City of Columbus

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Legislation Details (With Text)

File #:	0220X-2022 **Version:** 1		
Type:	Resolution	**Status:**	Passed
File created:	10/31/2022	**In control:**	Economic Development Committee
On agenda:	11/14/2022	**Final action:**	11/16/2022
Title:	To approve and authorize the Director of the Department of Development, for and in the name of the City, signing and filing the petition to establish the NM Mixed-Use Project New Community Authority; to determine that the petition to establish the NM Mixed-Use Project New Community Authority is sufficient and complies with the requirements of Chapter 349 of the Ohio Revised Code; to authorize the appropriate City officials to hold a public hearing on the petition at the time and place set herein; to authorize the notice of such public hearing by publication in a newspaper of general circulation in the county for three consecutive weeks; and to declare an emergency.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:			

Date	Ver.	Action By	Action	Result
11/16/2022	1	CITY CLERK	Attest	
11/15/2022	1	ACTING MAYOR	Signed	
11/14/2022	1	COUNCIL PRESIDENT	Signed	
11/14/2022	1	Columbus City Council	Adopted	Pass

Background: The Council of the City of Columbus, Ohio (the "Council") passed Ordinance 1993-2019 on July 22, 2019 authorizing the Director of the Department of Development (the "Director") to enter into an Economic Development Agreement by and between the City, North Market Development Authority, Inc. ("NMDA"), and NM Developer LLC (the "Developer"), dated September 11, 2019, as modified by the letters dated August 9, 2021 and September 20, 2022 from the City to the Developer (as so modified, the "EDA"), concerning the development of a 31-story, mixed-use building on the surface parking lot adjacent to the existing public market owned by the City (the "North Market") and together located on Franklin County Tax ID Parcel Nos. 010-054645 and 010-307276 (collectively, the "Site"). The mixed-use development will include an expansion of the North Market, a new public atrium, a new shared community plaza (the "Shared Plaza"), structured parking, office, residential units, and a hotel (collectively, the "Project"). The Developer has agreed to provide 20% of the residential units as workforce housing on the condition that the City provide financial assistance, which pursuant to Ordinance 3215-2021 passed July 25, 2022, the City will fund using a portion of the hotel/motel/short-term rental excise taxes that are generated by the hotel located within the Project (the "North Market Hotel Bed Taxes"). Additionally, the City committed to using the remaining North Market Hotel Bed Taxes to provide funding to NMDA for the maintenance of the North Market and the cultural enrichment it provides to the community. Within the EDA, the City, NMDA, and the Developer also committed to establishing a new community authority in relation to the Project on a portion of the Site not including the existing North Market (the "NM Mixed-Use Project NCA"). The purposes of the NM Mixed-Use Project NCA include, but are not limited to, receiving a remaining portion of the North Market Hotel Bed Taxes at the expiration of the workforce housing term as well as providing an additional annual payment to NMDA all for capital maintenance of the North Market, and also managing the Shared Plaza. On or about October 28, 2022, a petition for the organization of the NM Mixed-Use Project NCA (the "Petition") was filed with the Clerk of Council by the City, as the statutory developer under Section 349.01(E) of the Ohio Revised Code ("R.C."), with the written consent of the Developer. By this resolution, Council approves and authorizes the Director, for and in the

name of the City, signing and filing the Petition, and Council, as the organizational board of commissioners described and required by R.C. Chapter 349, will determine the sufficiency of the Petition, authorize public notices, and set a public hearing date on the Petition. Furthermore by this resolution, Council authorizes the Director, or his or her authorized designee, to hold the required hearing and to forthwith certify to Council that the hearing was held as advertised.

Emergency Justification: Emergency action is requested in order to timely provide notice in a newspaper for three consecutive 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 approve and authorize the Director of the Department of Development, for and in the name of the City, signing and filing the petition to establish the NM Mixed-Use Project New Community Authority; to determine that the petition to establish the NM Mixed-Use Project New Community Authority is sufficient and complies with the requirements of Chapter 349 of the Ohio Revised Code; to authorize the appropriate City officials to hold a public hearing on the petition at the time and place set herein; to authorize the notice of such public hearing by publication in a newspaper of general circulation in the county for three consecutive weeks; and to declare an emergency.

WHEREAS, the Council of the City of Columbus, Ohio (the "Council") passed Ordinance 1993-2019 on July 22, 2019 authorizing the Director of the Department of Development (the "Director") to enter into an Economic Development Agreement dated September 11, 2019, as modified by the letters dated August 9, 2021 and September 20, 2022 from the City to the Developer, (as so modified, the "EDA") by and between the City, North Market Development Authority, Inc. ("NMDA"), and NM Developer LLC (the "Developer"); and

WHEREAS, the EDA concerns the development of a 31-story, mixed-use building (the "Project") on the surface parking lot adjacent to the existing public market owned by the City (the "North Market") together located on Franklin County Tax ID Parcel Nos. 010-054645 and 010-307276 (collectively, the "Site"); and

WHEREAS, in accordance with the EDA and Section 371.02(a) of the Columbus City Codes, the City pursuant to Ordinance 3215-2021 passed July 25, 2021 authorized portions of the hotel/motel/short-term rental excise taxes generated from the new Project hotel to be constructed on the Site (the "North Market Hotel Bed Taxes") to provide financial assistance to the Developer to support workforce housing and to NMDA to sustain and expand the cultural enrichment of the community by supporting the capital maintenance of the North Market; and

WHEREAS, under the EDA the City, NMDA, and the Developer also committed to establishing a new community authority in relation to the portion of the Site where the Project will be developed but not including the existing North Market (the "NM Mixed-Use Project NCA"), for the purposes of, but not limited to, receiving a remaining portion of the North Market Hotel Bed Taxes as well as providing an additional annual payment to NMDA both for capital maintenance of the North Market and to manage a shared community plaza to be constructed as part of the Project; and

WHEREAS, on or about October 28, 2022, the Director, for and in the name of the City with the written consent of the Developer and the consent of Council by this resolution, submitted to the Clerk of Council pursuant to Sections 349.01(E) and 349.03 of the Ohio Revised Code ("R.C."), a Petition for Organization of a New Community Authority under R.C. Chapter 349 (the "Petition"); and

WHEREAS, the "NM Mixed-Use Project NCA New Community District," as described in the Petition, is located entirely within the municipal corporate boundaries of the City of Columbus, Ohio, and this Council, as the legislative authority of the City of Columbus, Ohio, is therefore the organizational board of commissioners for purposes of this Petition in accordance with R.C. Chapter 349; and

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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 notices of the hearing on the Petition by publication in a newspaper of general circulation in the county; and

WHEREAS, Council authorizes the Director, or his or her authorized designee, to hold the hearing required by R.C. Section 349.03(B) and to forthwith certify in writing to Council that the hearing was held as advertised; 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 provide notice in a newspaper for three consecutive 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, Ohio that:

SECTION 1. Statutory Developer. This Council hereby acknowledges and determines that, pursuant to R.C. Section 349.01(E), the City of Columbus, Ohio, as a municipal corporation that owns the land within the NM Mixed-Use Project NCA New Community District, is the statutory "developer" of the NM Mixed-Use Project NCA for all purposes of R.C. Chapter 349, and this Council approves and authorizes the Director, for and in the name of the City, signing and filing the Petition with the Clerk of Council.

SECTION 2. 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 NM Mixed-Use Project NCA for all purposes of R.C. Chapter 349.

SECTION 3. 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 4. Time and Place of Hearing. Pursuant to R.C. Section 349.03, this Council hereby determines that the Director, or his or her duly authorized representative, is authorized to hold a hearing on the Petition on November 30, 2022 at 2:00 p.m. at the offices of the City's Department of Development, 111 N. Front St., Columbus, OH 43215, and this Council hereby authorizes each of the City Attorney, the Clerk of Council, and the City's Director, 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), and the Director shall certify to Council in writing that the hearing was held as advertised.

SECTION 5. Effective Date. 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.

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