT:** No funding is required for this legislation.

To amend Ordinance 1751-2010, passed on December 6, 2010, authorizing the Director of Development to amend a Community Reinvestment Area Agreement with the Whirlpool Corporation et al by changing the listed owner in the Agreement from DB RREEF US Properties LLC to BRE/DP WH Columbus LLC; and to declare an emergency.

**WHEREAS**, the Columbus City Council approved the authorization for the Director of Development to amend the Whirlpool Corporation, Kenco Logistic Services, LLC & DB RREEF US Properties LLC Community Reinvestment Area Agreement (the Agreement) on December 6, 2010 by Ordinance 1751-2010; and

**WHEREAS**, the project site for the Agreement is 6241 Shook Road, Lockbourne, Ohio 43217 on parcel numbers 495-286103 and 495-287287; and

**WHEREAS**, the amendment to the Agreement was to amend the job creation requirement and the new job payroll commitment as set forth in the Agreement, to allow the non-Whirlpool Corporation and non-Kenco Logistic Services, LLC jobs at the project site that were created as a result of the project to be counted towards the job creation goal of the Agreement and to change the listed owner in the Agreement from DB RREEF US Properties LLC to D/P Rickenbacker LLC; and

**WHEREAS**, the amendment to the Agreement has yet to be executed; and

**WHEREAS**, a letter received by the City via email on July 22, 2012 indicated that as of June 21, 2012, the ownership of the project site has changed from D/P Rickenbacker LLC to BRE/DP WH Columbus LLC and that this letter requests that the Agreement be amended to reflect this change in ownership; and

**WHEREAS**, a need exists to amend the legislation, Ordinance 1751-2010, to reflect the fact that ownership of the project site has changed from D/P Rickenbacker LLC to BRE/DP WH Columbus LLC; and

**WHEREAS**, an emergency exists in the usual daily operations of the Department of Development in that it is immediately necessary to amend Ordinance 1751-2010 prior to the 2012 Tax Incentive Review Council which will be held in August 2012, so as to maintain compliance with the parameters of the Agreement, and for the preservation of public health, peace, property and safety, **NOW, THEREFORE**,

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

**Section 1.** That the Director of Development is hereby authorized to amend the existing legislation (Ordinance 1751-2010) that authorized the Director of Development to amend the Whirlpool Corporation, Kenco Logistic Services, LLC & DB RREEF US Properties LLC Community Reinvestment Area Agreement (the Agreement), to amend the job creation requirement and the new job payroll commitment as set forth in the Agreement, to allow the non-Whirlpool Corporation and non-Kenco Logistic Services, LLC jobs at the project site that were created as a result of the project to be counted towards the job creation goal of the Agreement and to change the listed owner in the Agreement from DB RREEF US Properties LLC to D/P Rickenbacker LLC.

**Section 2.** That this amendment to Ordinance 1751-2010 authorized the Director of Development to change the listed owner in the Agreement from DB RREEF US Properties LLC to BRE/DP WH Columbus LLC instead of to D/P Rickenbacker LLC.

**Section 3.** That the amendment to the City of Columbus Community Reinvestment Area Agreement be signed by Whirlpool Corporation, Kenco Logistic Services, LLC & BRE/DP WH Columbus LLC within ninety (90) days of passage of this ordinance, or this ordinance and the abatements authorized herein are null and void.

**Section 4.** That for reasons stated in the preamble hereto, which is hereby made a part hereof the 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.