



Legislation Text

File #: 0184X-2021, **Version:** 1

BACKGROUND: The Council (“Council”) of the City of Columbus, Ohio (the “City”) previously adopted Ordinance 0810-2020 approving a petition for the creation of the Franklinton Special Improvement District of Columbus, Inc. (the “District”), articles of incorporation for the nonprofit corporation, the board of directors of which governs the District, and an initial plan for the District. Pursuant to that resolution, the District has been formed.

The original articles of incorporation contain certain provisions regarding the purposes of the District, the disposition of the District’s property, and the minimum number of directors for the District. The District has determined to apply to the Internal Revenue Service (“IRS”) for recognition as an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended. The IRS has informed the District that in order to grant its application, certain amendments to its articles of incorporation are required.

The Members of the District have approved Amended and Restated Articles of Incorporation in order to make the changes directed by the IRS.

Chapter 1710 of the Ohio Revised Code requires any “participating political subdivision” of a special improvement district to approve amendments to the articles of incorporation of the special improvement district. Pursuant to Chapter 1710 of the Ohio Revised Code, the City is a “participating political subdivision” of the District.

This legislation is to approve the Amended and Restated Articles of Incorporation approved by the Members of the District.

Emergency action is requested on this legislation to allow the District to file the Amended and Restated Articles of Incorporation with the Ohio Secretary of State as soon as possible in connection with the pending application for recognition as a 501(c)(3) organization with the IRS.

FISCAL IMPACT: No funding is required for this legislation.

To approve Amended and Restated Articles of Incorporation of the Franklinton Special Improvement District of Columbus, Inc.; and to declare an emergency.

WHEREAS, the Franklinton Special Improvement District of Columbus, Inc. (the “District”) has been duly created and is validly existing pursuant to the laws of the State of Ohio, and the City of Columbus, Ohio is a “participating political subdivision” of the District in accordance with Ohio Revised Code Section 1710.01(E); and

WHEREAS, in order to obtain recognition from the Internal Revenue Service (“IRS”) as an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, the Members of the District have approved the Amended and Restated Articles of Incorporation attached to this Resolution as **Exhibit A**, and have requested that this Council, as the legislative authority of the “participating political subdivision” of the District, approved the Amended and Restated Articles of Incorporation; and

WHEREAS, this Council has determined to approve the Amended and Restated Articles of Incorporation approved by the Members of the District; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is necessary that this Resolution take effect at the earliest possible date in order to allow the District to file the Amended and Restated

Articles of Incorporation with the Ohio Secretary of State as soon as possible in connection with its pending application with the IRS for recognition as a 501(c)(3) organization and for the immediate preservation of public peace, property, health and safety; **NOW, THEREFORE,**

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

SECTION 1. That this Council hereby approves the Amended and Restated Articles of Incorporation attached to this Resolution as **Exhibit A**.

SECTION 2. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this Resolution is hereby declared to be an emergency measure and shall take effect and be in force from and after its adoption and approval by the Mayor or ten days after adoption if the Mayor neither approves nor vetoes the same.