



City of Columbus

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

Legislation Text

File #: 1089-2013, **Version:** 1

BACKGROUND: This ordinance authorizes the Director of the Department of Development to execute documents on behalf of the City to accept title to the undeveloped property within the former Jeffrey Mining site and to transfer the property back to the original owner, Jeffrey New Day, LLC, for the purpose of creating a Tax Increment Finance (TIF) area under Ohio Revised Code (ORC) Section 5709.41, to replace the existing .41 TIF area, thereby allowing a full 30 year tax increment financing program on the undeveloped portion of the site.

Jeffrey New Day, LLC has recently acquired and intends to redevelop the former Jeffrey Mining site, located at the southeast corner of Fourth Street and First Avenue, into residential apartments and single family homes. The City and Jeffrey New Day, LLC desire to create a replacement .41 TIF area to pay for certain infrastructure improvements and to otherwise support the former Jeffrey Mining site redevelopment while protecting the Columbus City Schools from any loss of tax revenues.

ORC Section 5709.41 requires that the City own the property prior to passing an ordinance to establish the replacement TIF. Therefore, emergency action is necessary to authorize the City to accept title to the undeveloped land comprising the former Jeffrey Mining site and then to transfer the property back to Jeffrey New Day, LLC. The ordinance replacing the existing .41 TIF with the new .41 TIF will then be submitted for consideration by the City Council within the next 30 days.

FISCAL IMPACT: No funding is required for this legislation.

To authorize the Director of the Department of Development to execute and deliver documents on behalf of the City to accept title to certain undeveloped property generally known as the former Jeffrey Mining site and to transfer the property back to the original owner; and to declare an emergency.

WHEREAS, the City of Columbus (the “City”) is committed to improving existing neighborhoods and providing new neighborhood housing; and

WHEREAS, Jeffrey New Day, LLC (“*Jeffrey New Day*”) has recently acquired the undeveloped portions of the former Jeffrey Mining site (the “*Site*”) from the previous Site developer and proposes to provide neighborhood residential uses through the urban redevelopment of the Site (the “*Project*”); and

WHEREAS, this Council, by its Ordinance 0546-02 adopted April 8, 2002, approved a tax increment financing area for the Site under Ohio Revised Code Section 5709.41 (the “*Existing .41 TIF*”) to encourage the redevelopment of the Site; and

WHEREAS, the Site remains undeveloped, and Jeffrey New Day and the City desire to replace the Existing .41 TIF on the Site with a new tax increment financing area under Ohio Revised Code Section 5709.41 (the “*New .41 TIF*”), thereby allowing a full 30-year tax increment financing program for the Site and further encouraging the redevelopment of the Site; and

WHEREAS, the City of Columbus must hold fee title to the Site prior to enacting an ordinance establishing the New .41 TIF (the “*New TIF Ordinance*”); and

WHEREAS, it is necessary for the City to execute certain documents to accomplish the acceptance and subsequent transfer back to Jeffrey New Day of title to the Site, all prior to City Council’s enactment of the New TIF Ordinance; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is necessary to pass this ordinance as an emergency measure because of the need to expedite the transfer of the Site in order to allow for the timely passage of the New TIF Ordinance and the development of the Project, all for the preservation of the public health, peace, property, safety and welfare; **NOW THEREFORE**,

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

Section 1. That the Director of the Department of Development (the “*Director*”) is hereby authorized to accept on behalf of the City title to the Site and to cause such title to be transferred according to State of Ohio law; provided, however, that no title to the Site may be accepted without execution of an agreement providing indemnification on terms acceptable to the City for any liability that may arise from the City holding title to the Site, with the City’s approval of such indemnification evidenced conclusively by the Director’s execution of an indemnification agreement for such purpose.

Section 2. That the Director is hereby authorized and directed to execute and deliver, in accordance with this Ordinance, all documents necessary, and to take any other required measures, to cause the transfer of the City’s title to the Site acquired pursuant to this Ordinance to Jeffrey New Day, which transfer must occur within one business day following the City’s acceptance of title to the Site.

Section 3. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this Ordinance 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 passage if the Mayor neither approves or vetoes this Ordinance.