



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Text

File #: 0018X-2023, **Version:** 1

By Ordinance Nos. 2446-2003, 0451-2004, and 1007-2004, City Council, as the “organizational board of commissioners,” determined a petition for a new community authority filed with the Clerk of City Council was sufficient and established the RiverSouth Authority (the “Authority”) pursuant to Ohio Revised Code Chapter 349 to support the redevelopment of several square blocks in downtown Columbus generally bounded by Town Street and State Street on the north, High Street and Wall Street on the east, Rich Street and Cherry Street on the south, and Front Street and Ludlow Street on the west (the “New Community District”). The Authority issued bonds for “land acquisition,” “land development,” and “community facilities,” as those terms are defined in Ohio Revised Code Section 349.01, within and around the New Community District. Pursuant to prior ordinances passed by City Council after the establishment of the Authority, the City and the Authority entered into the Master Lease Agreement dated June 21, 2004 and several supplemental lease agreements to provide for the City making lease payments for property within and around the New Community District equal to the bond service charges.

In partnership with the City to formulate the 2022 Downtown Columbus Strategic Plan, Columbus Downtown Development Corporation (CDDC) , the developer of the New Community District (the “Developer”), is currently planning additional financing, land acquisition, land development, and community facilities in downtown Columbus. The City and the Developer now seek to add to the New Community District certain additional properties they own or control. On or about January 19, 2023, the Developer submitted to the Clerk of City Council an Amendment to Petition for Organization of a New Community Authority (the “Amendment”) to add the Developer’s additional properties to the New Community District. By this legislation, City Council will also authorize the consent to add certain City-owned property to the New Community District. City Council is now required by Ohio Revised Code Chapter 349 to determine the sufficiency of the Amendment and consent to add the properties to the New Community District, authorize public notices, and set a public hearing date on the Amendment and consent for the additional properties. City Council in this Resolution also authorizes the City’s Director of the Department of Development, or his or her authorized designee, to publish a public notice of the date and time of the public hearing regarding this proposed amendment and consent to the New Community District; to hold the required hearing on the amendment and consent; and to forthwith certify to City Council that the hearing was held as advertised.

Emergency Justification: Emergency action is requested in order to provide notice in a newspaper for three weeks prior to a public hearing and set the public hearing date within 30-45 days of the date after the Amendment and consent were filed in accordance with Ohio Revised Code Chapter 349.

Fiscal Impact: No funding is required for this legislation.

To determine that the Amendment to Petition for Organization of a New Community Authority, to add certain developer-owned or controlled property to the RiverSouth New Community Authority (the “RiverSouth NCA”), is sufficient and complies with the requirements of Chapter 349 of the Ohio Revised Code; to authorize consent for the addition of certain city-owned or controlled property to the RiverSouth NCA; to determine the consent is sufficient and complies with the requirements of Chapter 349 of the Ohio Revised Code; to set the time and place for a public hearing on the amendment and consent for additional properties; to authorize the notice of such public hearing by publication in a newspaper for three consecutive weeks; and to declare an emergency. **(AMENDED BY RESOLUTION 0034X-2023 PASSED 2/27/2023) BA**

WHEREAS, Ordinance No. 2446-2003 passed by City Council on November 17, 2003, authorized the Clerk of City Council (the “Clerk”) to execute a petition for the organization of a new community authority (the “Petition”) to indicate the approval of the Petition by the City as the sole “proximate city” as that term is defined in Section 349.01(M) of the Ohio Revised Code; and

WHEREAS, pursuant to Chapter 349 of the Ohio Revised Code, on February 4, 2004, the Columbus Downtown Development Commission (the “Developer”) filed that Petition to establish the RiverSouth Authority (the “Authority”) with the Clerk; and

WHEREAS, City Council, as the “organizational board of commissioners” as that term is defined in Section 349.01(F) of the Ohio Revised Code, passed Ordinance No. 0451-2004 on March 25, 2004, and determined that the Petition complied as to form and substance with the requirements of Section 349.03(A) of the Ohio Revised Code and fixed the time and place for a hearing on the establishment of the Authority; and

WHEREAS, on June 21, 2004, a hearing was held on the Petition after public notice was duly published in accordance with Section 349.03(A) of the Ohio Revised Code; and

WHEREAS, City Council passed Ordinance No. 1007-2004 on June 21, 2004, and determined that the RiverSouth New Community District (the “District”) would be conducive to the public health, safety, convenience and welfare and that it was intended to result in the development of a new community as described in Chapter 349 of the Ohio Revised Code, and declared the Authority organized as a body corporate and politic in the State of Ohio; and

WHEREAS, Section 349.03(B) of the Ohio Revised Code authorizes the Developer to amend the Petition by filing an application to add one or more parcel(s) of land to the District at any time after the creation of the Authority, and upon the filing of such an application with the Clerk, City Council, as the organizational board of commissioners, shall follow the same procedure to approve the amendment as required by Section 349.03 of the Ohio Revised Code in relation to the Petition; and

WHEREAS, Section 349.03(B) of the Ohio Revised Code also authorizes City Council to add property to the Authority’s District, with the consent of the owner of the property, so long as the developer who submitted the Petition does not file a written objection and City Council follows the same procedure to approve the consent as required by Section 349.03 of the Ohio Revised Code in relation to the Petition; and

WHEREAS, the Developer who owns or controls the property shown as the “Developer Expansion Area” on Exhibit A attached hereto, filed an application titled “Amendment to Petition for Organization of a New Community Authority” with the Clerk to add such property to the District (the “Amendment”) in accordance with Chapter 349.03(B) of the Ohio Revised Code; and

WHEREAS, because the Developer did not object in the Amendment to the addition of parcels to the District, City Council may approve and authorize the consent of the appropriate city official, or his or her designee, to add certain real property owned by the City, as shown as the “City Expansion Area” on Exhibit A attached hereto, to the District; and

WHEREAS, through the Amendment, the Developer also desires to supplement the “new community development program,” as that term is defined in Section 349.01(B) of the Ohio Revised Code, to formulate the 2022 Downtown Columbus Strategic Plan; and

WHEREAS, City Council must authorize the City’s Director of the Department of Development, or his or her authorized designee, to hold the hearing required by Section 349.03(B) of the Ohio Revised Code and to forthwith certify in writing

to Council that the hearing was held as advertised; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to make the legislative determinations regarding the sufficiency of the Amendment and consent in order to provide notice in a newspaper for three weeks prior to a public hearing and set the public hearing date within 30-45 days of the date after the Amendment and consent were filed in accordance with Chapter 349 of the Ohio Revised Code all for the preservation of the public health, peace, property, safety, and welfare of the City; **NOW, THEREFORE**,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLUMBUS THAT:

Section 1. This Council acknowledges and determines that it is the “organizational board of commissioners” for all purposes of Chapter 349 of the Ohio Revised Code; that it has examined the Amendment submitted by the Developer to add one or more parcels to the District, and finds and determines that the Amendment is sufficient and complies with the requirements of Section 349.03(B) of the Ohio Revised Code as to form and substance.

Section 2. This Council approves and authorizes the Directors of the Departments of Development and/or Finance, or their designees, to file a consent to add certain City-owned property to the District and consents to the inclusion of that certain City-owned property; and as the organizational board of commissioners, Council finds and determines that the consent is sufficient and complies with the requirements of Section 349.03 (B) of the Ohio Revised Code as to form and substance.

Section 3. The Director of the Department of Development, or his or her duly authorized representative, shall hold a public hearing on the expansion of the District of the RiverSouth Authority to include the Developer Expansion Area and the City Expansion Area, each as identified on the attached Exhibit A, which shall be held on February 21, 2023 at 3:00 p.m. at the City Department of Development offices, 111 North Front Street, Columbus, Ohio 43215. The Director of the Department of Development, or his or her duly authorized representative, shall certify to City Council in writing that the hearing was held as advertised.

Section 4. This Council authorizes each of the City Attorney, the Clerk of Council, and the City Director of the Department of Development, or any of them individually, to cause notice of the hearing to be published once a week for three consecutive weeks, or as provided in Revised Code Section 7.16, in a newspaper of general circulation within Franklin County, Ohio, pursuant to Ohio Revised Code Section 349.03(A).

Section 5. For the reasons stated in the preamble hereinabove, this Resolution 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 days after the passage if the Mayor neither approves nor vetoes the same.