



Legislation Text

File #: 0935-2019, **Version:** 1

Background: M/I Homes of Central Ohio, LLC (the “Developer”) is the owner of approximately 12.04± acres of property situated in the northwest portion of the 61.23± acres of property that was divided amongst the Developer, Village Communities and Pulte Homes of Ohio, LLC located at 5830 Ulry Road (the “Developer Property”). The Developer Property is located in the Northeast area of the Columbus Pay as We Grow (“PAWG”) program. City Council passed Ordinance No. 0958-2016 on October 7, 2016, which rezoned the Developer Property as PUD-6, Planned Unit Development District (Rezoning # Z14-059) and included a commitment by the Applicant, Metro Development, to pay the required Pay as We Grow fees. As the current property owner of a portion of the Developer Property, M/I Homes of Central Ohio, LLC has assumed a proportionate share of that commitment. This legislation authorizes the Director of the Department of Development to enter into a Memorandum of Understanding (MOU) (the “Agreement”) with the Developer for the fulfillment of PAWG requirements.

In following the City's PAWG policy for the Northeast Area, is a ratified agreement with the Developer and the City that the Developer did make a total contribution in the form of cash payments to the City in the amount of \$2,300.00 multiplied by the number of residential units constructed on the Developer's portion of the Developer Property, which is 48 single family units.

The Developer agrees to support inclusion of the Developer Property within a Tax Increment Financing (TIF) District, whether such TIF District is new or existing. If requested to do so by the Columbus Department of Development, the Developer will provide a letter indicating such support and take other reasonable actions in support of said TIF District.

In a deviation from the City's PAWG policy for the Northeast Area, the City and Developer agree that due to an overlap in the timing of processing the Agreement and the development of the Developer Property, that requiring the Developer to encumber the Developer Property with a Declaration of Covenants and Restrictions for the Central College Community Development District (the “CCCDD”) is not viable. The City and the Developer also agree that due to the same circumstances, it is not viable for the Developer to file a petition with Columbus City Council to join the CCCDD.

Fiscal Impact: There is no financial impact for this legislation. No funding is required.

To authorize the Director of the Department of Development to enter into a Memorandum of Understanding with M/I Homes of Central Ohio, LLC for fulfillment of the Northeast Pay as We Grow requirements for property located at the northwest portion of a property located at the southeast corner of Ulry Road and Warner Road, known as 5830 Ulry Road; and to declare an emergency.

WHEREAS, M/I Homes of Central Ohio, LLC (the “Developer”) is the owner of 12.04± acres of property situated in the northwest portion of a property located at the southeast corner of Ulry Road and Warner Road, known as 5830 Ulry Road (the “Developer Property”) in the Northeast area of the Columbus Pay as We Grow (“PAWG”) program and

WHEREAS, Columbus City Council passed Ordinance No. 0958-2016 on October 7, 2016, which rezoned the Developer Property as PUD-6, Planned Unit Development District (Rezoning # Z14-059) and included a commitment to Pay As We Grow obligations; and

WHEREAS, the City and the Developer desire to enter into the attached Memorandum of Understanding (“MOU”) for fulfillment of Pay as We Grow requirements; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is immediately

necessary to authorize the Director to enter into the Memorandum of Understanding without delay so that planning and other actions can begin, thereby preserving the public health, peace, property, safety and welfare; Now, Therefore,

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

SECTION 1. That the Director of Development is hereby authorized to execute a Memorandum of Understanding with M/I Homes of Central Ohio, LLC (the “Developer”) for fulfillment of Northeast Pay as We Grow (“PAWG”) requirements for property located at the northwest portion of a property located at the southeast corner of Ulry Road and Warner Road, known as 5830 Ulry Road.

SECTION 2. That the Developer did make a total contribution in the form of cash payments to Columbus in the amount of \$2,300.00 multiplied by the number of residential units constructed on the Developer Property, which is 48 single family units.

SECTION 3. That the City and Developer agree that due to an overlap in the timing of processing the Agreement and the development of the Developer Property that requiring the Developer to encumber the Developer Property with a Declaration of Covenants and Restrictions for the Central College Community Development District and to submit a petition to join the NCA is not viable.

SECTION 4. That this Council further hereby approves and directs the Mayor, the Director of Development and the City Attorney, and other appropriate officers of the City, to sign those instruments and make those arrangements as are necessary carry out the purposes of this Ordinance.

SECTION 5. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.