



Legislation Text

File #: 0217X-2023, **Version:** 1

Background: Following a petition submitted by Crown Pointe LLC to satisfy their respective commitments of the “Big Darby Revenue Program” established by Resolution 0216X-2008 for their property near the northwest corner of West Broad Street and Doherty Road, a new community authority under R.C. Chapter 349 was established pursuant to Resolution 0060X-2021 and Resolution 0242X-2021 (the “Big Darby West Broad Street NCA”). Resolution 0182X-2022 and Resolution 0226X-2022 approved a prior expansion of the Big Darby West Broad Street NCA to include territory near the southeast corner of the intersection of West Broad Street and Alton Darby Creek Road to fulfill another developer’s obligations to the Big Darby Revenue Program.

Ordinance 2636-2022 then rezoned ±42.22 acres of additional property along the east side of Alton Darby Creek Road north of West Broad Street located at approximately 400 Alton Darby Creek Road and identified as tax parcel ID 470-318353 (the “Developer Property”) owned by Redwood Galloway Alton Darby Creek Road OH P1 LLC (the “Owner”). Pursuant to Ordinance 1501-2023, the City and the Owner entered into the Big Darby - Redwood Farms Development Agreement dated July 28, 2023 to include their pledge to add the Developer Property to the Big Darby West Broad Street NCA and the Big Darby Revenue Program.

On October 2, 2023, an application for the Written Consent to Add Property to the Big Darby West Broad Street NCA (the “Consent”) was filed by the Owner with the Clerk of Council. Pursuant to Resolution 0188X-2023, Council, as the organizational board of commissioners described and required by R.C. Chapter 349, determined the sufficiency of the Consent and authorized public notices for a public hearing about the Consent held on November 8, 2023.

This resolution authorizes the expansion of and defines the boundaries of the Big Darby West Broad Street NCA’s new community district to also include the Developer Property. This resolution also certifies that the public hearing was held in compliance with the requirements of R.C. Chapter 349.

Fiscal Impact: No funding is required for this legislation.

To approve the expansion and define the boundaries of the new community district for the Big Darby West Broad Street New Community Authority by inclusion of tax parcel ID 470-318353 owned by Redwood Galloway Alton Darby Creek Road OH P1 LLC with the original territory; and to certify compliance of the requirements for the public hearing on the expansion.

WHEREAS, Redwood Galloway Alton Darby Creek Road OH P1 LLC (the “Owner”) plans to cause the development of 217 multi-family single-story apartment homes on its ±42.22-acre site located along the east side of Alton Darby Creek Road north of West Broad Street and identified as tax parcel ID 470-318353 (as depicted on [Exhibit A](#) attached hereto, the “Developer Property”) within the municipal corporate boundaries of the City of Columbus, Ohio pursuant to Ordinance 2636-2022 rezoning the Developer Property; and

WHEREAS, Ordinance 1501-2023 authorized the City and the Owner to enter into the Big Darby - Redwood Development Agreement dated July 28, 2023 (the “Big Darby Agreement”) to outline the plans and respective commitments of the Developer Property fulfilling the revenue program requirements required by Resolution 0216X-2008

(the “Big Darby Revenue Program”); and

WHEREAS, the Big Darby Revenue Program and the Big Darby Agreement require including the Developer Property in a new community district of a new community authority pursuant to Ohio Revised Code (“R.C.”) Chapter 349; and

WHEREAS, on April 7, 2021, Crown Pointe LLC (since assigned and assumed by Metro Development, LLC pursuant to Ordinance 1291-2022, the “Developer”) submitted to the Clerk of Council pursuant to R.C. Section 349.03 a Petition for Establishment of the Big Darby West Broad Street New Community Authority under R.C. Chapter 349 (the “Petition”); and

WHEREAS, the property described in the Petition encompassing tax parcel ID 570-184818 owned by Crown Pointe LLC (the “Original Community District”) 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 the Petition in accordance with R.C. Chapter 349; and

WHEREAS, on April 26, 2021, pursuant to R.C. Section 349.03, Council adopted Resolution 0060X-2021, which determined that the Petition was sufficient and complied with the requirements of R.C. Section 349.03 in form and substance; and

WHEREAS, pursuant to Resolution 0242X-2021 adopted by Council on December 13, 2021, a new community authority with the corporate name designated in the Petition (such name being, the “Big Darby West Broad Street New Community Authority”) was organized as a body politic and corporate for the Original Community District; and

WHEREAS, on September 9, 2022, applications for the Written Consent to Add Property to the Big Darby West Broad Street NCA (the “Applications”) were filed by GMT Property Holdings LLC, Rock Capital Holdings LLC, and Darby Crossing Apartments LP with the Clerk of Council for what is now tax parcel IDs 010-256886, 010-318742, 010-306518, and 010-306519 (the “Expansion Area” and together with the Original Community District, the “Big Darby West Broad Street New Community District” as depicted on Exhibit A attached hereto); and

WHEREAS, Council adopted Resolution 0182X-2022 and Resolution 0226X-2022 to approve the sufficiency of the Applications, notice the public, and hold a hearing on the Applications, and to add the Expansion Area thereunder to the Big Darby West Broad Street New Community District; and

WHEREAS, on October 2, 2023, another application for the Written Consent to Add Property to the Big Darby West Broad Street NCA (the “Consent”) for the Developer Property was filed by the Owner with the Clerk of Council; and

WHEREAS, Council adopted Resolution 0188X-2023 on October 16, 2023 and determined that the Consent complied with the requirements of R.C. Section 349.03(B) as to form and substance and fixed the time and place of a hearing for the Consent on November 8, 2023 after public notice was duly published in accordance with R.C. Section 349.03(A); and

WHEREAS, the Department of Development certifies to 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”); **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 Big Darby West Broad Street New Community Authority, and the City of Columbus is the only “proximate city” with respect to the Big Darby West Broad Street New Community Authority, the Big Darby West Broad Street New Community District, and the Developer Property for purposes of R.C. Chapter 349.

SECTION 2. That this Council further finds and determines that the Owner has consented to the inclusion of the

Developer Property in the Big Darby West Broad Street New Community District, the statutory developer of the Big Darby West Broad Street New Community Authority that signed the Petition has not filed a written objection with the Clerk of Council, and the Consent is hereby accepted and shall be recorded, along with this Resolution, in the journal of the City Council, pursuant to R.C. Section 349.03.

SECTION 3. That this Council further finds and determines pursuant to R.C. Section 349.03 that the expansion of the Big Darby West Broad Street New Community District including the Developer Property will be conducive to the public health, safety, convenience, and welfare, will be consistent with the development of the Big Darby West Broad Street New Community Authority's "new community," as described in R.C. Section 349.01(A), 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 Big Darby West Broad Street New Community District to now also include the Developer Property boundaries and those boundaries of the Big Darby West Broad Street Community District as described in the Petition and Resolution 0226X-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 resolution shall take effect and be in force from and after the earliest date permitted by law.