



## Legislation Text

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**File #:** 1197-2020, **Version:** 1

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**BACKGROUND:** In 2003, the City of Columbus desired to create a Tax Increment Financing (TIF) District and enter into a TIF Agreement with the Columbus Urban Growth Corporation to pay for certain public infrastructure improvements and to otherwise support the West Edge Business Center. On December 15, 2003, Columbus City Council passed Ordinance No. 2635-2003 (the “TIF Ordinance”) creating the West Edge I TIF District and also creating the West Edge Urban Redevelopment Tax Increment Equivalent Fund (the “TIF Fund”) to pay for or finance the costs of improvements to or on, or servicing the property or project located within, the West Edge I TIF District. As the City never entered into a TIF Agreement with Columbus Urban Growth Corporation to use the TIF Fund for the improvements in the TIF Ordinance, Columbus Urban Growth Corporation is now defunct, and the West Edge Business Center and its improvements have been completed without use of the TIF Fund, the City desires to allow the TIF Fund to be used to support urban redevelopment and public infrastructure improvements in the greater Franklinton area, which by improving the neighborhood surrounding the West Edge I TIF District will make the West Edge Business Center a more attractive job location and increase property values. This ordinance will amend the TIF Ordinance to supplement the eligible urban redevelopment and public infrastructure improvements payable from the TIF Fund.

Emergency action is requested in order to allow for the timely payment or financing of urban redevelopment and public infrastructure improvements in the Franklinton Area Commission area and surrounding area without delay.

**FISCAL IMPACT:** No funding is required for this legislation.

To amend Ordinance No. 2635-2003 passed December 15, 2003 to supplement the description of the urban redevelopment and public infrastructure improvements payable from the West Edge Urban Redevelopment Tax Increment Equivalent Fund pursuant to that ordinance; and to declare an emergency.

**WHEREAS,** in 2003, the City of Columbus desired to create a non-school Tax Increment Financing (TIF) District and enter into a TIF Agreement with the Columbus Urban Growth Corporation to pay for certain public infrastructure improvements and to otherwise support the West Edge Business Center (the “Project”) while protecting the Columbus Public School District from any loss of tax revenues; and

**WHEREAS,** pursuant to Ohio Revised Code Sections 5709.41, 5709.42 and 5709.43, this Council by Ordinance No. 2635-2003 passed December 15, 2003 (the “TIF Ordinance”) declared improvements to certain real property (the “TIF Property”) located in the Project to be a public purpose, thereby exempting those improvements from real property taxation for a period of time, provided for the making of service payments in lieu of taxes from the owners of the TIF Property, provided for the distribution of the applicable portion of those service payments to the Columbus City School District, established an urban redevelopment tax increment equivalent fund (the “TIF Fund”) into which the remaining portion of such service payments were to be deposited, and specified the purposes for which money in that TIF Fund should be expended; and

**WHEREAS,** the City of Columbus and the Columbus Urban Growth Corporation, which is now defunct, never executed a TIF Agreement to pay for or finance public infrastructure improvements to or on, or servicing the TIF Property or the Project pursuant to the TIF Ordinance; and

**WHEREAS,** the Project and the TIF Property improvements were subsequently completed without the TIF Agreement or use of the TIF Fund; and

**WHEREAS,** Ohio Revised Code Sections 5709.41, 5709.42, 5709.43 allow moneys deposited in the TIF Fund to be used

for such purposes as are authorized in the resolution or ordinance establishing the TIF Fund; and

**WHEREAS**, the City has determined that improving the neighborhood and area within the Franklinton Area Commission and the surrounding area with urban redevelopment and public infrastructure improvements paid or financed from the TIF Fund will make the Project a more attractive job location and increase the property values of the TIF Property, neighborhood, and surrounding area; and

**WHEREAS**, the City desires to amend the TIF Ordinance to allow moneys deposited in the TIF Fund to be expended for urban redevelopment and public infrastructure improvements within the Franklinton Area Commission area and the surrounding area and to supplement the public infrastructure improvements specified in the TIF Ordinance to include the urban redevelopment and public infrastructure improvements and costs further described in the Exhibit to this 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 in order to allow for the timely payment or financing of urban redevelopment and public infrastructure improvements in the Franklinton Area Commission area and surrounding area 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 Section 4 of Ordinance No. 2635-2003 is hereby amended and restated as follows:

That pursuant to Ohio Revised Code Sections 5709.41 and 5709.42, the County Treasurer shall distribute to the Columbus City School District from the Service Payments and any Property Tax Rollback Payments, and at the same time and in the same manner as real property tax payments, amounts equal to the amounts that School District would otherwise receive as real property tax payments derived from the Improvement absent the passage of this Ordinance.

This Council hereby establishes pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.43, the West Edge Urban Redevelopment Tax Increment Equivalent Fund (the "Fund"). The Fund shall be in the custody of the City and shall receive all Service Payments and Property Tax Rollback Payments not distributed to the Columbus City School District. Those Service Payments and Property Tax Rollback Payments so deposited and distributed pursuant to law as provided in Ohio Revised Code Section 5709.42 shall be used for the following purposes authorized in Ohio Revised Code Sections 5709.41, 5709.42 and 5709.43: Paying for or financing the costs of urban redevelopment and public infrastructure improvements to or on, or servicing the Property or the Project, within the Franklinton Area Commission and surrounding area, including but not limited to those urban redevelopment and public infrastructure improvements set forth in Exhibit B to this ordinance ~~water, sewer and storm sewer improvements; road, sidewalk and streetscape improvements; the acquisition of real estate and interests therein; and site preparation for those improvements and for the Project; and all necessary appurtenances~~ and related costs, including but not limited to all costs enumerated in Ohio Revised Code Section 133.15(B). The Fund shall remain in existence so long as such service payments are collected and used for the aforesaid purposes, after which said Fund shall be dissolved in accordance with Ohio Revised Code Section 5709.43.

**SECTION 2.** That Ordinance No. 2635-2003 be amended to add the Exhibit attached hereto and referenced as "Exhibit B," so that the improvements originally listed in Section 4 of Ordinance No. 2635-2003 are hereby replaced with the revised list of urban redevelopment and public infrastructure improvements set forth in Exhibit B.

**SECTION 3.** Except as amended or modified hereby, all terms, covenants, and conditions of Ordinance No. 2635-2003 as heretofore in effect shall remain in full force and effect. It is the intent of City Council that Ordinance No. 2635-2003 and this legislation be construed together as a single instrument.

**SECTION 4.** 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 and 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.