



Legislation Text

File #: 3371-2023, Version: 1

BACKGROUND: The City owns or owned Franklin County Tax ID Parcel Nos. 010-054645 (the “NMDA Parcel”) and 010-307276 (the “Project Site”). North Market Development Authority, Inc. (“NMDA”) leases and operates a public market in a former warehouse (the “North Market”) on the NMDA Parcel. The City selected NM Developer LLC (the “Developer”) from a request for proposals to redevelop the Project Site with a 32-story mixed-use project. Pursuant to Ordinance No. 2135-2023 passed by City Council on July 24, 2023, the City entered into the First Amended and Restated Economic Development Agreement dated August 29, 2023 (the “Restated EDA”) with the NMDA and the Developer. Pursuant to the Restated EDA, the new development on the Project Site will include public parking spaces, an expansion of the North Market, a public atrium, patio, and plaza in support of the North Market, and other public improvements and site work described in the Restated EDA (collectively, the “Public Project”). Ordinance 2135-2023 also authorized the City to enter into the Cooperative Agreement dated August 29, 2023 with the Columbus-Franklin County Finance Authority to provide a portion of the financing for the Public Project (the “Public Improvements Grant”). This ordinance authorizes the City to amend the 2023 Capital Improvement Budget, to transfer funds between projects, and to authorize and remit the expenditure of the first five million dollars of the Public Improvements Grant to the Columbus-Franklin County Finance Authority. Additional legislation will be submitted to address the remaining balance of the Public Improvements Grant.

FISCAL IMPACT: Funding in the amount of \$5,000,000.00 is available in the Development Taxable Bonds Fund (7739) within the Department of Development. An amendment to the 2023 Capital Improvement Budget and a transfer of funds are necessary to align funding for these Public Project expenditures. Funds are already appropriated.

To amend the 2023 Capital Improvements Budget; to authorize the transfer of funds within the Development Taxable Bonds Fund; to authorize the Director of the Department of Development to remit a portion of the Public Improvements Grant to the Columbus-Franklin County Finance Authority for the North Market project pursuant to the Cooperative Agreement dated August 29, 2023; and to authorize the expenditure of \$5,000,000.00 for the public improvements for the North Market project. (\$5,000,000.00)

WHEREAS, the City owns Franklin County Tax ID Parcel No. 010-054645 (the “NMDA Parcel”), which it leases to the North Market Development Authority, Inc. (“NMDA”) to operate a public market in a former warehouse on the NMDA Parcel (the “North Market”); and

WHEREAS, the City selected NM Developer LLC (the “Developer”) from a request for proposals to develop a now 32-story mixed use project adjacent to the NMDA Parcel on the former City owned the Franklin County Tax ID Parcel No. 010-307276 (the “Project Site”); and

WHEREAS, pursuant to Ordinance No. 2135-2023 passed by City Council on July 24, 2023, the Director of the Department of Development (the “Director”) entered into the First Amended and Restated Economic Development Agreement dated August 29, 2023 (the “Restated EDA”) with NMDA and the Developer; and

WHEREAS, pursuant to the Restated EDA, the development on the Project Site will include certain public areas including 280 market and public parking spaces, collectively an approximately 19,000 square-foot expansion of the

existing North Market including a public atrium, patio, and plaza, and other public improvements and site work described in the Restated EDA (collectively, the “Public Project”); and

WHEREAS, in order to effectuate certain provisions contained in the Restated EDA, Ordinance No. 2135-2023 also authorized the City to enter into the Cooperative Agreement dated August 29, 2023 (the “Cooperative Agreement”) with the Columbus-Franklin County Finance Authority to provide a portion of the financing for the Public Project (the “Public Improvements Grant”); and

WHEREAS, this ordinance authorizes funding in the amount of \$5,000,000.00 for the initial funding of the Public Improvements Grant pursuant to the Cooperative Agreement; and

WHEREAS, it is necessary to authorize an amendment to the 2023 Capital Improvements Budget for the purpose of providing sufficient spending authority for the initial funding of the Public Improvements Grant; and

WHEREAS, it is necessary for Council to authorize a transfer of funds within the Development Taxable Bonds Fund (7739) to establish sufficient cash to pay for the initial funding of the Public Improvements Grant; and

WHEREAS, additional legislation will be submitted for the remaining balance of the Public Improvements Grant;
NOW, THEREFORE,

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

SECTION 1. That the 2023 Capital Improvements Budget authorized by Ordinance No. 1711-2023 be amended as follows to establish sufficient authority for the initial funding of the Public Improvements Grant:

Fund / Project / Project Name / C.I.B. / Change / C.I.B. as Amended

7739 / P441782-100000 / Eastland Area Infrastructure (Unvoted Carryover) / \$5,000,000.00 / (\$5,000,000.00) / \$0.00
7739 / P441768-100008 / North Market Streetscape Phase 2 (Unvoted Carryover) / \$0.00 / \$5,000,000.00 / \$5,000,000.00

SECTION 2. That the transfer of \$5,000,000.00, or so much thereof as may be needed, is hereby authorized within Fund 7739 (Development Taxable Bonds Fund), from Dept-Div 4402 (Economic Development), Project P441782-100000 (Eastland Area Infrastructure), Object Class 06 (Capital Outlay) to Dept-Div 4402 (Economic Development), Project P441768-100008 (North Market Streetscape Phase 2), Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

SECTION 3. That the Director of the Department of Development be and hereby is authorized to remit the initial funding of the Public Improvements Grant to the Columbus-Franklin County Finance Authority pursuant to the Cooperative Agreement. That the monies herein shall be paid upon order of the Director of the Department of Development, and that no order shall be drawn or money paid except by voucher, the form of which shall be approved by the City Auditor.

SECTION 4. That pursuant to the Cooperative Agreement, the expenditure of \$5,000,000.00, or so much thereof as may be needed, is hereby authorized in Fund 7739 (Development Taxable Bonds Fund), in Dept-Div 4402 (Economic Development), Project P441768-100008, in Object Class 06 (Capital Outlay) per the account codes attached to this ordinance.

SECTION 5. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

SECTION 6. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

SECTION 7. That the City Auditor is hereby authorized to transfer the unencumbered balance in a project account to the unallocated balance account within the same fund upon receipt of certification by the Director of the Department administering said project that the project has been completed and the monies are no longer required for said project.

SECTION 8. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.