



## Legislation Text

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**File #:** 0060X-2022, **Version:** 1

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**BACKGROUND:** Franklin County Auditor tax parcel ID's 010-220083, 010-247888, 010-296370, 010-301660, 545-294042, 545-175661, and 545-291670 (collectively, the "New Community Authority Site") are owned or controlled by Hamilton Crossing, LLC; The New Albany Company; Center State Enterprises LLC; HQ Flats Phase I LLC; HQ Flats Phase II LLC; and HQ Flats Phase III LLC (collectively, the "Developers"). Pursuant to Ordinance 2189-2020 passed by Council on October 5, 2020, the Director of the Department of Development entered into the First Partial Amendment to Economic Development Agreement dated January 29, 2021 amending the Economic Development Agreement dated September 24, 2015 (together, the "EDA") with the Hamilton Crossing, LLC; The New Albany Company; Center State Enterprises LLC; and Casto AP Residential, LLC to reaffirm and outline the plans and respective commitments of the parties for the fulfillment of establishing the Hamilton Crossing Community Authority (the "Authority") in relation to the New Community Authority Site. On February 22, 2022, a petition for the organization of the Authority (the "Petition") was filed by the Developers with the Clerk of City Council. By Resolution 0032X-2022 passed March 7, 2022, City Council, as the organizational board of commissioners described and required by Chapter 349 of the Ohio Revised Code, determined the sufficiency of the Petition, authorized public notices, and set a public hearing date for March 31, 2022 on the Petition. This resolution establishes the Authority; defines the boundaries of the Hamilton Crossing Community District; declares the Authority as a body politic and corporate within the new community district along with its associated board of trustees; makes the City's initial appointments to the Authority's board of trustees and fixes surety for their bonds; and authorizes notice of the Authority in the City Bulletin.

**Emergency Justification:** Emergency action is requested to immediately establish the Hamilton Crossing Community Authority in order to allow the City to immediately negotiate and enter into an intergovernmental cooperative agreement with the Authority for the development of the New Community Authority Site, community facilities, and the public infrastructure improvements in a timely manner in accordance with the EDA.

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

To declare that the establishment of the Hamilton Crossing Community Authority (the "Authority") will be conducive to the public safety, convenience, and welfare, and is intended to result in the development of a new community; to define the boundaries of the Authority's new community district; to declare that the Authority be organized as a body politic and corporate within the new community district along with its associated board of trustees; to make the City's initial appointments to the Authority's board of trustees and to fix surety for their bonds; to post notice of the Authority's creation in the City Bulletin; and to declare an emergency.

**WHEREAS,** Hamilton Crossing, LLC; The New Albany Company; Center State Enterprises LLC; HQ Flats Phase I LLC; HQ Flats Phase II LLC; and HQ Flats Phase III LLC (collectively, the "Developers") have constructed or plan to construct at least 750 residential units and are proposing to construct a yet to be determined amount of mixed use development which may include additional multifamily, retail, office, medical office, senior housing, or hospitality/conference altogether on approximately 114 acres consisting of Franklin County Auditor tax parcel ID's 010-220083, 010-247888, 010-296370, 010-301660, 545-294042, 545-175661, and 545-291670 (the "New Community Authority Site"); and

**WHEREAS,** pursuant to Ordinance 2189-2020, the Director of the Department of Development entered into the First Partial Amendment to Economic Development Agreement dated January 29, 2021 amending the Economic Development Agreement dated September 24, 2015 (together, the "EDA") with Hamilton Crossing, LLC; Casto AP Residential, LLC; The New Albany Company; and Center State Enterprises LLC to outline the plans and respective commitments of the

parties for the fulfillment of the EDA's requirements, including establishing the Hamilton Crossing Community Authority (the "Authority") in relation to the New Community Authority Site; and

**WHEREAS**, on February 22, 2022, the Developers submitted to the Council of the City of Columbus, Ohio (the "Council"), pursuant to Ohio Revised Code ("R.C.") Section 349.03, a Petition for Establishment of the Authority under R.C. Chapter 349 (the "Petition"), a copy of which is on file with the City Clerk; and

**WHEREAS**, the Authority, 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 the Authority; and

**WHEREAS**, on March 7, 2022, pursuant to R.C. Section 349.03, this Council adopted its Resolution 0032X-2022, which determined that the Petition is sufficient and complies with the requirements of R.C. Section 349.03 in form and substance; and

**WHEREAS**, pursuant to R.C. Section 349.03 and its Resolution 0032X-2022, this Council held a public hearing on the Petition on March 31, 2022, notices of which were published as required in R.C. Section 349.03, and the date of said hearing is not more than thirty nor more than forty-five days after the filing date of the Petition; and

**WHEREAS**, this Council has determined that the Petition will be conducive to the public health, safety, convenience, and welfare, and is intended to result in the development of a new community; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to determine the establishment of the Authority, its new community district, and its board of trustees so the City can immediately negotiate and enter into an intergovernmental cooperative agreement with the Authority in order to develop the New Community Authority Site, the community facilities, and the public infrastructure improvements all for the timely preservation of the public health, peace, property, safety, and welfare; **NOW, THEREFORE**,

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

**SECTION 1. Approval of Petition.** The Petition is hereby accepted and shall be recorded, along with this Resolution, in the journal of this Council as the organizational board of commissioners for the purpose of Revised Code. Chapter 349, and this Council hereby determines that the Hamilton Crossing Community Authority will be conducive to the public health, safety, convenience, and welfare, and is intended to result in the development of a new community as defined in Revised Code Section 349.01(A).

**SECTION 2. Establishment of Authority and District.** Pursuant to the Petition, the Hamilton Crossing Community Authority is hereby organized as a body politic and corporate with the corporate name designated in the Petition (such name being the "Hamilton Crossing Community Authority"), and the boundaries of the Hamilton Crossing Community District are consistent with the boundaries described in the Petition.

**SECTION 3. Board of Trustees.** The Board of Trustees of the Hamilton Crossing Community Authority shall be comprised of seven (7) members selected and appointed as provided in the Petition. Pursuant to Revised Code Section 349.04, there shall be posted for each member of the Board of Trustees a bond in the amount of \$10,000 for the faithful performance of his or her duties. The bond shall be with a company authorized to conduct business within the State of Ohio as a surety and shall be deposited with and preserved by the Clerk of Council. The initial appointees of the City to the Board of Trustees shall be as follows:

- (i) Anton Johnson is hereby appointed, as a citizen member, to a one-year term, such term beginning on the effective date of this resolution and expiring on April 30, 2023; and
- (ii) Donna Goss is hereby appointed, as a citizen member, to a one-year term, such term beginning on the effective date of this resolution and expiring on April 30, 2023; and

- (iii) Roger Davidson is hereby appointed, as a citizen member, to a two-year term, such term beginning on the effective date of this resolution and expiring on April 30, 2024; and
- (iv) Mark Lundine is hereby appointed, as a member to serve as a representative of local government, to a two-year term, such term beginning on the effective date of this resolution and expiring on April 30, 2024.

**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 (10) days after passage if the Mayor neither approves nor vetoes the same.