



## Legislation Details (With Text)

**File #:** 0060X-2021    **Version:** 1

**Type:** Resolution    **Status:** Passed

**File created:** 4/8/2021    **In control:** Economic Development Committee

**On agenda:** 4/26/2021    **Final action:** 4/29/2021

**Title:** To determine that the petition to establish the Big Darby West Broad Street New Community Authority is sufficient and complies with the requirements of Chapter 349 of the Ohio Revised Code; to set the time and place for a public hearing on the petition; to authorize the notice of such public hearing by publication in a newspaper; and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
4/29/2021	1	CITY CLERK	Attest	
4/28/2021	1	MAYOR	Signed	
4/26/2021	1	COUNCIL PRESIDENT	Signed	
4/26/2021	1	Columbus City Council	Adopted	Pass

**Background:** Ordinance 1699-2020, passed by Council on November 16, 2020 (the “Rezoning Ordinance”), rezoned the property at or near the northwest corner of the intersection of West Broad Street and Doherty Road and generally located at 5960 West Broad Street (tax parcel ID 570-184818, the “Developer Property”) now owned by Crown Pointe, LLC, an affiliate of Metro Development, LLC (collectively, the “Developer”) and tax parcel ID 570-301099 (the “Adjacent Property”). The Developer purchased the 9.023 acres encompassing the Developer Property in order to privately invest approximately \$18 million to construct one-hundred ninety-two (192) multi-family units and private improvements pursuant to the Rezoning Ordinance. Consistent with the Big Darby Accord Watershed Master Plan and the Rezoning Ordinance, the Developer Property and Adjacent Property are subject to the requirements of the “Big Darby Revenue Program” pursuant to Resolution 0216X-2008 adopted by Columbus City Council on April 20, 2009. The Big Darby Revenue Program identified three revenue generation sources: tax increment financing (TIF), new community authority (NCA) charges, and per unit developer contributions (collectively the “Big Darby Revenue”) for Big Darby Accord Purposes, i.e. Big Darby public improvements, and other regional public improvements. Pursuant to Ordinance 2535-2020 passed by Council on November 23, 2020, the Director of the Department of Development entered into an agreement (the “Big Darby Agreement”) dated December 1, 2020 with the Developer to outline the plans and respective commitments of the City and Developer for the fulfillment of Big Darby Revenue Program requirements, including establishing a new NCA, in relation to the Developer Property and Adjacent Property. On April 7, 2021, a petition for the organization of the Big Darby West Broad Street NCA (the “Petition”) was filed with the Clerk of City Council. By this resolution, City Council, as the organizational board of commissioners described and required by Chapter 349 of the Ohio Revised Code (“R.C.”), will determine the sufficiency of the Petition, authorize a public notice, and set a public hearing date on the Petition.

**Emergency Justification:** Emergency action is requested in order to facilitate the development of the Developer Property in a timely manner in accordance with the Big Darby Agreement and in order to provide notice in a newspaper for three weeks prior to a public hearing and set the public hearing date within 30-45 days of the date after the Petition was filed in accordance with R.C. Chapter 349.

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

To determine that the petition to establish the Big Darby West Broad Street New Community Authority is sufficient and complies with the requirements of Chapter 349 of the Ohio Revised Code; to set the time and place for a public hearing on the petition; to authorize the notice of such public hearing by publication in a newspaper; and to declare an emergency.

**WHEREAS**, Crown Point LLC (the “Developer”) plans to develop an approximately 9.023-acre site (the “Developer Property”) located within the municipal corporate boundaries of the City of Columbus, Ohio (a municipal corporation, hereafter, the “City”) as eight three-story multi-family residential buildings of approximately one hundred ninety-two (192) multi-family units with appropriate associated amenities, and surface and structured parking necessary to support those uses; and

**WHEREAS**, pursuant to Ordinance 1699-2020 rezoning the Developer Property and authorized by Ordinance 2535-2020, the Director of the Department of Development entered into an agreement (the “Big Darby Agreement”) dated December 1, 2020 with an affiliate of the Developer to outline the plans and respective commitments of the City and the Developer for the fulfillment of the Big Darby Revenue Program requirements, including establishing a new community authority, in relation to the Developer Property; and

**WHEREAS**, on April 7, 2021 the Developer submitted to the Council of the City (“Council”), pursuant to Section 349.03 of the Ohio Revised Code (“R.C.”), a Petition for Establishment of the Big Darby West Broad Street New Community Authority under R.C. Chapter 349 (the “Petition”); and

**WHEREAS**, the Big Darby West Broad Street New Community District, as described in the Petition, is located entirely within the municipal corporate boundaries of the City and this Council, as the legislative authority of the City, is therefore the organizational board of commissioners for purposes of this Petition in accordance with R.C. Chapter 349; and

**WHEREAS**, this Council has reviewed the Petition, and by this resolution desires to legislatively determine, pursuant to R.C. Section 349.03, that the Petition complies with the requirements of that section as to form and substance; pursuant to R.C. Section 349.03, to set the time and place of a hearing on the Petition; and further pursuant to R.C. Section 349.03, authorize the notice by publication of the hearing on the Petition; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to make the legislative determinations described herein regarding the sufficiency of the Petition in order to facilitate the redevelopment of the Developer Property in accordance with the Big Darby Agreement and in order to provide notice in a newspaper for three weeks prior to a public hearing and set the public hearing date within 30-45 days of the date after the Petition was filed in accordance with R.C. Chapter 349 all for the preservation of the public health, peace, property, safety, and welfare; **NOW, THEREFORE**,

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

**SECTION 1. Organizational Board of Commissioners.** This Council hereby acknowledges and determines that, pursuant to R.C. Section 349.01(F)(3), it is the “organizational board of commissioners” of the Big Darby West Broad Street New Community Authority for all purposes of R.C. Chapter 349.

**SECTION 2. Petition’s Sufficiency and Compliance with R.C. Section 349.03.** This Council has examined the Petition and finds and determines that the Petition is sufficient and complies with the requirements of R.C. Section 349.03 in form and substance.

**SECTION 3. Time and Place of Hearing.** Pursuant to R.C. Section 349.03, this Council hereby determines to hold a hearing on the Petition on May 20, 2021 at 11:00 a.m. via teleconference or videoconference as authorized by Ohio House Bill 197, and this Council hereby authorizes each of the City Attorney, the Clerk of Council, and the City Director of Development, or any of them individually, to cause notice of the hearing to be published once a week for three consecutive weeks, or as provided in R.C. Section 7.16, in a newspaper of general circulation within Franklin County,

Ohio, pursuant to R.C. Section 349.03(A).

**SECTION 4. Effective Date.** For the reasons stated in the Preamble hereto, which is hereby made a part hereof, this resolution 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.