



Legislation Text

File #: 0077X-2014, **Version:** 1

1. BACKGROUND

This resolution is to declare the necessity of 1) constructing streetscape improvements and 2) levying a special assessment on the parcels along the south side of Nationwide Boulevard between North Front Street and North High Street, the north and south sides of and in the median of Nationwide Boulevard between North High Street and North 4th Street, and parcels at the intersection of Nationwide Boulevard and North High Street north to the south edge of the railroad bridge in Downtown Columbus (known as the Roadway Improvements - Nationwide Boulevard Improvements project).

In 2013, the SID Public Services Association (the "Downtown SID"), Nationwide Realty Investors, Ltd. ("NRI") and the City of Columbus, Department of Public Service initiated an effort with property owners on High Street and Nationwide Boulevard within the project boundaries to create a Special Benefit District to partially fund the construction of streetscape improvements in the Roadway Improvements - Nationwide Boulevard Improvements project (see attached Exhibit B). The purpose of the Special Benefits District is to create an improved pedestrian environment for the millions of visitors who are drawn annually to the Greater Columbus Convention Center and Arena District.

A ten-year special assessment on parcels within the Special Benefit District is estimated to total \$1,900,000.00 and shall be collected in 20 consecutive semi-annual installments of \$95,000.00 to pay for the debt service for the construction of streetscape improvements. The Franklin County Auditor's Office shall collect the assessment and the first collection is estimated to occur in 2015.

The special assessment shall be allocated to each assessed parcel in the Special Benefit District based on the proportional benefit to each assessed parcel. The percentage of proportional benefit for each assessed parcel shall be multiplied by the \$1,900,000.00 special assessment for the entire Special Benefit District to determine the amount of special assessments to be paid by such assessed parcel.

The following documents are attached to this resolution:

1. Exhibit A - Petition by Property Owners
2. Exhibit B - Assessed Parcels (Parcel Map and List of Parcel Owners)
3. Exhibit C - Draft resolution for Petition
3. Exhibit D - Proportional Benefit Calculation Spreadsheet

2. FISCAL IMPACT

No funding is required for this resolution.

For informational purposes, the estimated Total Project Cost (including design and construction) is \$3,896,655.00 of which \$1,900,000.00 shall be funded by the special assessment and an estimated \$1,996,655.00 shall be funded by the City. The final cost to the City shall be known after completion of the project.

3. EMERGENCY DESIGNATION

The Department of Public Service is requesting this resolution to be considered an emergency measure in that it is immediately necessary to declare the necessity of making said improvements in order to maintain the project schedule and meet community commitments.

To declare the necessity of 1) constructing streetscape improvements and 2) levying a special assessment on the parcels along the south side of Nationwide Boulevard between North Front Street and North High Street, the north and south sides of and in the median of Nationwide Boulevard between North High Street and North 4th Street, and parcels at the intersection of Nationwide Boulevard and High street north to the south edge of the railroad bridge in Downtown Columbus within the Special Benefit District; and to declare an emergency.

WHEREAS, in 2013, the SID Public Services Association (the "Downtown SID"), Nationwide Realty Investors, Ltd. ("NRI") and the City of Columbus, Department of Public Service initiated an effort with property owners on High Street and Nationwide Boulevard within the project boundaries to create a Special Benefit District to partially fund the construction of streetscape improvements in the Roadway Improvements - Nationwide Boulevard Improvements project (see attached Exhibit B).

WHEREAS, a ten-year special assessment on parcels within the Special Benefit District is estimated to total \$1,900,000.00 and shall be collected in 20 consecutive semi-annual installments of approximately \$95,000.00 to pay for the debt service for the construction of streetscape improvements. The Franklin County Auditor's Office shall collect the assessment and the first collection is estimated to occur in 2015; and

WHEREAS, over 90% of the property owners of the affected area signed the petition in support of the assessment; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to declare the necessity of 1) constructing streetscape improvements and 2) levying a special assessment in order to maintain the project schedule and meet community commitments; thereby immediately preserving the public health, peace, property, safety and welfare now, therefore.

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

SECTION 1. In the attached Petition, capitalized terms not otherwise defined herein shall have the meaning assigned to each term in the form of the Petition which Petition is hereby accepted, ratified, adopted, and approved. The form of Petition is attached as Appendix A hereto and is incorporated into this Resolution as if set forth in full herein.

SECTION 2. Council hereby declares the necessity of 1) constructing streetscape improvements and 2) levying a special assessment in the City of Columbus, Ohio (the "City") for streetscape improvements on the south side of Nationwide Boulevard between North Front Street and North High Street, the north and south sides of and in the median of Nationwide Boulevard between North High Street and North 4th Street, parcels at the intersection of Nationwide Boulevard, and North High Street north to the south edge of the railroad bridge, all in Downtown Columbus, all as shown on the Plans and Specifications on file in the office of the Director of the Department of Public Service for the Roadway Improvements - Nationwide Boulevard Improvements project (the "Project").

SECTION 3. The Plans and Specifications and estimated construction cost of the Project (the "Estimated Construction Cost"), now on file in the office of the Director of the Department of Public Service, are approved. The Project shall be made in accordance with the Plans and Specifications and the grade of the Project and of any street shall be the grade as shown on the Plans and Specifications.

SECTION 4. This Council finds and determines: 1) that the Project is conducive to the public health, convenience, and welfare of this City and the inhabitants thereof, and 2) that the Parcels to be assessed for the Project (the "Assessed Parcels," as described in Exhibit B to the Petition) are specially benefited by the Project.

SECTION 5. The Estimated Construction Cost of the Project is \$3,542,146.07. The special assessments for the Project (the "Special Assessments") shall be collected in 20 consecutive semi-annual installments of \$95,000.00. The Special

Assessments shall be assessed in proportion to the benefits upon the Assessed Parcels (see Exhibit D - Proportional Benefit Calculation Spreadsheet). The Special Assessments shall be calculated as of the Determination Date and allocated to each Assessed Parcel in the Special Benefit District based on the Proportional Benefit to each such Assessed Parcel. The percentage of Proportional Benefit for each Assessed Parcel shall be multiplied by the annual Special Assessment for the entire Special Benefit District (\$190,000) to determine the annual amount of Special Assessments to be paid by each Assessed Parcel. The portion of the Estimated Construction Cost allocable to the City will be all costs in excess of the total amount of Special Assessments, which such portion is currently estimated to be \$1,642,146.07.

SECTION 6. The City intends to issue bonds in anticipation of the levy or the collection of the Special Assessments.

SECTION 7. The Clerk is hereby directed to certify a copy of this Resolution to the chief engineer of the City (the "City Engineer"), and the City Engineer is authorized and directed to prepare and file in the Office of the Clerk the report required by Section 168 of the Charter. Such report of the City Engineer shall contain:

- (a) The estimated amount of the Special Assessment allocated to each Assessed Parcel, which Special Assessments shall not exceed the special benefit of the Project thereto as ascertained by the calculation of the Proportional Benefit to each such Assessed Parcel;
- (b) The deduction, if any, to which each Assessed Parcel is entitled so that no Special Assessment against such Assessed Parcel, during any five year period, exceeds thirty-three and one-third per cent (33.33%) of the actual value of such Assessed Parcel, which such actual value shall be determined assuming that the Project has already been completed; and
- (c) The estimated amount of the City's contribution to the Estimated Construction Cost, which such amount shall equal the Estimated Construction Cost less the total amount of the Special Assessments.

SECTION 8. The Special Assessment as to any Assessed Parcel may be prepaid at any time by paying the full amount of the aggregate unpaid Parcel Special Assessments for such Assessed Parcel.

SECTION 9. The Special Assessment relating to a subdivided Assessed Parcel shall be reapportioned to each new Assessed Parcel upon the subdivision of the original Assessed Parcel. The Special Assessment shall be reapportioned to each new Assessed Parcel in proportion to the fair market value of each new Assessed Parcel. The reapportionment of the Special Assessment to each subdivided Assessed Parcel shall be represented by the following formula:

$$A = B \times (C \div D)$$

Where the terms have the following meanings:

A = The Special Assessment levied upon a newly subdivided Assessed Parcel

B = The Special Assessment of the original Assessed Parcel prior to its subdivision

C = The fair market value of the new Assessed Parcel

D = The total fair market value of all of the Assessed Parcels resulting from the subdivision of the original Assessed Parcel

In the event of a subdivision, the computation of the fair market value shall be based upon an appraisal, acceptable to the City Auditor, of the Assessed Parcels in question at the time of such subdivision that will reflect the value of the Assessed Parcels to be transferred on the date of such transfer. The sum of the Special Assessments payable after the subdivision of an Assessed Parcel shall equal the Special Assessment of the Assessed Parcel before its subdivision.

SECTION 10. An Owner of an Assessed Parcel claiming that a calculation error has been made in the amount of the Special Assessment to be collected from such Assessed Parcel shall send a written notice describing the error to the City Auditor not later than 30 days after having paid such Special Assessment that is alleged to have been calculated

incorrectly, or within 30 days of receiving notice of any other calculation alleged to have been calculated incorrectly, prior to seeking any other remedy. The City Auditor shall promptly review the notice, and if necessary, meet with the Owner, consider written and oral evidence regarding the alleged error, and decide whether, in fact, such a calculation error occurred. If the City Auditor determines that a calculation error did in fact occur that requires the Special Assessment to be modified or changed in favor of the Owner, a cash refund shall not be made (except for the final year during which the Special Assessment shall be collected), but an adjustment may be made in the amount of the Special Assessment to be paid in the following year.

SECTION 11. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this Council, and that all such deliberations of this Council and of any of its committees that resulted in any such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 12. This resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that its immediate effectiveness is necessary so that steps can be taken to commence construction and to cause completion during the approaching period that minimizes the adverse impact on the operations of the Columbus Convention Center and Nationwide Arena; therefore, this Resolution shall take effect and be in force from and after its passage and approval by the Mayor, or 10 days after passage if the Mayor neither approves nor vetoes the same.