



## Legislation Details (With Text)

**File #:** 0829-2016      **Version:** 1

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

**File created:** 3/17/2016      **In control:** Economic Development Committee

**On agenda:** 4/4/2016      **Final action:** 4/5/2016

**Title:** To authorize the Director of the Department of Development, on behalf of the City, to enter into a tax increment financing agreement with Lifestyle Communities, LTD. to provide for the construction and financing of public infrastructure improvements within and around the tax increment financing area created by Ordinance 2117-2005; and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0829-2016 New Albany West Central College Map, 2. ORD0829-2016 Harlem-Central College Map

| Date     | Ver. | Action By             | Action   | Result |
|----------|------|-----------------------|----------|--------|
| 4/5/2016 | 1    | CITY CLERK            | Attest   |        |
| 4/5/2016 | 1    | MAYOR                 | Signed   |        |
| 4/4/2016 | 1    | COUNCIL PRESIDENT     | Signed   |        |
| 4/4/2016 | 1    | Columbus City Council | Approved | Pass   |

**BACKGROUND:** City Council passed Ordinance 2117-2005 on December 12, 2005 (the “TIF Ordinance”) establishing the New Albany West - Central College and Harlem Road - Central College tax increment financing areas (TIF Areas) benefiting parcels near the intersection of New Albany Road West and Central College Road in the Columbus School District pursuant to Section 5709.40 of the Ohio Revised Code. This ordinance approves and authorizes a tax increment financing agreement between the City of Columbus and Lifestyle Communities, LTD. to provide for the construction and financing of certain improvements to parcels.

An emergency exists in the usual daily operation of the Department of Development in that this Ordinance is required to be immediately effective in order to facilitate the continuing development of the TIF Area.

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

To authorize the Director of the Department of Development, on behalf of the City, to enter into a tax increment financing agreement with Lifestyle Communities, LTD. to provide for the construction and financing of public infrastructure improvements within and around the tax increment financing area created by Ordinance 2117-2005; and to declare an emergency.

**WHEREAS,** Sections 5709.40, 5709.42 and 5709.43 of the Ohio Revised Code authorize this Council, by ordinance, to declare the improvement to certain parcels of real property located within the corporate boundaries of the City of Columbus, Ohio (the “City”), to be a public purpose and exempt from taxation, require the owner of each parcel to make

service payments in lieu of taxes, and specify public infrastructure improvements made, to be made or in the process of being made that directly benefit, or that once made will directly benefit, those parcels; and

**WHEREAS**, pursuant to Ordinance 2117-2005 passed on December 12, 2005 (the “TIF Ordinance”), this Council created a tax increment financing in the area of New Albany Road West and Central College Road (the “TIF Areas”) (Exhibit A Map); and

**WHEREAS**, Lifestyle Communities, LTD. has commenced making or causing to be made private improvements within the TIF Area (collectively, the “Private Improvements”); and

**WHEREAS**, the City has determined that it is in the best interest of the City and its residents that certain public infrastructure improvements be made in support of those Private Improvements, which public infrastructure improvements were included in the description of Public Infrastructure Improvements in the TIF Ordinance are necessary and appropriate in connection with the development of the TIF Area and will directly benefit the TIF Area; and

**WHEREAS**, the City desires Lifestyle Communities, LTD. to construct or cause to be constructed the Public Infrastructure Improvements; and

**WHEREAS**, the City intends to enter into a Tax Increment Financing Agreement with Lifestyle Communities, LTD. (the “TIF Agreement”) to provide for, among other things the design and construction of the Public Infrastructure Improvements and disbursement of monies on deposit in the TIF Fund which constitute available TIF Funds as defined in the TIF Agreement, to pay Lifestyle Communities, LTD. for the design and construction costs of the Public Infrastructure Improvements; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Development in that this Ordinance is required to be immediately effective in order to facilitate the continuing development of the TIF Area, such immediate action being necessary for the preservation of the 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 (the Director), for and in the name of the City, is hereby authorized to execute the Tax Increment Financing Agreement (the TIF Agreement) between the City and Lifestyle Communities, LTD. that is 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.

**SECTION 2.** That the service payments made in lieu of real property taxes and deposited in the New Albany West - Central College Tax Increment Equivalent Fund (Fund 7447) and Harlem Road - Central College Tax Increment Equivalent Fund (Fund 7446), as established by Ordinance 2117-2005, which constitute available TIF Funds as defined in the TIF Agreement, shall be deemed appropriated for the purposes set forth in the Agreement and the City Auditor is hereby authorized to make payments to the Developer upon receipt of invoices submitted in accordance with the Agreement and approved by the Director.

**SECTION 3.** That for the 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.