



## Legislation Text

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**File #:** 1651-2024, **Version:** 1

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**Background:** Section 757.70 of House Bill 33 enacted by the 135<sup>th</sup> General Assembly and effective July 4, 2023, provides that the legislative authority of an impacted city may include a determination in an ordinance adopted under division (B) of Section 5709.40 of the Ohio Revised Code that satisfactory provision has been made for the public improvement needs of the parcels identified in the ordinance and may specify other improvements made, to be made, or in the process of being made that do not directly benefit the parcels identified in the ordinance but are in support of urban redevelopment within the meaning of Section 5709.41 of the Ohio Revised Code. This legislation makes the determination as to such satisfactory provision and allows the City, as an “impacted city” under Section 1728.01 of the Ohio Revised Code, to use tax increment financing in areas of the City other than the original TIF parcels for other public improvements in support of urban redevelopment within the meaning of Section 5709.41 of the Ohio Revised Code.

**Emergency Justification:** Emergency action is requested to adopt this legislation not later than the June 30, 2024 deadline required in Section 757.70 of House Bill 33 enacted by the 135<sup>th</sup> General Assembly.

**Fiscal Impact:** No funding is required for this legislation.

To determine that satisfactory provision has been made for the public improvement needs of the parcels within certain tax increment financing areas previously adopted in an ordinance of the City under division (B) of Section 5709.40 of the Ohio Revised Code; to include additional public improvements made, to be made, or in the process of being made within the City in support of urban redevelopment within the meaning of Section 5709.41 of the Ohio Revised Code; to amend each of the TIF Ordinances identified in Exhibit A to this Ordinance; and to declare an emergency.

**WHEREAS**, Ohio Revised Code (“R.C.”) Sections 5709.40(B), 5709.42, and 5709.43 authorized this Council, by ordinance as may be amended (collectively, the “TIF Ordinances,” attached hereto as Exhibit A), to create one or more tax increment financing (TIF) TIF areas (collectively, the “TIF Areas”), declare the improvement to parcels of real property located within each of the TIF Areas to be a public purpose and exempt from taxation (the “TIF Exemption”), require the owner of each parcel to make service payments in lieu of taxes (the “Service Payments”), provide for the distribution of the applicable portion of such Service Payments to the subjected school districts, establish a municipal public improvement tax increment equivalent fund (each, a “TIF Fund”) for the deposit of those non-school Service Payments, and specify the public improvements for which money in each TIF Fund will be expended; and

**WHEREAS**, Section 757.70 of House Bill 33, enacted by the 135<sup>th</sup> General Assembly and effective July 4, 2023, provides that the City, as an “impacted city” as defined in R.C. Section 1728.01, may include a determination in an ordinance adopted under R.C. Section 5709.40(B) that satisfactory provision has been made for the public improvement needs of the parcels identified in the ordinance and may specify other improvements, made, to be made, or in the process of being made in the impacted city that do not directly benefit the parcels identified in the ordinance but are in support of urban redevelopment within the meaning of R.C. Section 5709.41; and

**WHEREAS**, the City is making a determination that satisfactory provision has been made for the public improvement needs of each of the TIF Areas; and

**WHEREAS**, the City desires to specify other public improvements made, to be made, or in the process of being made that do not directly benefit the parcels of the TIF Areas but are in support of urban redevelopment within the meaning of R.C. Section 5709.41 that may be located anywhere within or adjacent to the corporate boundary of the City, as it exists now or in the future, so long as the public improvements benefit or serve the City; and

**WHEREAS**, an emergency exists in the daily operations of the Department of Development such that it is immediately necessary to adopt this ordinance not later than the June 30, 2024 deadline required in Section 757.70 of House Bill 33 enacted by the 135<sup>th</sup> General Assembly, all for the immediate preservation of the public health, peace, property and safety;

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

**Section 1.** That this Council hereby determines, as a result of House Bill 33 enacted by the 135<sup>th</sup> General Assembly, the TIF Ordinances and this ordinance, and actions of the City taken and to be taken pursuant to the TIF Ordinances, that satisfactory provision has been made for the public improvement needs of each the TIF Areas described in each of the TIF Ordinances. This Council further hereby determines that the public improvements made, to be made, or in the process of being made that do not directly benefit the parcels of the TIF Areas and identified generally on Exhibit B attached to this Ordinance (the “Urban Redevelopment Public Improvements”) will be in support of urban redevelopment within the meaning of R.C. Section 5709.41 that may be located anywhere within or adjacent to the corporate boundary of the City, as it exists now or in the future, so long as Urban Redevelopment Public Improvements benefit or serve the City.

**Section 2.** That the Director of the Department of Development and other appropriate officers of the City are hereby authorized and directed to take such actions and to execute and deliver, on behalf of the City, such additional instruments, agreements (including amendments to reimbursement agreements and other agreements entered into with respect to the TIF Exemptions), certificates, and other documents as may be in their discretion, with the approval of the City Attorney, necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion, with the approval of the City Attorney, shall deem necessary or appropriate. Nothing contained in this Ordinance is intended to amend or otherwise permit any action contrary to any reimbursement agreements or other agreements entered into under authority of the TIF Ordinances or any subsequent ordinances authorizing such agreements involving or relating to these TIF Areas.

**Section 3.** That the TIF Ordinances shall remain in full force and effect as originally passed and amended and as further amended hereby. This ordinance, including its exhibits, on its passage shall become a part of each of the TIF Ordinances amended hereby as Exhibit Z attached to each of the TIF Ordinances, and all references to the TIF Ordinances shall include reference to this ordinance, including its exhibits, as well as the TIF Ordinance, as each may or in the future be amended.

**Section 4.** That for the reasons stated in the preamble hereto, which is 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 (10) days after passage if the Mayor neither approves nor vetoes this Ordinance.