



Legislation Text

File #: 3095-2019, **Version:** 1

City Council passed Ordinance No. 3075-2017 on November 22, 2017, authorizing an Economic Development Agreement with Wagenbrenner Development for its project located on land bounded by Trabue Road to the south, Dublin Road to the west, the Scioto River to the east and Dublin Road to the north. Greater than 50 percent of the development site is designated as a brownfield based on its historical use as a quarry and landfill. The site is subject to ongoing environmental monitoring and controls necessitated by that prior use, and the City and Developer have determined that it is in the best interest of the City, the Developer and the future owners of any portion of the development site that a master water meter be installed for the development site and the Marble Cliff Quarry Community Authority formed by City Council be responsible for paying water and sewer charges and fees and for the operation and maintenance of the water and sewer infrastructure, and associated environmental controls and monitoring, located beyond the meter.

Emergency Justification: Emergency legislation is required to allow for immediate execution of the Utility Cooperative Agreement, which is necessary to facilitate the timely completion of the above-described development.

Fiscal Impact: No funding is required for this legislation.

To authorize the Director of the Department of Public Utilities to execute and deliver a Utility Cooperative Agreement by and among the City of Columbus, the Marble Cliff Quarry Community Authority, and Wagenbrenner Development or its designee, to provide for the redevelopment in the City of property bounded by Trabue Road to the south, Dublin Road to the west, the Scioto River to the east and Dublin Road to the north; and to declare an emergency.

WHEREAS, Wagenbrenner Development (the “Developer”) has proposed to redevelop property bounded by Trabue Road to the south, Dublin Road to the west, the Scioto River to the east and Dublin Road to the north by constructing a mixed use commercial and residential development (the “Project”) consisting of approximately 40,000 square feet of Class A office space, up to 600 apartment units with up to 440 single family homes and condominiums and up to 50,000 square feet of retail uses, together with green space and bikeways; and

WHEREAS, this Council passed Ordinance No. 3075-2017 on November 22, 2017, authorizing entering into an Economic Development Agreement with the Developer with respect to the Project; and

WHEREAS, in order to further implement the Economic Development Agreement, the City and the Developer desire to facilitate redevelopment by the Project and implementation of ongoing environmental controls by entering into an agreement whereby a master water meter will be installed, with the Authority responsible for paying water and sewer charges and fees and for the operation and maintenance of the water and sewer infrastructure, and associated environmental controls and monitoring, located beyond the master meter, all of which will help the City to enhance the growth and preservation of the community through planned development; and

WHEREAS, an emergency exists in the usual daily operations of the Department of Public Utilities in that it is necessary to proceed as quickly as possible to enter into said agreement for the preservation of the public health, peace, property and safety, that preservation being related to the timely manner in which the Project needs to be developed to create new job opportunities and eliminate blighted conditions on the Property; **NOW, THEREFORE**,

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

- Section 1.** That the Director of Public Utilities (the “Director”), for and in the name of the City, is hereby authorized to execute and deliver the Utilities Cooperative Agreement (the “Agreement”) presently on file with the Director along with any changes or amendments thereto not inconsistent with this Ordinance and not substantially adverse to the City and which shall be approved by the Director and the City Attorney, provided that the approval of such changes and amendments thereto by the Director, and the character of those changes and amendments as not being substantially adverse to the City, shall be evidenced conclusively by the Director’s execution and delivery thereof.
- Section 2.** That the Director or other appropriate officers of the City are authorized to execute such other agreements and instruments and to take all actions as may be necessary to implement this Ordinance and the transactions contemplated by the Agreement.
- Section 3.** That for 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 full force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.