



## Legislation Text

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**File #:** 0118X-2021, **Version:** 1

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**Background:** Ordinance 1685-2020 passed by Council on November 9, 2020 (the “Rezoning Ordinance”) rezoned the property at the northeast, southwest, and southeast corners of Alton & Darby Creek Road and Renner Road and generally located at 1980 Alton & Darby Creek Road (tax parcel ID’s 203-299511, 203-299510, 203-299512, 203-299509, 203-299508, 203-299507, and 125-299513, the “Developers’ Property”) now owned or controlled by Pulte Homes of Ohio LLC and Harmony Development Group, LLC (collectively, the “Developers”). The Developers purchased or have an option to purchase the ±369.2 acres encompassing the Developer Property in order privately invest approximately \$300 million to construct 555 single family homes, 121 empty nester/patio style homes, and 432 apartments pursuant to the Rezoning Ordinance as well as \$70 million for public infrastructure improvements. Consistent with the Big Darby Accord Watershed Master Plan and the Rezoning Ordinance, the Developers’ Property is subject to the requirements of the “Big Darby Revenue Program” pursuant to Resolution 0216X-2008 adopted by Columbus City Council on April 20, 2009. The Big Darby Revenue Program identified three revenue generation sources: tax increment financing (TIF), new community authority (NCA) charges, and per unit developer contributions (collectively the “Big Darby Revenue”) for Big Darby Accord Purposes, i.e. Big Darby public improvements, and other regional public improvements. Pursuant to Ordinance 1557-2020 passed by Council on November 16, 2020, the Director of Development entered into an agreement (the “Big Darby Agreement”) dated March 10, 2021 with the Developers to outline the plans and respective commitments of the City and Developer for the fulfillment of Big Darby Revenue Program requirements, including establishing a new NCA, in relation to the Developers’ Property. On or about July 14, 2021, a petition for the organization of the Sugar Farm-Renner South NCA (the “Petition”) was filed with the Clerk of City Council. By this resolution, City Council, as the organizational board of commissions described and required by Chapter 349 of the Ohio Revised Code (“R.C.”), will determine the sufficiency of the Petition, authorize a public notice, and set a public hearing date on the Petition.

**Emergency Justification:** Emergency action is requested in order to facilitate the development of the Developers’ Property in a timely manner in accordance with the Big Darby Agreement and 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 Petition was filed in accordance with R.C. Chapter 349.

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

To determine that the petition to establish the Sugar Farm-Renner South New Community Authority 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 petition; and to authorize the notice of such public hearing by publication in a newspaper; and to declare an emergency.

**WHEREAS,** Pulte Homes of Ohio LLC and Harmony Development Group, LLC (the “Developers”) plans to develop an approximately ±369.2 acre site (the “Developers’ Property”) located within the municipal corporate boundaries of the City of Columbus, Ohio (a municipal corporation, hereafter, the “City”) as 555 single family homes, 121 empty nester/patio style homes, and 432 apartments with appropriate associated amenities, and parking necessary to support those uses; and

**WHEREAS,** pursuant to Ordinance 1685-2020 rezoning the Developers’ Property and authorized by Ordinance 1557-2020, the Director of Development entered into an agreement (the “Big Darby Agreement”) dated March 10, 2021 with the Developers to outline the plans and respective commitments of the City and the Developers for the fulfillment of the Big Darby Revenue Program requirements, including establishing a new community authority, in relation to the Developers’ Property; and

**WHEREAS**, on or about July 14, 2021 the Developer has submitted to the Council of the City (“Council”), pursuant to Section 349.03 of the Ohio Revised Code (“R.C.”), a Petition for Establishment of the Sugar Farm-Renner South New Community Authority under R.C. Chapter 349 (the “Petition”); and

**WHEREAS**, the Sugar Farm-Renner South New Community District, as described in the Petition, is located entirely within the municipal corporate boundaries of the City and this Council, as the legislative authority of the City, is therefore the organizational board of commissioners for purposes of this Petition in accordance with R.C. Chapter 349; and

**WHEREAS**, this Council has reviewed the Petition, and by this resolution desires to legislatively determine, pursuant to R.C. Section 349.03, that the Petition complies with the requirements of that section as to form and substance; pursuant to R.C. Section 349.03, to set the time and place of a hearing on the Petition; and further pursuant to R.C. Section 349.03, authorize the notice by publication of the hearing on the Petition; 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 described herein regarding the sufficiency of the Petition in order to facilitate the redevelopment of the Developers’ Property in accordance with the Big Darby Agreement and 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 Petition was filed in accordance with R.C. Chapter 349 all for the preservation of the public health, peace, property, safety, and welfare; **NOW, THEREFORE**,

**BE IT RESOLVED** by the Council of the City of Columbus that:

**SECTION 1. Organizational Board of Commissioners.** This Council hereby acknowledges and determines that, pursuant to R.C. Section 349.01(F)(3), it is the “organizational board of commissioners” of the Sugar Farm-Renner South New Community Authority for all purposes of R.C. Chapter 349.

**SECTION 2. Petition’s Sufficiency and Compliance with R.C. Section 349.03.** This Council has examined the Petition and finds and determines that the Petition is sufficient and complies with the requirements of R.C. Section 349.03 in form and substance.

**SECTION 3. Time and Place of Hearing.** Pursuant to R.C. Section 349.03, this Council hereby determines to hold a hearing on the Petition on August 23 2021 at 11:00 a.m. at the offices of the City Department of Development, 111 N. Front St., Columbus, OH 43215, and this Council hereby authorizes each of the City Attorney, the Clerk of Council, and the City Director 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 R.C. Section 7.16, in a newspaper of general circulation within Franklin County, Ohio, pursuant to R.C. Section 349.03(A).

**SECTION 4. Effective Date.** For the reasons stated in the Preamble hereto, which is hereby made a part hereof, this resolution 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.