



Legislation Text

File #: 1260-2016, **Version:** 2

BACKGROUND: The City passed Ordinance 1847-2015 on July 13, 2015 (the "Polaris II TIF Ordinance"), which established, among other things, the Polaris II Tax Increment Financing area in the Polaris Centers of Commerce development (the "Polaris II TIF") pursuant to Section 5709.40(B) of the Ohio Revised Code. The Polaris II TIF area includes undeveloped parcels in the Polaris Tax Increment Financing Area (the "Polaris TIF") created in Ordinance 3106-96, as amended, the Gemini Place extension area and the Lyra Drive area.

This ordinance authorizes the Director of Development to execute an Amended and Restated Tax Increment Financing Agreement (the "Amended and Restated Agreement") by and between the City and NP Capital Management Corp. (the "Developer") in substitution for N.P. Limited Partnership (the "Original Developer") under the Tax Increment Financing Agreement, pursuant to Ordinance 2188-2011, dated May 8, 2012 (the "Original Agreement"), as amended by the First Amendment to Tax Increment Financing Agreement (the "First Amendment"), each by and between the City and the Original Developer.

This ordinance also authorizes the Director of Development to execute a Cooperative Agreement (the "Cooperative Agreement") by and between the Columbus-Franklin County Finance Authority (the "Authority"), the City, The Pointe at Polaris Phase I, LLC ("Pointe at Polaris") and the Developer related to bonds issued in accordance with and as contemplated by the Amended and Restated Agreement.

FISCAL IMPACT: No funding is required for this legislation. The Amended and Restated Agreement and the Cooperative Agreement will govern the use of real property tax revenue that the City would have received with respect to development on the TIF parcels. The non-school portion of that revenue will be diverted to the specified Special Fund created in Ordinance 3106-96 to be used for public infrastructure improvements benefiting the Polaris II TIF parcels.

To approve and authorize the Director of the Department of Development to execute an Amended and Restated Tax Increment Financing Agreement with N.P. Capital Management Corp. in connection with the Polaris II TIF; to authorize the Director of the Department of Development to execute a Cooperative Agreement with N.P. Capital Management Corp., The Pointe at Polaris Phase I, LLC and the Columbus-Franklin County Finance Authority in connection with the Polaris II TIF; and to declare an emergency.

WHEREAS, the City, in Ordinance 3106-96, as amended by Ordinances 0627-04 and 1560-2005, established the Polaris TIF; and

WHEREAS, the City entered into the Original Agreement pursuant to Ordinance 2188-2011, on May 8, 2012, between the City and N.P. Limited Partnership, as amended by the First Amendment, in connection with the Polaris TIF; and

WHEREAS, pursuant to Ordinance 1847-2015, the City established the Polaris II TIF area in the Polaris II TIF Ordinance, which Polaris II TIF area includes the undeveloped parcels in the Polaris TIF, the Gemini Place extension area and the Lyra Drive area, as more fully described in the Polaris II TIF Ordinance; and

WHEREAS, as a result of a corporate restructuring and reorganization, the City and N.P. Limited Partnership desire that the N.P. Capital Management Corp. be substituted as the party to the Amended and Restated Agreement with all rights, duties and obligations as the "Developer" as amended and restated and that the Original Developer's rights, duties and

obligations be fully released and terminated; and

WHEREAS, the Columbus-Franklin County Finance Authority has agreed to assist the N.P. Capital Management Corp. by issuing certain bonds now and potentially in the future (the “Authority Bonds”) in order to finance certain public infrastructure improvements in the Polaris II TIF area in accordance with and as contemplated by the Amended and Restated Agreement; and

WHEREAS, the Authority, the City, Pointe at Polaris, and the Developer desire to enter into the Cooperative Agreement in order to provide for the assignment of TIF revenues generated pursuant to the Amended and Restated Agreement by the City to the Authority in order to secure the Authority Bonds;

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to authorize the Director to execute the Amended and Restated TIF Agreement, for the public health, safety and welfare; NOW THEREFORE,

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

SECTION 1. Amended and Restated Agreement. That this Council hereby authorizes the Director of Development to execute an Amended and Restated Agreement with N.P. Capital Management, Corp. in connection with the Polaris II TIF.

SECTION 2. Cooperative Agreement. That this Council hereby authorizes the Director of Development to execute a Cooperative Agreement between the City, **N.P. Capital Management Corp.**, The Pointe at Polaris Phase I, LLC and the Columbus-Franklin County Finance Authority in connection with the Polaris II TIF.

SECTION 3. Further Authorizations. This Council further authorizes and directs the Director, the City Clerk or other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions as may be appropriate to implement this Ordinance.

SECTION 3 4. 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 necessary 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.