



## Legislation Details (With Text)

**File #:** 1788-2019      **Version:** 1

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

**File created:** 6/21/2019      **In control:** Economic Development Committee

**On agenda:** 7/1/2019      **Final action:** 7/3/2019

**Title:** To authorize the Mayor to execute a new annexation agreement with the Columbus Regional Airport Authority and to execute any and all other documents and instruments necessary and incident thereto; and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

| Date     | Ver. | Action By             | Action   | Result |
|----------|------|-----------------------|----------|--------|
| 7/3/2019 | 1    | CITY CLERK            | Attest   |        |
| 7/2/2019 | 1    | ACTING MAYOR          | Signed   |        |
| 7/1/2019 | 1    | COUNCIL PRESIDENT     | Signed   |        |
| 7/1/2019 | 1    | Columbus City Council | Approved | Pass   |

**Background:** This ordinance authorizes the Mayor of the City of Columbus to execute a new annexation agreement (the "New Agreement") with the Columbus Regional Airport Authority (CRAA). The New Agreement will expire twenty (20) years from the effective date of the executed agreement (the "Original Term"). The New Agreement will automatically renew for up to two (2) additional five (5) year periods ("Renewal Terms") thereafter unless notice to terminate the New Agreement is provided by the City or CRAA at least ninety (90) days before the date the Original Term or Renewal Term would otherwise expire.

The New Agreement will replace the existing Annexation Agreement (the "Original Agreement") entered between the City of Columbus (the "City") and the Rickenbacker Port Authority ("RPA") on September 9, 1996 to establish for each party obligations related to annexation of RPA property to the City (the "Original Agreement"). The Original Agreement was extended by an amendment executed on December 27, 2007 between Columbus and the CRAA, successor to the RPA. The Original Agreement was further modified by a Second Amendment executed February 29, 2008 (authorized by Ordinance 1839-2007), a Third Amendment executed on May 8, 2017 (authorized by Ordinance 1008-2017), and a Fourth Amendment executed on December 11, 2018 (authorized by Ordinance 3212-2018).

The Fourth Amendment to the Original Agreement expires July 31, 2019. The City and the CRAA believe that it is necessary to create a New Agreement to incorporate updated provisions, processes, and maps as it relates to the development of the property owned by the CRAA (the "Property") that they wish to annex into the City. The New Agreement also outlines how and when City services will be provided to Property. The City will also ask in future legislation for Columbus City Council to approve \$15 million in City capital investment for public infrastructure projects (to be mutually determined) to support economic development in the area.

Emergency action is requested due to the approaching expiration of the Fourth Amendment of the Original Agreement.

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

To authorize the Mayor to execute a new annexation agreement with the Columbus Regional Airport Authority and to

execute any and all other documents and instruments necessary and incident thereto; and to declare an emergency.

**Whereas**, the new annexation agreement ("New Agreement") with the Columbus Regional Airport Authority ("CRAA") will expire twenty (20) years from effective date of the executed agreement (the Original Term); and

**Whereas**, the New Agreement will automatically renew for up to two (2) additional five (5) year periods (Renewal Terms) thereafter unless notice to terminate the New Agreement is provided by the City or CRAA at least ninety (90) days before the date the Original Term or Renewal Term would otherwise expire; and

**Whereas**, the New Agreement will replace the existing Annexation Agreement (the "Original Agreement") entered between the City of Columbus (the "City") and the Rickenbacker Port Authority ("RPA") on September 9, 1996 to establish for each party obligations related to annexation of Rickenbacker property to Columbus (the "Original Agreement"); and

**Whereas**, the Original Agreement was extended by an amendment executed on December 27, 2007 between Columbus and the CRAA, successor to the RPA; and

**Whereas**, the Original Agreement was further modified by a Second Amendment executed February 29, 2008 (authorized by Ordinance 1839-2007) , a Third Amendment on May 8, of 2017 (authorized by Ordinance 1008-2017), and a Fourth Amendment executed on December 11, 2018 (authorized by Ordinance 3212-2018); and

**Whereas**, the Fourth Amendment to the Original Agreement expires July 31, 2019; and

**Whereas**, the City and the CRAA believe that it is necessary to create a New Agreement to incorporate updated provisions, processes, and maps as it relates to the development of the property owned by the CRAA (the "Property") that they wish to annex into the City; and

**Whereas**, the New Agreement also outlines how and when City services will be provided to Property; and

**Whereas**, the Department of Development will also ask in future legislation for Council to approve \$15 million in City capital investment for public infrastructure projects (to be mutually determined) to support economic development in the area; and

**WHEREAS**, this Council deems it to be in the best economic interests of the City, and for the further reason that the approaching expiration of the Fourth Amendment of the Original Agreement presents an emergency in the usual daily operations of the Department of Development such that authority to extend the Agreement should be authorized immediately, all for the further preservation of the public health, safety, and welfare, **now therefore;**

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

**Section 1.** That the Mayor is hereby authorized to execute a New Annexation Agreement between the City and the CRAA to expire twenty (20) years from the effective date of the executed agreement (the "Original Term") and automatically renew for up to two (2) additional five (5) year periods ("Renewal Terms") thereafter unless notice to terminate the New Agreement is provided by the City or CRAA at least ninety (90) days before the date the Original Term or Renewal Term would otherwise expire, and to include such other provisions therein, and to execute such other additional documents and instruments as are necessary and incident thereto.

**Section 2.** That for the reasons stated in the preamble hereto which are 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 immediately after its passage and signature by the Mayor, or within 10 days thereafter if the Mayor neither signs nor vetoes the same.