



## Legislation Details (With Text)

**File #:** 1197-2016      **Version:** 1

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

**File created:** 4/25/2016      **In control:** Public Service & Transportation Committee

**On agenda:** 5/23/2016      **Final action:** 5/26/2016

**Title:** To authorize the Director of Public Service to enter into a Reimbursement Agreement with Lifestyle Communities, LLC to provide for the construction and reimbursement of public improvements completed in conjunction with the Roadway Improvements - Lifestyles - New Albany Rd Oblongabout project; and to declare an emergency. (\$2,266,922.20)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
5/26/2016	1	ACTING CITY CLERK	Attest	
5/25/2016	1	MAYOR	Signed	
5/23/2016	1	COUNCIL PRESIDENT	Signed	
5/23/2016	1	Columbus City Council	Approved	Pass

### 1. BACKGROUND

City Council, through its passage of Ordinance 2117-2005 on December 12, 2005, authorized the creation of 10 tax increment financing districts to provide funding for public infrastructure improvements in certain portions of northeast Columbus. That legislation stipulated that the owners of relevant real property are required to make payments in lieu of real property taxes, which are to be distributed to neighboring school districts and designated tax increment equivalent funds. That revenue has and continues to be used at the direction of the City for the purpose of funding public improvements benefitting the northeast area of the City.

This ordinance authorizes the Director of the Department of Public Service to enter into a Construction Guaranteed Maximum Reimbursement Agreement with Lifestyle Communities, LLC (the "Developer") relative to the Roadway Improvements - Lifestyles - New Albany Rd Oblongabout project, memorializing a pact between the City and the Developer concerning the construction of various public improvements in the Rocky Fork-Blacklick Community Planning Area.

Lifestyle Communities, LLC is or will be the owner of 34.4+/- acres of property located at 6106 Central College Road and is the owner of 16.4+/- acres of property at 6490 Harlem Road, which overlap portions of the New Albany West-Central College TIF District and the Harlem-Central College TIF District. The Columbus Development Commission previously recommended rezoning the aforementioned property to permit residential and other development.

The Roadway Improvements - Lifestyles - New Albany Rd Oblongabout project encompasses reconstructing New Albany Road West from Central College Road to Churchhill Downs Drive; relocating the curb line to accommodate lane configuration changes and a combination of diagonal and parallel parking; installing an oblong roundabout between Central College Road and Churchhill Downs Drive; installing new sidewalk, street trees, and landscaping within the project limits; and relocating/modifying existing storm water and street lighting systems as needed.

The projected cost to construct those improvements is \$2,266,922.20. In accordance with an earlier Memorandum of Understanding authorized by Ordinance 0745-2014 and executed between the Department of Development and Lifestyle Communities, the Developer has agreed to fund the costs to construct those improvements and to be reimbursed for its payment of eligible construction costs over time from TIF Fund proceeds benefitting the Harlem-Central College Tax Increment Financing District and the New Albany West-Central College Tax Increment Financing District.

## **2. CONTRACT COMPLIANCE INFORMATION**

The contract compliance number for Lifestyle Communities, LLC is 31-1468514.

## **3. FISCAL IMPACT**

The City previously has foregone the real property tax revenue that it would have received from development within certain portions of the northeast area of Columbus. Instead, that revenue has been diverted to 10 tax increment financing districts to provide funding for public improvements benefitting that area. Accordingly, the City shall reimburse Lifestyle Communities, LLC for its payment of eligible construction costs related to the Roadway Improvements - Lifestyles - New Albany Rd Oblongabout project utilizing TIF Fund proceeds generated from the Harlem-Central College Tax Increment Financing District and the New Albany West-Central College Tax Increment Financing District. The estimated cost of constructing this project is \$2,266,922.20.

## **4. EMERGENCY DESIGNATION**

Emergency action is requested to allow construction of the proposed public improvements to be completed in advance of new housing and commercial developments opening along New Albany Road in the fall of 2016.

To authorize the Director of Public Service to enter into a Reimbursement Agreement with Lifestyle Communities, LLC to provide for the construction and reimbursement of public improvements completed in conjunction with the Roadway Improvements - Lifestyles - New Albany Rd Oblongabout project; and to declare an emergency. (\$2,266,922.20)

**WHEREAS**, City Council, through its passage of Ordinance 2117-2005 on December 12, 2005, authorized the creation of 10 tax increment financing districts to provide funding for public infrastructure improvements in certain portions of northeast Columbus, resulting in the establishment of the Harlem-Central College Tax Increment Financing District and the New Albany West-Central College Tax Increment Financing District; and

**WHEREAS**, Lifestyles Communities, LLC (the “Developer”) is or will be the owner of 34.4+/- acres of property located at 6106 Central College Road and is the owner of 16.4+/- acres of property at 6490 Harlem Road, which overlap portions of the New Albany West-Central College TIF District and the Harlem-Central College TIF District; and

**WHEREAS**, the Columbus Development Commission previously recommended rezoning the aforementioned property to permit residential and other development; and

**WHEREAS**, Ordinance 0745-2014 authorized the Director of Development to enter into a Memorandum of Understanding with Lifestyle Communities relative to the Roadway Improvements - Lifestyles - New Albany Rd Oblongabout project, which outlined the expectations, obligations, and financial commitments of both entities; and

**WHEREAS**, that project encompasses various improvements to New Albany Road West from Central College Road to Churchhill Downs Drive, including relocating the curb line to accommodate lane configuration changes, installing a traffic calming median between Central College Road and Churchhill Downs Drive, and installing new sidewalk, street trees, and landscaping within the project limits; and

**WHEREAS**, Lifestyle Communities, LLC and the City have agreed to enter into a reimbursement agreement under which the Developer would be reimbursed for its payment of TIF-eligible construction costs incurred during the completion of the aforementioned project; and

**WHEREAS**, this ordinance authorizes the Director of the Department of Public Service to execute a Construction Guaranteed Maximum Reimbursement Agreement with the Developer to memorialize that pact; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to authorize the Director to enter into an agreement with Lifestyles Communities, LLC so that construction of the aforementioned public improvements can be completed in advance of the fall of 2016, thereby preserving 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 Public Service be and hereby is authorized to execute a Construction Guaranteed Maximum Reimbursement Agreement with Lifestyle Communities, LLC (the “Developer”) along with any changes or amendments thereto not inconsistent with this Ordinance and not substantially adverse to the City, which shall be approved by the Director and the City Attorney.

**SECTION 2.** That the Director of Public Service or other appropriate officers of the City are authorized to execute such other agreements and instruments and to take all actions as may be necessary to implement this Ordinance and the transactions contemplated by the Construction Guaranteed Maximum Reimbursement Agreement between the City and the Developer.

**SECTION 3.** That service payments in lieu of taxes and property tax rollback payments deposited in the Harlem-Central College Tax Equivalent Fund and the New Albany West-Central College Tax Equivalent Fund shall be deemed appropriated for the purposes set forth in the aforementioned Construction Guaranteed Maximum Reimbursement Agreement and expended therefrom in accordance with the same, and subject to vouchers approved by the Director of Development, the City Auditor is hereby authorized to make payments to the Developer or its designee from TIF proceeds.

**SECTION 4.** That for 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.