



Legislation Details (With Text)

File #: 1460-2020 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 6/16/2020 **In control:** Economic Development Committee

On agenda: 7/6/2020 **Final action:** 7/9/2020

Title: To appropriate and authorize the expenditures of TIF revenues to be deposited in the Rickenbacker-317 municipal public improvement tax increment equivalent fund; to authorize the Director of the Department of Development to enter into a TIF Agreement with 1489 Rohr Holding, LLC to provide for the reimbursement of design and construction costs of public infrastructure improvements within and around the Rickenbacker-317 TIF area in far south Columbus near Rickenbacker International Airport; and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1460-2020 1489 Rohr Holding TIF Agreement Legislation 6-15-2020

Date	Ver.	Action By	Action	Result
7/9/2020	1	CITY CLERK	Attest	
7/7/2020	1	ACTING MAYOR	Signed	
7/6/2020	1	COUNCIL PRESIDENT	Signed	
7/6/2020	1	Columbus City Council	Approved	Pass

Background: 1489 Rohr Holding, LLC (the “Developer”) is proposing to construct a fifty six million dollar (\$56,000,000) industrial/warehouse/distribution development including a minimum of approximately two million (2,000,000) square feet of industrial/warehouse/distribution space (the “Project”) on 229.993+/- acres located south of Rohr Road between the CSX railroad and Lockbourne Road (the “Site”). The Department of Development has submitted Ordinance 1443-2020 to this Council to authorize the execution of an Economic Development Agreement (the “EDA”) with the Developer to outline the Developer’s and City’s commitments. In furtherance of the EDA, the Developer will finance the upfront costs of design and construction and cause to be designed and constructed additional site improvements, amenities, and regional public improvements, and the Department of Development has submitted Ordinance 1447-2020 to this Council to establish under Ohio Revised Code Section 5709.40(B) a non-school Tax Increment Financing (“TIF”) area known as the Rickenbacker-317 TIF including the Site in order to support the reimbursement of the costs of eligible public infrastructure improvements necessary to support the development of the Site. This legislation approves and authorizes the Director of Development to enter into a TIF Agreement between the City and the Developer to provide for the terms of reimbursing the costs of the eligible public infrastructure improvements, and to appropriate and authorize the expenditure of the Rickenbacker-317 TIF Fund per the terms of the TIF Agreement.

Fiscal Impact: No City funding is required for this legislation. The City is appropriating and authorizing the expenditure of TIF revenues to be deposited in the Rickenbacker-317 municipal public improvement tax increment equivalent fund in accordance with the TIF Agreement.

Emergency Justification: Emergency legislation is required to allow for immediate execution of the TIF Agreement, which is necessary to facilitate the construction of the public improvements and to maintain the project schedule and development timeline.

To appropriate and authorize the expenditures of TIF revenues to be deposited in the Rickenbacker-317 municipal public improvement tax increment equivalent fund; to authorize the Director of the Department of Development to enter into a TIF Agreement with 1489 Rohr Holding, LLC to provide for the reimbursement of design and construction costs of public infrastructure improvements within and around the Rickenbacker-317 TIF area in far south Columbus near Rickenbacker International Airport; and to declare an emergency.

WHEREAS, the Developer is proposing to acquire the real property currently known as Franklin County tax parcel ID numbers 495-266702, 495-266703, and 495-266704 consisting of 229.993+/- acres located south of Rohr Road as shown on Exhibit A (“the Site”) to develop a fifty six million dollar (\$56,000,000) industrial/warehouse/distribution development including a minimum of approximately two million (2,000,000) square feet of industrial/warehouse/distribution space (the “Project”); and

WHEREAS, the Department of Development has submitted to this Council for passage Ordinance 1443-2020 to authorize the Director of Development to enter into an Economic Development Agreement (the “EDA”) with 1489 Rohr Holding, LLC (the “Developer”) establishing as part of a Public-Private Partnership (P3) the City's agreement to provide the Developer financial assistance for public infrastructure improvements that will serve the Project; and

WHEREAS, pursuant to the EDA and in order to develop and support the Project, the Developer will finance the upfront costs of design and construction and cause to be designed and constructed additional Site improvements, amenities, and regional public infrastructure improvements (the “Public Infrastructure Improvements”); and

WHEREAS, the Department of Development has submitted to this Council for passage Ordinance 1447-2020 authorizing the creation of the non-school Rickenbacker-317 TIF under 5709.40(B) of the Ohio Revised Code as the City desires to facilitate the Site development by committing tax increment financing service payments in lieu of taxes to be generated by the Project on the Site to reimburse the costs of certain Public Infrastructure Improvements, which will help the City to enhance the growth and preservation of the community through planned development; and

WHEREAS, it is now necessary to appropriate and authorize the expenditure of non-school TIF service payments and property tax rollback payments generated from the Site to be deposited into the Rickenbacker-317 municipal public improvement tax increment equivalent fund (the “Site TIF Revenue”) to reimburse the Developer or its designee for certain Public Infrastructure Improvements in accordance with the TIF Agreement; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is necessary to enter into said TIF Agreement in a timely manner to allow the Developer to close on the real estate of the Site and to meet the development timeline of the Project and Public Infrastructure Improvements 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 (the “Director”), for and in the name of the City, is hereby authorized to execute and deliver the Tax Increment Financing Agreement (the “TIF Agreement”) 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, provided that the approval of such changes and amendments thereto, and the character of those changes and amendments as not being substantially adverse to the City, shall be evidenced conclusively by the execution and delivery of the TIF Agreement.

SECTION 2. That the Director or other appropriate officers of the City are authorized to execute such other agreements and instruments, subject to approval by the City Attorney’s Office, and to take all actions as may be necessary to implement this Ordinance and the transactions contemplated by the TIF Agreement.

SECTION 3. That the service payments in lieu of taxes and property tax rollback payments deposited into the Rickenbacker-317 Municipal Public Improvement Tax Increment Equivalent Fund to be created by

Ordinance 1447-2020 submitted by the Department of Development for consideration by City Council (the "TIF Fund") and generated from the Site parcels shown on Exhibit A to this Ordinance (the "Site TIF Revenue") shall be deemed appropriated for the purposes set forth in the TIF Agreement and authorized to be expended therefrom in accordance with the TIF Agreement, and the City Auditor is authorized to make payments to the Developer or its designee from the Site TIF Revenue in the TIF Fund in accordance with the TIF Agreement upon order of the Director of Development or his designee and that no order shall be drawn or money paid except by voucher, the form of which shall be approved by the City Auditor.

SECTION 4. 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 full 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.