



Legislation Text

File #: 2305-2013, Version: 1

BACKGROUND: This ordinance authorizes the Director of Development to enter into an Intergovernmental Cooperation Agreement (“Agreement”) with the Central College Community Development Authority (“Authority”) regarding the placement and use of community development charge revenues held by and expected to come to the Authority two times per year from the Franklin County Auditor. Columbus City Council Ordinance 1271-2008 approved the establishment of the Authority and the Central College Community Development District (“District”) as provided under Chapter 349 of the Ohio Revised Code.

The District encompasses various neighborhoods in northeast Columbus generally to be developed as part of an area characterized by well-balanced and diversified land use patterns to provide facilities for the conduct of commercial, residential, cultural, educational, and recreational activities under the City’s program to Pay as We Grow (PAWG) and Grow with a Plan.

FISCAL IMPACT: No funding is required for this legislation.

To authorize the Director of the Department of Development to enter into, on behalf of the City of Columbus, an Intergovernmental Cooperation Agreement with the Central College Community Development Authority; and to declare an emergency.

WHEREAS, pursuant to Chapter 349 of the Ohio Revised Code (“Chapter 349”) and in accordance with a February 23, 2006 Memorandum of Understanding (the “NE MOU”) among M/I Homes of Central Ohio, LLC, Dominion Homes, Inc., Homewood Corporation, and the City, which was signed February 23, 2006, and amended August 16, 2010 (the “Amended MOU,” and together with the NE MOU and any amendments and administrative revisions thereto, including the May 5, 2011 administratively agreed upon revision thereto and any future administratively agreed upon revisions, the “MOU”), which first amendment among other things added Village Communities Corporation as a party and Murphy Development Company for limited purposes; and

WHEREAS, the Central College Community Development Authority (“Authority”) was established as a new community authority under Chapter 349 to govern the Central College Community Development District (“District”), a new community district under Chapter 349; and

WHEREAS, each Developer has filed a Declaration of Covenants, Restrictions and Agreements with respect to the Authority (collectively, the “Declaration”) with the offices of the Franklin County Recorder, establishing and attaching, among other things, a four-mill community development charge (“Charge”) on the property within the District to be used to cover all or part of the cost of the acquisition, development, construction, operation and maintenance of land, land development and Community Facilities (as defined in Chapter 349), the debt service thereof and any other cost incurred by the Authority under Chapter 349; and

WHEREAS, the Authority, pursuant to Resolution No. 2010-4, issued its Central College Community Development Authority Community Facilities Note, Series 2010 (the “Series 2010 Note”) in the aggregate principal amount of

\$468,040 to fund the purchase of real property in the District; prior to the execution of this Agreement, the Authority has retired the Series 2010 Note and therefore will not use the Charge to pay debt service on the Series 2010 Note; and

WHEREAS, the City and the Authority desire to follow the direction of the MOU with respect to the collection, distribution, and use of the Charge; and

WHEREAS, the City, with the cooperation of the Authority, desires to cause the construction of public infrastructure improvements in northeast Columbus as described in the Intergovernmental Cooperation Agreement and use the Charge along with other sources of funds to support the construction and financing of those public infrastructure improvements; and

WHEREAS, the Board passed Resolution No. 2013-3 on September 9, 2013 approving the Agreement; and

WHEREAS, an emergency exists in that it is immediately necessary to authorize the Director of Development to enter into the aforementioned Intergovernmental Cooperation Agreement so that the Central College CDA may proceed expeditiously to dispose of the community development charge funds cooperatively in order to facilitate the development of the City's northeast quadrant and to provide for infrastructure improvements and public services based upon the Pay As We Grow and Grow with a Plan initiative and the MOU, said immediate action being in the interest of the City in order to preserve, enhance and protect 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 the Department of Development be and hereby is authorized to enter into on behalf of the City of Columbus the aforesaid Intergovernmental Cooperation Agreement with the Central College Community Development Authority for the purpose of providing for the placement and use of community development charge revenues in a cooperative manner best designed to support the public infrastructure commitments under the MOU.

Section 2. For the reasons stated in the preamble hereto, which is hereby made a part hereof, this 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 passage if the Mayor neither approves nor vetoes this Ordinance.