



Legislation Text

File #: 0157X-2018, **Version:** 1

Background:

This resolution declares the necessity of levying special assessments on the property located at 800 N. High Street, as described in the Petition, in order to fund the construction of a parking garage at the at the southeast corner of the intersection of High Street and Hubbard Avenue in the Short North area of Columbus. The special assessments will be collected over 23 years in an amount equaling the debt service and administrative expenses relating to bonds to be issued by the Columbus-Franklin County Finance Authority and the Toledo-Lucas County Port Authority. The City is not contributing any funding to pay for the construction of the parking garage, and the construction of the parking garage is set to begin in summer 2018.

The owners of properties comprising 100% of the parcels directly benefitting from the parking spaces to be provided by the project have submitted a petition agreeing to assess themselves to pay for a portion of the costs of the project. The total special assessment for the project is estimated to be \$8,000,000, plus any interest and other costs, fees, and expenses associated with the assessment and financing for the project, and will be collected over 23 years in 46 consecutive semi-annual installments.

Emergency action is requested in order to maintain the project schedule and meet community commitments.

Fiscal Impact:

No City funding is required for the financing of the project.

To declare the necessity of acquiring, constructing, installing, equipping, or improving in the city certain off street parking facilities at the southeast corner of the intersection of High Street and Hubbard Avenue, and acquiring interests in the site thereof, together with all necessary and proper appurtenances; and to declare an emergency.

WHEREAS, 800 N. High Investments, LLC (the "Developer"), has proposed the redevelopment of the property located at the southeast corner of the intersection of High Street and Hubbard Avenue (the "Property") through a mixed-use project (the "Development"), including a hotel; and

WHEREAS, in order to facilitate the Development, the Developer has proposed the construction of an approximately 72-space underground parking facility with lift systems, which will double parking capacity to 144 vehicles, all as more fully described in the Plans and Specifications on file in the office of the Clerk of Council (the "Parking Facility Project"); and

WHEREAS, the Developer, as the owners of 100% of the lots and lands directly and specially benefitting from the Parking Facility Project, have agreed to pay in the aggregate 100% of the total special assessments to be imposed to pay the costs of the Parking Facility Project, and have executed and filed with this Council a petition (the "Petition") requesting such improvement; and

WHEREAS, a 23-year special assessment on the real property described in the Petition to pay for the construction of the Parking Facility Project is estimated to be \$8,000,000, plus any interest and other costs, fees, and expenses associated with the assessment and financing for the Parking Facility Project, and shall be collected in 46

consecutive semi-annual installments; and

WHEREAS, an emergency exists in that it is immediately necessary to declare the necessity of making the improvements and levying a special assessment on the parcels in order to maintain the Development 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, THAT:

Section 1. Capitalized terms not otherwise defined in this Resolution shall have the meaning assigned to each term in the Petition filed with the Clerk of Council, which Petition is hereby accepted, ratified, adopted, and approved, and is incorporated into this Resolution as if set forth in full in this Resolution. The form of such Petition is attached as Appendix A.

Section 2. It is hereby declared necessary to improve, in the City of Columbus, Ohio (the “City”) certain off-street parking facilities at the southeast corner of the intersection of High Street and Hubbard Avenue, and to acquire interests in the site thereof, together with all necessary and proper appurtenances within the City, all as shown on the Plans and Specifications on file in the office of the Clerk of Council (the “Parking Facility Project”).

Section 3. The Plans and Specifications and estimated total cost of the Parking Facility Project (the “Estimated Project Cost”) now on file in the office of the Clerk of Council (the “Clerk”) are approved. The Parking Facility Project shall be made in accordance with the Plans and Specifications, and the grade of the Parking Facility Project and of any street shall be the grade as shown on the Plans and Specifications.

Section 4. This Council finds and determines (i) that the Parking Facility Project is conducive to the public health, convenience, and welfare of the City of Columbus and its inhabitants and (ii) that the Parking Facility Project specially benefits the Assessed Property (as identified in Exhibit A to the Petition) to be assessed for the Parking Facility Project.

Section 5. The total principal cost of the Parking Facility Project shall be an amount equal to the costs of acquiring, constructing, installing, equipping, or improving the Parking Facility Project, currently estimated to be \$8,000,000 (the “Assessed Project Cost”). The special assessments assessed on the Assessed Property for the Parking Facility Project (the “Special Assessments”) shall fund an amount necessary to pay the Parking Facility Project Cost, together with any interest and other costs, fees, and expenses associated with financing the Parking Facility Project or with the Special Assessment Payments, including, without limitation, any costs of permanent improvements described in Section 133.15(B) of the Ohio Revised Code, and costs of operating and maintaining the Parking Facility Project under certain circumstances identified in the Petition. The Special Assessment Payments shall be collected in 46 consecutive semi-annual installments by certifying the Special Assessments to the County Auditor for collection, as further provided in the Petition. The Special Assessment Payments shall be assessed in proportion to the special benefits conferred by the Parking Facility Project upon the Assessed Property. The Special Assessment Payments shall be calculated as of the Calculation Date in accordance with Sections 4 and 6 of the Petition attached hereto as Exhibit A.

Section 6. 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 assessment report required by Section 168 of the Charter. Such report of the City Engineer shall contain:

- (a) The estimated amount of the Special Assessment with respect to the Assessed Property;
- (b) The deduction, if any, to which the Assessed Property is entitled so that there is no Special Assessment against the Assessed Property, which is none, as allowable under Section 181-1 of the Charter;
- (c) The estimated amount of the City’s contribution to the Parking Facility Project Costs, which is none, as

allowable under Section 181-1 of the Charter.

Section 7. As 100% of the owners of the Assessed Property have petitioned for, and waived any objection to, the Special Assessment, notice of the adoption of this Resolution and the filing of the estimated Special Assessments as otherwise required by Section 170 of the City Charter has been waived by the Petitioners.

Section 8. The Special Assessment as to the Assessed Property or any parcel formed therefrom may be prepaid at any time by paying the full amount of the aggregate unpaid Special Assessment Payments for such parcel.

Section 9. The Special Assessment relating to a subdivided parcel shall be reapportioned to each new parcel upon the subdivision of the original parcel. The Special Assessment shall be reapportioned to each new parcel in accordance with Section 6 of the Petition.

Section 10. An Owner of a parcel claiming that a calculation error has been made in the amount of the Special Assessment to be collected from such parcel shall send a written notice describing the error to the Treasurer 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 Treasurer 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 Treasurer 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. The City does not intend to issue securities in anticipation of the levy or collection of the Special Assessment Payments.

Section 12. For the reasons stated in the preamble hereto, which is hereby made a part hereof, this resolution is declared to be an emergency measure and shall take effect and be in force from and after its adoption and approval by the Mayor, or ten days after adoption if the Mayor neither approves nor vetoes the same.