



## Legislation Details (With Text)

**File #:** 2934-2019      **Version:** 1

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

**File created:** 11/4/2019      **In control:** Economic Development Committee

**On agenda:** 11/18/2019      **Final action:** 11/20/2019

**Title:** To authorize the Director of the Department of Development to enter into an Agreement with Ciminello Incorporated an Ohio Corporation for fulfillment of the Northeast Pay As We Grow requirements for property located at Walnut Street; and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD2934-2019 Walnut Street Pay As We Grow Agreement -11.4.pdf

Date	Ver.	Action By	Action	Result
11/20/2019	1	CITY CLERK	Attest	
11/19/2019	1	ACTING MAYOR	Signed	
11/18/2019	1	COUNCIL PRESIDENT	Signed	
11/18/2019	1	Columbus City Council	Approved	Pass

**Background:** Ciminello Incorporated an Ohio Corporation ("Developer") owns approximately 113± acres of property for east side of the property associated with Ordinance 1765-2019 and the west side of the property that is associated with Ordinance 1703-2017 (the "Developer Property") in the northeast area of Columbus Pay as We Grow (PAWG) program.

Columbus City Council passed Ordinance 1703-2017 thereby rezoning ± 33 acres of the Developer Property, being Franklin County Parcel # 010-267723-00, for PUD Development (Rezoning #Z16-086), and passed Ordinance 1765-2019 on July 17<sup>th</sup> 2019 thereby rezoning ± 80 acres being Franklin county Parcel 010-267725-00 of the Developer Property PUD-6 for Planned Unit Development District (Rezoning #Z18-050).

This legislation authorizes the Director of the Department of Development to enter into a Pay as We Grow Agreement ("Agreement") with the Developer for the fulfillment of PAWG requirements.

The Parties agree that in lieu of the Developer making per 734 residential unit Pay as We Grow payments to Columbus at the standard Northeast area rate of \$2,300 per unit, the Developer shall construct the regional beneficial public infrastructure improvements. These improvements are East Walnut Street in front of Developer Property is required to be widened to three lane section, responsible for the design and construction of Phase II of Hamilton Road Extension.

In following the City's PAWG policy for the Northeast Area, the Developer shall: 1) encumber the Developer Property with a Declaration of Covenants and Restrictions for the Central College Community Development District (the "CCCDD Covenants"), subject to acceptance of the Developer Property within the CCCDD by the Central College Community Development Authority (the "CCCDA"). The CCCDD 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 CCCDA 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 Pay as We Grow Agreement, the Developer will take all necessary steps to include the Developer Property in the Central College Community Development Authority, including, without limitation, filing with

the Columbus City Council a petition for the inclusion of Developer Property within said Authority on the basis described above.

Emergency action is requested to allow the agreement to be entered into in a timely manner.

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

To authorize the Director of the Department of Development to enter into an Agreement with Ciminello Incorporated an Ohio Corporation for fulfillment of the Northeast Pay As We Grow requirements for property located at Walnut Street; and to declare an emergency.

**WHEREAS**, Ciminello Incorporated an Ohio Corporation (the "Developer") owns or will own approximately 113± acres of property for east side of the property of 1765-2019 and the west side of the property for 1703-2017 (the "Developer Property") in the northeast area of Columbus Pay as We Grow (PAWG) program.

**WHEREAS**, Columbus City Council passed Ordinance 1703-2017 thereby rezoning ± 33 acres of the Developer Property, being Franklin County Parcel # 010-267723-00, for PUD Development (Rezoning #Z16-086), and passed Ordinance 1765-2019 on July 17<sup>th</sup> 2019 thereby rezoning ± 80 acres being Franklin county Parcel 010-267725-00 of the Developer Property PUD-6 for Planned Unit Development District ((Rezoning #Z18-050); and

**WHEREAS**, the City and the Developer desire to enter into the attached Pay As We Grow Agreement ( "Agreement") for fulfillment of Pay as We Grow requirements; and

**WHEREAS**, the purpose of the Agreement is to align sufficient, satisfactory regional beneficial public infrastructure improvements with planned and balanced development in the Northeast Pay as We Grow Area; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to authorize the Director to enter into the Pay As We Grow Agreement without delay so that planning and other actions can begin, 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.** The Director of Development is hereby authorized to execute a Pay as We Grow Agreement, Ciminello Incorporated an Ohio Corporation (the "Developer") for fulfillment of Northeast Pay as We Grow ("PAWG") requirements for property located at Walnut Street.

**SECTION 2.** 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 passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.