



Legislation Details (With Text)

File #: 2081-2007 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 11/30/2007 **In control:** Development Committee

On agenda: 1/14/2008 **Final action:** 1/16/2008

Title: To authorize the Director of the Department of Development to execute an amendment to the Arena CRA agreement by, among and between the City, Nationwide Arena LLC (NWA), Franklin County Convention Facilities Authority, Capitol South Service Corporation, and the Board of Education of the Columbus City School District (CBE) to resolve the dispute over the true value of the project, with the parties attempting to settle all of their respective rights and obligations under the CRA Agreement and Amend the CRA Agreement. and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
1/16/2008	2	CITY CLERK	Attest	
1/15/2008	2	MAYOR	Signed	
1/14/2008	1	Columbus City Council	Taken from the Table	Pass
1/14/2008	2	Columbus City Council	Amended to 30 day	Pass
1/14/2008	2	Columbus City Council	Waive the 2nd Reading	Pass
1/14/2008	2	Columbus City Council	Approved	Pass
1/14/2008	2	COUNCIL PRESIDENT	Signed	
12/10/2007	1	Columbus City Council	Tabled Indefinitely	Pass
11/30/2007	1	Dev Drafter	Sent for Approval	
11/30/2007	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
11/30/2007	1	Dev Drafter	Sent for Approval	
11/30/2007	1	CITY ATTORNEY	Reviewed and Approved	
11/30/2007	1	Dev Drafter	Sent to Clerk's Office for Council	

Background: In 1998 the City entered into a Community Reinvestment Area (CRA) Agreement with Nationwide Arena LLC (NWA), Franklin County Convention Facilities Authority, Capitol South Service Corporation, and the Board of Education of the Columbus City School District (CBE) which granted a ninety-nine (99%) real property tax exemption for fifteen years for the multi-purpose arena known as Nationwide Arena, the attached practice ice facility, garage, and restaurant, and all other improvements located on the Arena site. Under the CRA Agreement, the City and NWA agreed to make cash payments to CBE during the exemption period in an aggregate amount equal to the amounts CBE would otherwise have received as real property taxes on the Arena and attached facilities absent the real property tax exemption (less certain revenues and credits set forth in the CRA Agreement). However, the CBE and NWA disagreed as to the true value of the Arena and attached facilities. The disagreement resulted in proceedings pending in the Common Pleas Court of Franklin County, Ohio and the Franklin County Board of Revision for determination of the true value of the Arena and attached facilities for real estate tax purposes. This ordinance is a result of an effort to resolve the dispute over the true value of the project, with the parties attempting to settle all of their respective rights and obligations under the CRA Agreement and

Amend the CRA Agreement.

Fiscal Impact: No funding is required for this legislation.

Emergency Justification: ~~Emergency action is required to resolve this dispute in a timely manner.~~

To authorize the Director of the Department of Development to execute an amendment to the Arena CRA agreement by, among and between the City, Nationwide Arena LLC (NWA), Franklin County Convention Facilities Authority, Capitol South Service Corporation, and the Board of Education of the Columbus City School District (CBE) to resolve the dispute over the true value of the project, with the parties attempting to settle all of their respective rights and obligations under the CRA Agreement and Amend the CRA Agreement. ~~and to declare an emergency.~~

WHEREAS, in 1998 the City entered into a Community Reinvestment Area (CRA) Agreement with Nationwide Arena LLC (NWA), Franklin County Convention Facilities Authority, Capitol South Service Corporation, and the Board of Education of the Columbus City School District (CBE) which granted a ninety-nine (99%) real property tax exemption for fifteen years for the multi-purpose arena known as Nationwide Arena, the attached practice ice facility, garage, and restaurant, and all other improvements located on the Arena site; and

WHEREAS, under the CRA Agreement, the City agreed to share income tax from new employees and NWA agreed to make cash payments to CBE during the exemption period in an aggregate amount equal to the amounts CBE would otherwise have received as real property taxes on the Arena and attached facilities absent the real property tax exemption (less certain revenues and credits set forth in the CRA Agreement); and

WHEREAS, however, the CBE and NWA disagreed to the true value of the Arena and attached facilities; and

WHEREAS, the disagreement resulted in proceedings pending in the Common Pleas Court of Franklin County, Ohio and the Franklin County Board of Revision for determination of the true value of the Arena and attached facilities for real estate tax purposes; and

WHEREAS, the amendment would resolve the dispute over the true value of the project, with the parties attempting to settle all of their respective rights and obligations under the CRA Agreement; ~~and now, therefore,~~

WHEREAS, ~~an emergency exists in the usual daily operation of the City of Columbus, in that it is immediately necessary to authorize the Director of the Department of Development to execute an amendment to the Community Reinvestment Area (CRA) Agreement for the immediate preservation of the public peace, property, health and safety; now, therefore,~~

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

Section 1. That the Director of the Department of Development be and hereby is authorized to execute an amendment to the Arena CRA agreement by, among and between the City, Nationwide Arena LLC (NWA), Franklin County Convention Facilities Authority, Capitol South Service Corporation, and the Board of Education of the Columbus City School District (CBE) to resolve the dispute over the true value of the project, with the parties attempting to settle all of their respective rights and obligations under the CRA Agreement and Amend the CRA Agreement.

Section 2. That for the reasons state in the preamble hereto, 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 its passage if the Mayor neither approves nor vetoes the same. **That this ordinance shall take effect and be in force from and after the earliest period allowed by law.**