



Legislation Details (With Text)

File #: 0582-2023 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 2/14/2023 **In control:** Economic Development Committee

On agenda: 2/27/2023 **Final action:** 3/1/2023

Title: To authorize the Director of the Department of Development to enter into a First Amendment for the Assignment & Assumption of the ENTERPRISE ZONE AGREEMENT with 810 Grandview, LLC to (i) remove 810 Grandview, LLC as the ENTERPRISE and party to the AGREEMENT and be replaced with 810 Grandview Crossing Office I, LLC as the ENTERPRISE and party to the AGREEMENT; and (ii) redefine the Project Site as the 1.436 acre parcel split from the ORIGINAL PARCEL, transferred to 810 Grandview Crossing Office I, LLC and identified as parcel number 010-300647; and to declare an emergency. (\$0.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
3/1/2023	1	CITY CLERK	Attest	
2/28/2023	1	MAYOR	Signed	
2/27/2023	1	COUNCIL PRESIDENT	Signed	
2/27/2023	1	Columbus City Council	Approved	Pass

BACKGROUND: Columbus City Council (“**COUNCIL**”), by Ordinance No. 0199-2020, passed February 10, 2020, authorized the City of Columbus (“**CITY**”) to enter into an Enterprise Zone Agreement (the “**AGREEMENT**”) with 810 Grandview, LLC (“**ENTERPRISE**”), for a real property tax abatement of seventy-five percent (75%) for a period of ten (10) consecutive years in consideration of a proposed total capital investment of approximately \$19.2 million in real property improvements and the creation of twenty (20) net new full-time permanent positions with an associated annual payroll of approximately \$832,000 related to the construction of a new approximately 124,000 square-foot speculative commercial office facility on roughly 28.983 +/- acres of undeveloped land located (the “**PROJECT**”) at 1400 City View Way, Columbus, Ohio 43215, parcel number 010-129562 (the “**ORIGINAL PARCEL**”), within the City of Columbus and within the City of Columbus Enterprise Zone (the “**PROJECT SITE**”). The **AGREEMENT** was made and entered into effective April 24, 2020 with the **PROJECT** expected to begin approximately in the spring of 2020, with all real property improvements expected to be completed by July 2021, and with the abatement to commence no later than 2022 nor extend beyond 2031 (Agreement No. 023-20-04).

Paragraph fourteen within Section 6 (Program Compliance) of the **AGREEMENT** states that the “**AGREEMENT** is not transferable or assignable without the express, written, approval of the **CITY**” and paragraph fifteen of that same section states that “any requested amendment...to any of the terms of the **AGREEMENT**...shall require the payment to the **CITY** by the **ENTERPRISE** of an **AMENDMENT FEE** in the amount of five-hundred dollars (\$500.00).”

In a letter received by the **CITY** on behalf of the **ENTERPRISE** dated February 8, 2023, and through ensuing correspondence, it was confirmed that 810 Grandview Crossing Office I, LLC has acquired ownership of the **PROJECT SITE** from 810 Grandview, LLC with the transfer having been recorded at the County Auditor’s Office on February 18, 2020. The letter requested that the **AGREEMENT** be amended to (i) assign the **AGREEMENT** to 810 Grandview

Crossing Office I, LLC; and (ii) redefine the project site as the 1.436 acre parcel split for the **ORIGINAL PARCEL**, transferred to 810 Grandview Crossing Office I, LLC and identified as parcel number 010-300647.

Due diligence has been undertaken by the **CITY** in that 810 Grandview Crossing Office I, LLC has agreed to fully assume the terms and commitments of the **ENTERPRISE** pursuant to the **AGREEMENT**, has submitted an updated Economic Development Incentive Application, including the five-hundred dollar (\$500.00) Amendment Fee and that this application and all other pertinent information has been reviewed and vetted.

This legislation is to authorize the Director of the Department of Development to amend the **AGREEMENT** for the first time for Assignment & Assumption to (1) remove 810 Grandview, LLC as **ENTERPRISE** and party to the **AGREEMENT** and to be replaced with 810 Grandview Crossing Office I, LLC as **ENTERPRISE** and party to the **AGREEMENT**, whereby 810 Grandview Crossing Office I, LLC will assume the terms and commitments of the **AGREEMENT**; 2) revise the description of the **PROJECT SITE** as the 1.436 acre parcel split from the **ORIGINAL PARCEL**, transferred to 810 Grandview Crossing Office I, LLC and identified as parcel number 010-300647, and (3) revise the notice information related to **ENTERPRISE** within Section 6 of the **AGREEMENT**.

Based on the above, the Director of the Department of Development of the **CITY** has investigated the Economic Development Application of 810 Grandview Crossing Office I, LLC and has determined that 810 Grandview Crossing Office I, LLC is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Columbus Enterprise Zone and improve the economic climate of the **CITY**; and

This legislation is being presented as an emergency measure in order for this amendment to be legislated in as expedient a manner as possible so that this amendment to the **AGREEMENT** might be fully executed with the proper property owner, which will allow the **ENTERPRISE** to remain in compliance and receive any future tax savings from the proposed abatement.

FISCAL IMPACT: No funding is required for this legislation.

To authorize the Director of the Department of Development to enter into a First Amendment for the Assignment & Assumption of the **ENTERPRISE ZONE AGREEMENT** with 810 Grandview, LLC to (i) remove 810 Grandview, LLC as the **ENTERPRISE** and party to the **AGREEMENT** and be replaced with 810 Grandview Crossing Office I, LLC as the **ENTERPRISE** and party to the **AGREEMENT**; and (ii) redefine the Project Site as the 1.436 acre parcel split from the **ORIGINAL PARCEL**, transferred to 810 Grandview Crossing Office I, LLC and identified as parcel number 010-300647; and to declare an emergency. (\$0.00)

WHEREAS, the City of Columbus ("**CITY**") entered into an Enterprise Zone Agreement (the "**AGREEMENT**") with 810 Grandview, LLC (hereafter referred to as the "**ENTERPRISE**"), approved by Columbus City Council ("**COUNCIL**") on February 10, 2020 by Ordinance No. 0199-2020; and

WHEREAS, the **AGREEMENT** granted the **ENTERPRISE** a 75%/10-Year abatement on real property improvements; and

WHEREAS, the incentive was granted in consideration of the company's pledge to invest approximately \$19.2 million in real property improvements and to create twenty (20) net new full-time permanent positions with a total payroll of approximately \$832,000.00 (the "**PROJECT**") The **PROJECT** involved the construction of an approximately 124,000 square foot speculative commercial office facility on roughly 28.983 +/- acres of undeveloped land located at 1400 City View Way, Columbus, Ohio 43215, identified as parcel number 010-129562 (the "**PROJECT SITE**") located within the Columbus City School District, and within the Columbus Enterprise Zone, (hereinafter referred to as the "**PROJECT**"); and

WHEREAS, the **ENTERPRISE** constructed an approximate 130,000 square foot commercial building on the **PROJECT SITE** per the **AGREEMENT**; and

WHEREAS, paragraph fourteen within Section 6 (Program Compliance) of the **AGREEMENT** states that the “**AGREEMENT** is not transferable or assignable without the express, written, approval of the **CITY**” and paragraph fifteen of that same section states that “any requested amendment...to any of the terms of the **AGREEMENT**...shall require the payment to the **CITY** by the **ENTERPRISE** of an **AMENDMENT FEE** in the amount of five-hundred dollars (\$500.00);” and

WHEREAS, in a letter received by the **CITY** on behalf of the **ENTERPRISE** dated February 8, 2023, and through ensuing correspondence, it was confirmed that 810 Grandview Crossing Office I, LLC has acquired ownership of the **PROJECT SITE** from 810 Grandview, LLC with the transfer having been recorded at the County Auditor’s Office on February 18, 2020. The letter requested that the **AGREEMENT** be amended to (i) assign the **AGREEMENT** to 810 Grandview Crossing Office I, LLC; and (ii) redefine the **PROJECT SITE** as the 1.436 acre parcel split from the **ORIGINAL PARCEL**, transferred to 810 Grandview Crossing Office I, LLC and now identified as parcel number 010-300647; and

WHEREAS, due diligence has been undertaken by the **CITY** in that 810 Grandview Crossing Office I, LLC has agreed to fully assume the terms and commitments of the **ENTERPRISE** pursuant to the **AGREEMENT**; has submitted an updated Economic Development Incentive Application, including the five-hundred dollar (\$500.00) Amendment Fee; and that the application and all other pertinent information has been reviewed and vetted; and

WHEREAS, a first amendment to the **AGREEMENT** is now needed for the Assignment & Assumption to (i) remove 810 Grandview, LLC as the **ENTERPRISE** and party to the **AGREEMENT**, and replaced with 810 Grandview Crossing Office I, LLC as the **ENTERPRISE** and party to the **AGREEMENT**, (ii) revise the description of the **PROJECT SITE**, and (iii) revise the notice information related to the **ENTERPRISE** within Section 6 of the **AGREEMENT** (collectively, the “**FIRST AMENDMENT**”); and

WHEREAS, the Director of the Department of Development (“Director”) of the **CITY** has investigated the Economic Development Application of 810 Grandview Crossing Office I, LLC and recommends the **FIRST AMENDMENT** to the Columbus City Council on the basis that 810 Grandview Crossing Office I, LLC is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Columbus Enterprise Zone and improve the economic climate of the **CITY**; and

WHEREAS, the **ENTERPRISE**, 810 Grandview Crossing Office I, LLC will assume the terms and conditions in the **AGREEMENT**; and

WHEREAS, the **PROJECT SITE** will be redefined as the 1.436 acre parcel split from the **ORIGINAL PARCEL** and transferred to 810 Grandview Crossing Office I, LLC, identified as parcel number 010-300647. The notice information related to the **ENTERPRISE** within Section 6 of the **AGREEMENT** will be revised accordingly; and

WHEREAS, this legislation is being presented as an emergency measure in order for this **FIRST AMENDMENT** to be legislated in an expedient manner so that it can be executed by the parties, allowing the **ENTERPRISE** to remain in compliance and receive any future tax savings from the abatement, thereby preserving the public health, peace, property and safety of the City and its residents; **NOW, THEREFORE**,

BE IT ORDAINED BY THE COUNCIL OF COLUMBUS:

Section 1. That Columbus City Council finds that 810 Grandview Crossing Office I, LLC, is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Enterprise Zone and improve the economic climate of the City.

Section 2. The Director is authorized to enter into a **FIRST AMENDMENT** with 810 Grandview, LLC to remove 810

Grandview, LLC as the **ENTERPRISE** and party to the **AGREEMENT**, and replaced with 810 Grandview Crossing Office I, LLC, as the **ENTERPRISE** and party to the **AGREEMENT**, whereby 810 Grandview Crossing Office I, LLC, will assume the terms and commitments of the **AGREEMENT** as the **ENTERPRISE**.

Section 3. That the Director is authorized to amend Section 1 (Establishment by Corporation) of the **AGREEMENT** to state that the **PROJECT SITE** is redefined as being the 1.436 acre parcel split from the **ORIGINAL PARCEL**, transferred to 810 Grandview Crossing Office I, LLC, and identified as parcel number 010-300647.

Section 4. That the Director is authorized to amend Section 6 (Program Compliance) of the **AGREEMENT**, to acknowledge the change in name and address of the **ENTERPRISE** from 810 Grandview, LLC to 810 Grandview Crossing Office I, LLC, to the attention of Joel Lilly.

Section 5. That the parties execute this **FIRST AMENDMENT** for Assignment & Assumption within ninety (90) days of passage of this ordinance, or this ordinance and the incentive authorized herein shall be null and void.

Section 6. That for reasons stated in the preamble hereto, which is made a part hereof, the ordinance is 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.