



Legislation Text

File #: 1980-2016, **Version:** 1

BACKGROUND: This ordinance authorizes the City to enter into a Lease Agreement and Supplemental Lease Agreement with The RiverSouth Authority in connection with the redevelopment and revitalization of the Scioto Peninsula, and authorizes the Director of Finance and Management to execute the Lease Agreement and Supplemental Lease Agreement.

FISCAL IMPACT: No funding is required for this legislation until 2018.

To authorize the City to enter into a Lease Agreement and Supplemental Lease Agreement with The RiverSouth Authority in connection with and supporting redevelopment and revitalization of the Scioto Peninsula, and to authorize the Director of Finance and Management to execute the Lease Agreement and Supplemental Lease Agreement.

WHEREAS, in order to create or preserve jobs and employment opportunities and to improve the economic welfare of the people of the City of Columbus, Ohio (the "City"), this Council desires to provide for the redevelopment and revitalization of that certain area of the City's downtown, being generally the approximately 56-acre area of the western downtown riverfront depicted on Exhibit A attached hereto (the "Scioto Peninsula Area"); and

WHEREAS, the City acknowledges that the redevelopment and revitalization of the Scioto Peninsula Area is a continuation of the ongoing redevelopment of the City's downtown area, being generally the area bounded by the first railroad tracks west of the Scioto River and along SR 315 on the west, I-670 on the north, I-71 on the east, and I-70 on the south, as depicted on Exhibit A attached hereto ("Downtown Columbus"); and

WHEREAS, in October 2000, the City commissioned a study (the "Study") to identify redevelopment opportunities in Downtown Columbus and the Ohio General Assembly appropriated \$1.3 million to support that Study; and

WHEREAS, in 2002, based on the results of the Study, the Capitol South Community Urban Redevelopment Corporation ("Capitol South") initiated the process to develop a Strategic Business Plan for Downtown Columbus (the "2002 Downtown Columbus Plan"); and

WHEREAS, as part of the process for developing the 2002 Downtown Columbus Plan, the then Columbus Mayor formed a Downtown Task Force (the "Downtown Task Force ") and that Downtown Task Force held public hearings to prepare the 2002 Downtown Columbus Plan; and

WHEREAS, the Downtown Task Force and Capitol South submitted the final proposed 2002 Downtown Columbus Plan to this Council in May 2002; and

WHEREAS, this Council on June 17, 2002 enacted Resolution No. 122X-02 approving the 2002 Downtown Columbus Plan and the creation of the Columbus Downtown Development Corporation (the "CDDC") to implement the 2002 Downtown Columbus Plan; and

WHEREAS, to further the redevelopment and revitalization of the area known as the "RiverSouth Area" in Downtown Columbus consistent with the goals identified in the 2002 Downtown Columbus Plan, the CDDC petitioned this Council for the creation of The RiverSouth Authority (the "Authority") as a new community authority pursuant to Chapter 349 of

the Ohio Revised Code, and this Council by its enactment of Ordinance No. 1007-2004 on June 21, 2004, approved the creation of the Authority; and

WHEREAS, to continue the redevelopment and revitalization efforts in Downtown Columbus and to update the 2002 Downtown Columbus Plan, the CDDC and the City in 2009 undertook a comprehensive public engagement process to develop a strategic plan to further address zoning and land use issues, infrastructure needs, and other community priorities of and for Downtown Columbus; and

WHEREAS, the Board of the CDDC on April 20, 2010 endorsed the updated Downtown Columbus Strategic Plan (the “2010 Downtown Columbus Strategic Plan”), and the Downtown Commission, after a public hearing on June 22, 2010, also endorsed that 2010 Downtown Columbus Strategic Plan and recommended its acceptance by this Council; and

WHEREAS, this Council adopted Resolution No. 0098X-2010 on July 19, 2010, accepting the 2010 Downtown Columbus Strategic Plan as a guide for development, redevelopment, and the planning of future public improvements in Downtown Columbus including the development of the Scioto Peninsula Area; and

WHEREAS, this Council and the Mayor, together with the Franklin County Commissioners, charged the CDDC in April 2012 with creating a strategic land use plan for the Scioto Peninsula Area based on the goals identified in the 2010 Downtown Columbus Strategic Plan; and

WHEREAS, the CDDC unveiled to the public the Scioto Peninsula Master Plan on August 13, 2013 (the “Scioto Peninsula Master Plan”) which includes plans for a new Veterans Memorial and Museum, mixed-use development, an underground parking garage and complementary park and recreation space (collectively and without limitation, the “Redevelopment”); and

WHEREAS, the Authority desires to support the Redevelopment of the Scioto Peninsula Area and the City desires to enter into a Lease Agreement (“Lease Agreement”) and Supplemental Lease Agreement (“Supplemental Lease Agreement”) with the Authority facilitating and supporting that Redevelopment; now, therefore,

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

Section 1. That the Lease Agreement and Supplemental Lease Agreement by and between the City and the Authority, each in the form presently on file with the Director of Finance and Management, providing for, among other things, the financing and construction of certain improvements in the Scioto Peninsula Area, are each hereby approved and authorized, with changes therein not inconsistent with this Ordinance or substantially adverse to the City and approved by the Director of Finance and Management and the City Attorney. The character of the changes as not being inconsistent with this Ordinance or substantially adverse to the City and the approval of such changes by the Director of Finance and Management and the City Attorney shall be conclusively established by the execution thereof.

Section 2. That the Director of Finance and Management, for and in the name of the City, is hereby authorized and directed to execute the Lease Agreement and Supplemental Lease Agreement. The Mayor, the Director of Finance and Management, the Director of Recreation and Parks, the Director of Development, the City Auditor, the City Attorney and any other appropriate officials of the City are hereby authorized to execute other instruments and to take any other actions as may be appropriate to implement the Lease and this Ordinance, including but not limited to entering into ground leases or other agreements between the City and the Authority, grant agreements or amendments or supplements to grant agreements with the State of Ohio, and amendments or supplements to other documents or agreements, including but not limited to: (i) the Lease Agreement between the City and the Ohio Facilities Construction Commission (as successor to the Ohio Arts Facilities Commission) relating to COSI, dated September 29, 1995, as amended; and (ii) the Scioto Peninsula Garage/Park Project Primary Agreement between the City and Capitol South, effective December 7, 2015; provided those ground leases or other agreements or documents, or amendments or supplements to those agreements or documents, are determined by the City official(s) executing them to implement matters or transactions contemplated by the Lease Agreement and Supplemental Lease Agreement or otherwise in support of the Redevelopment, which

determination shall be conclusively evidenced by that execution. Any leases, agreements or other documents authorized to be executed by this Section 2 shall be subject to approval by the City Attorney.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.