



## Legislation Details (With Text)

**File #:** 3245-2019      **Version:** 1

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

**File created:** 12/4/2019      **In control:** Economic Development Committee

**On agenda:** 1/27/2020      **Final action:** 1/30/2020

**Title:** To authorize the Director of the Department of Development, on behalf of the City, to enter into a tax increment financing (TIF) agreement with M/I Homes of Central Ohio, LLC to provide for among other things the financing of additional City required geotechnical and hydrogeologic services for the Central College Road and Ulry Road widening benefiting the Northeast MOU Incentive Districts; and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
1/30/2020	1	CITY CLERK	Attest	
1/29/2020	1	MAYOR	Signed	
1/27/2020	1	COUNCIL PRESIDENT	Signed	
1/27/2020	1	Columbus City Council	Approved	Pass

**Background:** Council passed Ordinance No. 2117-2005 on December 12, 2005 to authorize the creation of ten tax increment financing districts (the "Incentive Districts") to provide funding for public infrastructure improvements in the northeast area of Columbus. City Council passed Ordinance No. 0715-2009 on June 8, 2009 to amend Exhibit C attached to Ordinance No. 2117-2005 to add various improvements and types of improvements to the public infrastructure funded by the services payments from the ten tax increment financing districts.

City Council passed Ordinance No. 2153-2005 on December 12, 2005 and passed Ordinance 0942-2010 on June 28, 2010 to authorize the Director of Development to enter into a memorandum of understanding, Northeast MOU, and subsequent amendments, First Northeast MOU Amendment and the First Administrative Amendment, (all three collectively the "NE MOU and Amendments") with multiple developers to affirm the financial commitments for infrastructure improvements in five of the Incentive Districts ("NE MOU Incentive Districts"). This ordinance approves and authorizes the Director of Development to enter into a tax increment financing (TIF) agreement between the City of Columbus and the M/I Homes of Central Ohio, LLC, one of the developers named in the Northeast MOU and Amendments, to provide for among other things the financing of additional City required geotechnical and hydrogeologic services for the Central College Road and Ulry Road widening benefiting five the NE MOU Incentive Districts.

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.

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

### Emergency Justification

Emergency legislation is required to allow for the immediate execution of the TIF Agreement, which is necessary to facilitate the construction of the public infrastructure project 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 (TIF) agreement with M/I Homes of Central Ohio, LLC to provide for among other things the financing of additional City required geotechnical and hydrogeologic services for the Central College Road and Ulry Road widening benefiting the Northeast MOU Incentive Districts; and to declare an emergency.

**WHEREAS**, Sections 5709.40, 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 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**, pursuant to Ordinance No. 2117-2005 passed on December 12, 2005 (the "TIF Ordinance"), this Council created ten tax increment financing areas (the "Incentive Districts") in the northeast area of Columbus; and

**WHEREAS**, pursuant to Ordinance No. 0715-2009 passed on June 8, 2009 to amend Exhibit C attached to Ordinance No. 2117-2005 to add various improvements and types of improvements to the public infrastructure funded by the services payments from the Incentive Districts; and

**WHEREAS**, pursuant to Ordinance No. 2153-2005 passed on December 12, 2005 and Ordinance 0942-2010 passed on June 28, 2010 authorized the Director of Development to enter into a memorandum of understanding, Northeast MOU, and subsequent amendments, First Northeast MOU Amendment and First Administrative Amendment, (all three collectively the "NE MOU and Amendments") with multiple developers to affirm the financial commitments for public infrastructure improvements in five of the Incentive Districts (the "NE MOU Incentive Districts"); and

**WHEREAS**, the M/I Homes of Central Ohio, LLC, a developer named and revised in the Northeast MOU and Amendments have commenced making or causing to be made private and public improvements for the benefit of the NE MOU Incentive Districts; and

**WHEREAS**, the City has determined that it is in the best interest of the City and its residents that certain public infrastructure improvements included in Ordinance No. 0715-2009 and as amended in Ordinance 0715-2009 are necessary and appropriate in connection with the development of the NE MOU Incentive Districts and will directly benefit the NE MOU Incentive Districts; and

**WHEREAS**, the City desires the M/I Homes of Central Ohio, LLC to design or cause to be designed additional City required geotechnical and hydrogeologic services for the Central College Road and Ulry Road widening benefiting the NE MOU Incentive Districts; and

**WHEREAS**, the City intends to enter into a Tax Increment Financing (TIF) Agreements with M/I Homes of Central Ohio, LLC to provide for the additional City required geotechnical and hydrogeologic services for the Central College Road and Ulry Road widening benefiting the NE MOU Incentive Districts, disbursement of monies on deposit in the TIF Funds which constitute available TIF Funds as defined in the TIF Agreement, and to pay M/I Homes of Central Ohio, LLC for the additional City required design costs of the geotechnical and hydrogeologic services for the Central College Road and Ulry Road widening among other things; 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 Incentive Districts, such immediate action being necessary for the preservation of the public health, peace, property and safety; **NOW, THEREFORE**,

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

**Section 1.** That the Director of Development, for and in the name of the City, is hereby authorized to

execute a Tax Increment Financing (TIF) Agreements between the City and M/I Homes of Central Ohio, LLC, 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 Utry-Central College Tax Equivalent Fund as established by Ordinance No. 2117-2005 and Ordinance 0715-2009, which constitute available TIF funds as defined in the TIF Agreement, shall be deemed appropriated for the purposes set forth in the agreements and the City Auditor is hereby authorized to make payments to the developer upon receipt of cost certificates or invoices submitted in accordance with the agreement and approved by the Director.

**Section 3.** 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 its passage and approval by the Mayor or ten days after the passage if the Mayor neither approves nor vetoes the same.