



## Legislation Details (With Text)

**File #:** 2899-2015      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 11/10/2015      **In control:** Development Committee

**On agenda:** 11/23/2015      **Final action:** 11/24/2015

**Title:** To authorize the Director of Development to enter into a Memorandum of Understanding with DCR Commercial Development LLC for fulfillment of Northwest Pay As We Grow requirements for property located at 4956 Avery Road; and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
11/24/2015	1	CITY CLERK	Attest	
11/24/2015	1	MAYOR	Signed	
11/23/2015	1	COUNCIL PRESIDENT	Signed	
11/23/2015	1	Columbus City Council	Approved	Pass

**BACKGROUND:** DCR Commercial Development LLC (the "Developer") is or will be the owner of approximately 101.77 acres of property located at 4956 Avery Road (the "Developer Property") within the Northwest area of the Columbus program to Pay As We Grow ("PAWG") and Grow with a Plan. Developer has applied for the rezoning of the Developer Property through Zoning Case Number Z14-010, and through Zoning Ordinance 2733-2015. The City and the Developer desire to enter into the Memorandum of Understanding ("MOU") for the fulfillment of PAWG requirements, and to itemize responsibilities for road improvement and other public infrastructure projects.

In following the City's PAWG policy for the Northwest Area, to reflect the requirements of the City Thoroughfare Plan, and to reflect the fair share of infrastructure improvements resulting from the mixed residential and commercial developer, the Developer shall make contributions to the City in the form of cash payments to Columbus into its Northwest Corridor Pay As We Grow Fund 771 in the amount of \$252,802.51 no later than June 1, 2016 and the balance of \$269,178.02 no later than June 1, 2018.

For residential and commercial development, Developer agrees to add Developer Property into the existing community development district in the Northwest PAWG area. Within the timetable identified in the MOU, Developer will encumber the Developer Property with a Declaration of Covenants and Restrictions for the Hayden Run Community Development District (the "HRCDD Covenants"), subject to acceptance of the Developer Property within the HRCDD by the Hayden Run Community Development Authority (the "HRCDA"). The HRCDD Covenants shall run with the land and shall require each current and future owner of all or any portion of the Developer Property to pay an annual Community Development Charge, as such term is defined in Section 349.01 of the Ohio Revised Code, to the HRCDA in an amount equal to 0.004 multiplied by the "Assessed Value" of such property for a period of twenty (20) years commencing one (1) year after the date of completion of the construction of the residential structures (as evidenced by a Certificate of Occupancy). Within ninety days of the execution of the MOU, the Developer will take all necessary steps to include the Developer Property into the Hayden Run Community Development Authority.

The Department of Development is requesting this ordinance to be considered an emergency measure in order to allow

for immediate execution of the MOU which is necessary to facilitate implementation of the PAWG requirements.

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

To authorize the Director of Development to enter into a Memorandum of Understanding with DCR Commercial Development LLC for fulfillment of Northwest Pay As We Grow requirements for property located at 4956 Avery Road; and to declare an emergency.

**WHEREAS**, DCR Commercial Development LLC (the "Developer") is or will be the owner of approximately 101.77 acres of property located at 4956 Avery Road (the "Developer Property") within the Northwest area of the City's program to Pay As We Grow ("PAWG"); and

**WHEREAS**, the Developer has applied for the rezoning of the Developer Property through Zoning Case Number Z14-010, and through Zoning Ordinance 2733-2015, for the purpose of allowing a mixture of commercial and residential development; and

**WHEREAS**, the Developer agrees to comply with the requirements of the PAWG policy of the City of Columbus and have therefore executed the MOU; and

**WHEREAS**, the Developer will therefore make cash payments to the City of \$252,802.51 and of \$269,178.02 at times specified in the MOU and in this ordinance, and will take necessary steps to include Developer Property within the Hayden Run Community Development District; and

**WHEREAS**, an emergency exists in the usual daily operation of the City in that it is immediately necessary for the Director of Development to enter into the MOU with DCR Commercial Development LLC in order to facilitate the implementation of the city policy, 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 the Director of Development is hereby authorized to enter into the Memorandum of Understanding ("MOU") with DCR Commercial Development LLC (the "Developer") for fulfillment of Northeast Area Pay as We Grow requirements for Developer Property on 4956 Avery Road and to take all actions necessary to implement this MOU.

**SECTION 2.** The City and Developer accept that the Developer shall make two contributions in the form of cash payments to Northwest Corridor Pay As We Grow Fund 771 of the City of Columbus in the amounts and timing as follows: \$252,802.51 to be paid no later than June 1, 2016; and the balance of \$269,178.02 to be paid no later than later than June 1, 2018.

**SECTION 3.** The Developer will take the necessary steps to place Developer Property within the Hayden Run Community Development District in a timely manner, such that each current and future owner shall be required to pay for a period of twenty (20) years an annual Community Development Charge, as such term is defined in Section 349.01 of the Ohio Revised Code, in an annual mount equal to 0.004 multiplied by the "Assessed Value" of such property.

**SECTION 4.** That 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 passage if the Mayor neither approves nor vetoes the same.