



City of Columbus

Office of City Clerk
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Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Text

File #: 0141X-2024, **Version:** 1

Background:

By Resolution Nos. 0268X-2019 and 0284X-2019, City Council, as the “organizational board of commissioners,” previously established the Marble Cliff Quarry Community Authority (the “Authority”) pursuant to Ohio Revised Code (“ORC”) Chapter 349 to support that redevelopment of approximately 300 acres of real property located at the northeast corner of Dublin Road and Trabue Road adjacent to a new metro park. Pursuant to Ordinance 3095-2019, the City and the Authority subsequently entered into the Marble Cliff Quarry Utility Cooperative Agreement to authorize the Authority to provide water and sewer service within its new community district. In order for The Columbus and Franklin County Metropolitan Park District (“Metro Parks”) to obtain water and sewer service for the new metro park under the aforementioned utility cooperative agreement, City Council approved Resolution Nos. 0197X-2022 and 0227X-2022 to add Metro Park’s property to the Authority’s new community district. Now, QT Apartments III LLC, an affiliate of Marble Cliff Canyon, LLC who is the developer of the Authority, (the “Affiliated Developer”), desires to also obtain the same water and sewer services for Tax Parcel ID No. 560-239130 through the Authority. On March 14, 2024, the Affiliated Developer submitted to the Clerk of City Council a Consent to Add Property to a New Community District (the “Consent”) to add an additional parcel to the Authority’s new community district. City Council, by Resolution No. 0052X-2024, adopted on March 18, 2024, determined the sufficiency of the Consent and set a public hearing date on the Consent, which was held on April 15, 2024. This resolution authorizes the expansion of and defines the boundaries of the Authority’s new community district by adding property identified as Tax Parcel ID No. 560-239130. This resolution also certifies that the public hearing was held in compliance with the requirements of ORC Chapter 349 and authorizes and amendment to the existing Marble Cliff Quarry Utility Cooperative Agreement to include the additional property within the scope of that agreement.

Fiscal Impact: No funding is required for this legislation.

To approve the expansion of and define the boundaries of the new community district of the Marble Cliff Quarry Community Authority by inclusion of Tax Parcel ID No. 560-239130 owned by QT Apartments III LLC; to certify compliance of the requirements for the public hearing on the expansion; and to authorize an amendment of the Marble Cliff Quarry Utility Cooperative Agreement.

WHEREAS, pursuant to Chapter 349 of the Ohio Revised Code, on August 26, 2019, Marble Cliff Canyon, LLC (the “Developer”) filed a petition (the “Petition”) for the establishment of the Marble Cliff Quarry Community Authority (the “Authority”) with the Clerk of City Council; and

WHEREAS, this Council, as the “organizational board of commissioners” as that term is defined in Section 349.01(F) of the Ohio Revised Code, adopted Resolution No. 0268X-2019 on October 7, 2019, 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 October 10, 2019, a public 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, this Council adopted Resolution No. 0284X-2019 on October 14, 2019, and determined that the Marble Cliff Quarry 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 declaring the Authority organized as a body corporate and politic in the State of Ohio; and

WHEREAS, pursuant to Ordinance No. 3095-2019, the City and the Authority subsequently entered into the Marble Cliff Quarry Utility Cooperative Agreement dated as of May 1, 2020 (the “Utility Cooperative Agreement”) to authorize the Authority to provide water and sewer service within its new community district; and

WHEREAS, Section 349.03(B) of the Ohio Revised Code authorizes this 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

WHEREAS, this Council, as the organizational board of commissioners, adopted Resolution No. 0197X-2022 on October 17, 2022, and determined that a consent filed by The Columbus and Franklin County Metropolitan Park District to expand the District with its property in order to obtain water and sewer services complied as to form and substance with the requirements of Section 349.03(B) of the Ohio Revised Code and fixed the time and place for a hearing on the expansion of the District; and

WHEREAS, this Council adopted Resolution No. 0227X-2022 on December 5, 2022, and determined that the expansion of the District with the above mentioned property would be conducive to the public health, safety, convenience and welfare; and

WHEREAS, QT Apartments III LLC, an affiliate of the Developer, as owner of the property shown as the “Proposed NCA District” on Exhibit A attached hereto (the “Expansion Area”), filed a written consent pursuant to Chapter 349.03 (B) of the Ohio Revised Code (the “Consent”) with the Clerk of City Council to add such property to the District in order to also obtain water and sewer services; and

WHEREAS, this Council, as the organizational board of commissioners, adopted Resolution No. 0052X-2024 on March 18, 2024, determined that the Consent complied as to form and substance with the requirements of Section 349.03(B) of the Ohio Revised Code and fixed the time and place for a hearing on the expansion of the Authority’s District; and

WHEREAS, this Council, as the organizational board of commissioners, authorized the Department of Development to hold a public hearing on the expansion of the Authority’s District on April 15, 2024, after public notice was duly published in accordance with Section 349.03(A) of the Ohio Revised Code; and

WHEREAS, the Department of Development certifies to City Council that the public hearing was held as advertised as attested on the Certificate of Compliance with the Public Hearing Requirements attached hereto as Exhibit B (the “Certification”); and

WHEREAS, it is necessary and desirable to authorize an amendment to the existing Marble Cliff Quarry Utility Cooperative Agreement between the City and the Authority (the “Utility Cooperative agreement”) to include the Expansion Area within the scope of the Utility Cooperative Agreement so that the Authority may provide water and sewer service to the Expansion Area; **NOW, THEREFORE**,

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

Section 1. That this Council finds and determines that it is the “organizational board of commissioners” for the Authority, and the City of Columbus is the only “proximate city” with respect to the Authority and the Expansion Area for purposes of Chapter 349 of the Ohio Revised Code.

Section 2. That this Council further finds and determines that the owner of the Expansion Area has consented to the

inclusion of the Expansion Area in the Authority's District, the Developer, as statutory developer of the Authority that signed the Petition, has not filed a written objection with the Clerk of City Council, and the Consent is hereby accepted and shall be recorded, along with this Resolution, in the journal of the City Council, pursuant to Section 349.03 of the Ohio Revised Code.

Section 3. This Council further finds and determines pursuant to Section 349.03 of the Ohio Revised Code that the expansion of the District to include the Expansion Area will be conducive to the public health, safety, convenience and welfare, will be consistent with the development of the Authority's "new community," as described in Section 349.01(A) of the Ohio Revised Code, will not jeopardize the plan of that new community, and is intended to result in the development of the new community; and defines the boundaries of the District to now also include the Expansion Area boundaries as well as those consistent with the boundaries described in the Petition and Resolution 0227X-2022 as collectively depicted on Exhibit A attached hereto.

Section 4. That this Council finds and determines that the public hearing was held as advertised as attested by the Department of Development on the Certification.

Section 5. That this Council authorizes the execution and delivery of an amendment to the existing the Utility Cooperative Agreement to include the Expansion Area and any other prior expansions to the District approved by City Council within the scope of the Utility Cooperative Agreement so that the Authority may provide water and sewer service to the Expansion Area and those other approved expansions in accordance with the terms of the Utility Cooperative Agreement. The Director of Public Utilities, or his or her designee (together, the "Director"), for and in the name of the City, is authorized to execute the Utility Cooperative Agreement presently on file with the Director, along with any changes or amendments thereto that are not inconsistent with this Resolution and not substantially adverse to the City, and which shall be approved by the Director and the City Attorney, provided that the approval of such changes and/or amendments thereto, and the character of those changes and amendments, as not being substantially adverse to the City, as evidenced conclusively by the execution and delivery thereof.

Section 6. That this resolution shall take effect and be in force from and after the earliest date permitted by law.