



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 5/4/2018 **In control:** Economic Development & Small and Minority Business Committee

On agenda: 5/21/2018 **Final action:** 5/24/2018

Title: To authorize the Director of the Department of Development, on behalf of the City, to enter into a tax increment financing agreement with White Castle Management Co., to provide for the construction and financing of public infrastructure improvements within and around the tax increment financing area created by Ordinance 1105-2018; and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
5/24/2018	1	CITY CLERK	Attest	
5/23/2018	1	MAYOR	Signed	
5/21/2018	1	COUNCIL PRESIDENT	Signed	
5/21/2018	1	Columbus City Council	Approved	Pass

Background: City Council passed Ordinance No. 1105-2018 on May 7, 2018 (the “TIF Ordinance”) establishing a tax increment financing area (TIF Area) known as the West Goodale TIF benefiting parcels located at 555 W. Goodale Street in the Columbus School District pursuant to Section 5709.41 of the Ohio Revised Code. This Ordinance approves and authorizes a tax increment financing agreement between the City of Columbus and White Castle Management Co. to provide for the construction and financing of certain improvements to the parcels.

The City has entered into an Economic Development Agreement with White Castle Management Co. and WC Goodale LLC pursuant to ordinance number 1602-2017 for purposes of funding public improvements at 555 W. Goodale Street.

An emergency exists in the usual daily operation of the Department of Development in that this Ordinance is required to be immediately effective in order to facilitate the continuing development of the TIF Areas.

Fiscal Impact: No City funding is required for this legislation.

Emergency Justification: Emergency legislation is required to allow for immediate execution of the tax increment financing agreement, which is necessary to facilitate the construction of public improvements to maintain the project schedule and to coincide with the established development timeline.

To authorize the Director of the Department of Development, on behalf of the City, to enter into a tax increment financing agreement with White Castle Management Co., to provide for the construction and financing of public infrastructure improvements within and around the tax increment financing area created by Ordinance 1105-2018; and to declare an emergency.

WHEREAS, Sections 5709.41, 5709.42 and 5709.43 of the Ohio Revised Code authorize this Council, by ordinance, to declare the improvement to certain parcels of real property located within the corporate boundaries of the City of

Columbus, Ohio (the “City”), to be a public purpose and exempt from taxation, require the owner of each parcel to make service payments in lieu of taxes, and specify public infrastructure improvements made, to be made or in the process of being made that directly benefit, or that once made will directly benefit, those parcels; and

WHEREAS, the City of Columbus entered into an Economic Development Agreement with White Castle Management Co. and WC Goodale LLC pursuant to ordinance number 1602-2017 for purposes of funding public improvements at 555 W. Goodale Street; and

WHEREAS, White Castle Management Co. has commenced making or causing to be made private improvements within the TIF Area (collectively, the “Private Improvements”); and

WHEREAS, the City has determined that it is in the best interest of the City and its residents that certain public infrastructure improvements be made in support of those Private Improvements, which public infrastructure improvements were included in the description of Public Infrastructure Improvements in the TIF Ordinance are necessary and appropriate in connection with the development of the TIF Area and will directly benefit the TIF Area; and;

WHEREAS, the City desires White Castle Management Co. to construct or cause to be constructed the Public Infrastructure Improvements; and

WHEREAS, the City intends to enter into a Tax Increment Financing Agreement with White Castle Management Co., (the “TIF Agreement”) to provide for, among other things the design and construction of the Public Infrastructure Improvements and disbursement of monies on deposit in the TIF Fund which constitute available TIF Funds as defined in the TIF Agreement, to pay White Castle Management Co. for the design and construction costs of the Public Infrastructure Improvements; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that this Ordinance is required to be immediately effective in order to facilitate the continuing development of the TIF Area, such immediate action being necessary for the preservation of the public health, peace, property and safety, therefore

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

SECTION 1. That the Director of Development (the Director), for and in the name of the City, is hereby authorized to execute the Tax Increment Financing Agreement (the TIF Agreement) between the City and White Castle Management Co., that is presently on file with the Director along with any changes or amendments thereto not inconsistent with this Ordinance and not substantially adverse to the City and which shall be approved by the Director and the City Attorney.

SECTION 2. That the service payments made in lieu of real property taxes and deposited in the West Goodale Public Improvement Tax Increment Equivalent Fund, as established by Ordinance No. 1105-2018, which constitutes available TIF Funds as defined in the TIF Agreement, shall be deemed appropriated for the purposes set forth in the Agreement and the City Auditor is hereby authorized to make payments to the Developer upon receipt of invoices submitted in accordance with the Agreement and approved by the Director.

SECTION 3. 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.