



## Legislation Details (With Text)

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**File created:** 12/11/2018    **In control:** Public Service & Transportation Committee

**On agenda:** 1/14/2019    **Final action:** 1/16/2019

**Title:** To declare the necessity of constructing streetscape improvements along North High Street from 54' north of West Starr Avenue to 57' south of King Avenue/7th Avenue and levying special assessments on benefitted parcels in the Short North Special Improvement District; and to declare an emergency. (\$0.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Appendix A-Petition, 2. Appendix B-SN\_Streetscape 3-Assessment Report 12.5.2018

Date	Ver.	Action By	Action	Result
1/16/2019	1	CITY CLERK	Attest	
1/15/2019	1	MAYOR	Signed	
1/14/2019	1	COUNCIL PRESIDENT	Signed	
1/14/2019	1	Columbus City Council	Adopted	Pass

### 1. BACKGROUND

This resolution declares the necessity of constructing streetscape improvements and levying special assessments on the properties constituting the Short North Special Improvement District (the "District") in order to fund a portion of the acquisition, construction, installation, equipping, or improvement of the right-of-way along North High Street from 54' north of West Starr Avenue to 57' south of King Avenue/7th Avenue (the "Project"), which is the third phase of the Short North Streetscape Improvements that will improve North High Street from Convention Center Way to 7th Avenue (the "Short North Streetscape").

The Short North Streetscape Improvements are being undertaken in three phases. This Project constitutes Phase 3.

The owners of certain parcels comprising at least 60% of the front footage within the District submitted a Petition (see attached Appendix A) to the City agreeing to assess themselves to pay for a portion of the costs of the Short North Streetscape. The total special assessment for the Short North Streetscape will be \$4,100,000.00 and will be collected over 20 years in 40 consecutive semi-annual installments.

The Special Assessments shall be calculated as of each Determination Date and allocated to each Benefitted Parcel in the District based on the Apportionment Formula, which apportions the Special Assessments among the Assessed Parcels based on the special benefits to be received by each such Assessed Parcel. The Apportionment Formula determines the proportional benefit for each Benefitted Parcel to be (a) one-half of the product of (b) the District Assessment, multiplied by (c) the Assessment Multiplier (see attached Appendix B). The Special Assessments shall be assessed in phases and only with respect to each Benefitted Parcel, and no Special Assessments shall be assessed with respect to any Assessed Parcel prior to the Completion of the phase in which such Assessed Parcel is located or as soon thereafter as permitted by law.

The total cost of the Project is estimated to be \$12,575,738.60, which includes \$9,490,081.54 for construction. The special assessment to be assessed on the Benefitted Parcels within the Project limits is estimated to be \$1,245,939.21.

To declare the necessity of constructing streetscape improvements along North High Street from 54' north of West Starr Avenue to 57' south of King Avenue/7<sup>th</sup> Avenue and levying special assessments on benefitted parcels in the Short North Special Improvement District; and to declare an emergency. (\$0.00)

**WHEREAS**, the owners of the properties constituting more than 60% of the front footage abutting upon the streets, alleys, public roads, places, boulevards, parkways, park entrances, easements, or other public improvements in the Short North Special Improvement District (the "District") have submitted a petition to the City requesting a special assessment to pay a portion of the costs of improvements to North High Street from Convention Center Way to 7th Avenue in the Short North area of Columbus (the "Short North Streetscape Improvements"); and

**WHEREAS**, a 20-year special assessment on parcels within the District is estimated to total \$4,100,000.00 and shall be collected in 40 consecutive semi-annual installments of \$102,500.00 to pay for a portion of the construction of the Short North Streetscape Improvements; and

**WHEREAS**, this is the third phase of the Short North Streetscape Improvements, which will construct improvements along North High Street from 54' north of West Starr Avenue to 57' south of King Avenue/7<sup>th</sup> Avenue (the "Project"); and

**WHEREAS**, the special assessment on the Assessed Parcels shall be levied in phases as improvements are completed for the phases within which the Assessed Parcels are located (the "Benefitted Parcels"); and

**WHEREAS**, the total 20-Year special assessment on the Benefitted Parcels located within the limits of the Project is estimated to be \$1,245,939.21 (the "Phase 3 Special Assessments"); and

**WHEREAS**, the Phase 3 Special Assessments shall be collected in 40 consecutive semi-annual installments that shall be certified to the Franklin County Auditor each year for collection; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to declare the necessity of constructing the Project and levying a special assessment on the Benefitted Parcels in order to maintain the project schedule and to meet community commitments; **now, therefore,**

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

**SECTION 1.** That capitalized terms not otherwise defined in this Resolution shall have the meaning assigned to each term in the Petition filed with the City Clerk, which is hereby accepted, ratified, adopted and approved; is attached as Appendix A hereto; and is incorporated into this Resolution as if set forth in full in this Resolution.

**SECTION 2.** That it is hereby declared necessary to construct improvements and levy a special assessment in the City of Columbus, Ohio (the "City") for Phase 3 streetscape improvements on North High Street from 54' north of West Starr Avenue to 57' south of King Avenue/7<sup>th</sup> Avenue, all as shown on the Plans and Specifications on file in the office of the Director of the Department of Public Service for the Short North SID - High Street Improvements Phase 3 (the "Project").

**SECTION 3.** That the Plans and Specifications and estimated total cost of the Project (the "Estimated Project Cost") now on file in the office of the Director of Public Service, are approved. The Project shall be constructed in accordance with the Plans and Specifications, and the grade of the Project and of any street shall be the grade as shown on the Plans and Specifications.

**SECTION 4.** That this Council finds and determines (i) that the Project is conducive to the public health, convenience, and welfare of this City and the City's inhabitants and (ii) that the Project specially benefits those Parcels to be assessed for the Project (the "Benefitted Parcels," as described in Exhibit C to the Petition).

**SECTION 5.** That the total cost of the Project (the "Project Cost") shall be an amount equal to the costs of acquiring,

constructing, installing, equipping, or improving the Project, currently estimated to be \$12,575,738.60. The estimated construction cost of the Project is \$9,490,081.54. The special assessments assessed on the Benefitted Parcels in the Project limits (the "Phase 3 Special Assessments") shall fund an amount estimated to be \$1,245,939.21 of the Project's construction costs, and the Special Assessments shall be collected in 40 consecutive semi-annual installments that shall be certified to the Franklin County Auditor each year for collection. The Special Assessments shall be assessed in proportion to the benefits upon the Assessed Parcels. The Phase 3 Special Assessments shall be calculated by the Short North Special Improvement District as of the Determination Date and allocated to each Benefitted Parcel in the Project limits based on the Apportionment Formula stated in the Definitions attached to the Petition as Exhibit A. The Apportionment Formula shall be applied to each Benefitted Parcel to determine the annual amount of Special Assessments to be paid by each Benefitted Parcel. The portion of the Project Cost allocable to the City will be all costs in excess of the Special Assessments, which such portion currently is estimated to be \$12,575,738.60.

**SECTION 6.** That the City does not intend to issue bonds in anticipation of the levy or the collection of the Special Assessments.

**SECTION 7.** That the Clerk is hereby directed to certify a copy of this Resolution to the chief engineer of the City (the "City Engineer"), and the City Engineer is authorized and directed to prepare and file in the office of the City Clerk the report required by Section 168 of the Charter. Such report of the City Engineer shall contain:

(a) The estimated amount of the Special Assessment allocated to each Assessed Parcel, which Special Assessments shall not exceed the special benefit of the Short North Streetscape Improvements to the Assessed Parcel as ascertained by applying the Apportionment Formula to each such Assessed Parcel for each year during which such Assessed Parcel is a Benefitted Parcel;

(b) The deduction, if any, to which each Assessed Parcel is entitled, is the deduction in an amount necessary so that no Special Assessment on such Assessed Parcel, during any five year period, exceeds thirty-three and one-third per cent (33.33%) of the actual value of such Assessed Parcel, which such actual value shall be determined assuming that all phases of the Short North Streetscape Improvements have already been completed; and

(c) The estimated amount of the City's contribution to the Project Cost, which such amount shall equal the Project Cost less the sum total amount of the Special Assessments.

**SECTION 8.** That upon the filing of the estimated Special Assessments with the City Clerk, notice of the adoption of this Resolution and the filing of the estimated Special Assessments shall be served upon the Owners of the Assessed Parcels located within the Project limits (the "Benefitted Parcels") as provided in Section 170 of the Columbus City Charter.

**SECTION 9.** That the Special Assessment as to any Assessed Parcel may be prepaid at any time by paying the full amount of the aggregate unpaid Parcel Special Assessments for such Assessed Parcel.

**SECTION 10.** That the Special Assessment relating to a subdivided Assessed Parcel shall be reapportioned to each new Assessed Parcel upon the subdivision of the original Assessed Parcel. The Special Assessment shall be reapportioned to each new Assessed Parcel in proportion to the larger of the total Land Area or the total Building Area of each new Assessed Parcel. The reapportionment of the Special Assessment to each subdivided Assessed Parcel shall be represented by the following formula:

$$A = B \times (C \div D)$$

Where the terms have the following meanings:

A = The Special Assessment levied upon a newly subdivided Assessed Parcel

B = The Special Assessment of the original Assessed Parcel prior to its subdivision

C = The larger of the total Land Area or the total Building Area of the new Assessed Parcel

D = The larger of the total Land Area or the total Building Area of all of the Assessed Parcels resulting from the subdivision of the original Assessed Parcel

In the event of a subdivision, the computation of the larger of the total Land Area or the total Building Area shall be based upon an appraisal, acceptable to the City Auditor, of the Assessed Parcels in question at the time of such subdivision that will reflect the larger of the total Land Area or the total Building Area of the Assessed Parcels to be transferred on the date of such transfer. The sum of the Special Assessments payable after the subdivision of an Assessed Parcel shall equal the Special Assessment of the Assessed Parcel before its subdivision.

**SECTION 11.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this resolution is 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.