



## Legislation Text

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**File #:** 3167-2019, **Version:** 1

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### **BACKGROUND:**

This Council on July 22, 2019 passed its Ordinance No. 2043-2019 addressing the redevelopment of additional sites in the Arena District in Downtown Columbus and authorizing the Director of Development to enter into a related Economic Development Agreement (“EDA”) and an Amended and Restated Tax Increment Financing (“TIF”) Agreement (“TIF Agreement”). That Ordinance and the EDA and TIF Agreement included a commitment to amend and restructure the TIFs in the Arena District to create new TIFs on sites undergoing redevelopment. This Ordinance implements that commitment for a portion of the Arena District.

The Department of Development is proposing the creation of a tax increment financing district under Section 5709.41 of the Ohio Revised Code composed of parcels located within the area generally bounded by Spruce Street on the north, Kilbourne Street on the east, Neil Avenue on the West and Vine Street on the South to be known as the “Vine TIF Area No. 1.” This Ordinance establishes this TIF and provides for a 100% exemption from real property taxation on all development on the parcels in the TIF for a period of not more than thirty (30) years to take effect and commence from and after the effective date of this Ordinance.

The Columbus City School District will receive, in the same manner and times as usual, all amounts that it would have received in real property taxes had the TIF exemptions not been granted. Annual service payments in lieu of taxes will be made with respect to redevelopment on the parcels in the TIF. The applicable portion of those service payments will be distributed directly to the Columbus City School District, with the remaining non-school portion of those service payments paid to the City for deposit into the TIF Fund established in this Ordinance.

This Ordinance removes parcels in the Vine TIF Area No. 1 from the existing Arena District TIF and incorporates them into the new Vine TIF Area No. 1.

**FISCAL IMPACT:** No funding is required for this legislation. The City is foregoing real property tax revenue that it would have received with respect to redevelopment on the TIF parcels. Instead, the non-school portion of that revenue will be diverted to the specified TIF Fund.

To remove parcels from the existing Arena District Tax Increment Financing Area by amending Ordinance 2356-98; to create the Vine Tax Increment Financing Area No. 1; to declare improvements to the parcels in that Area to be a public purpose and exempt from taxation; and to provide for the implementation of Ordinance 2043-2019 and the Economic Development Agreement and Tax Increment Financing Agreement entered into pursuant to that Ordinance.

**WHEREAS**, Sections 5709.41, 5709.42 and 5709.43 of the Ohio Revised Code (collectively, the “TIF Statutes”) authorize the legislative authority of a municipal corporation engaged in urban redevelopment, by ordinance, to declare the improvements to certain parcels of real property located within the municipal corporation and for which it held fee title, to be a public purpose and exempt from taxation, require the owner of each parcel to make Service Payments (as defined in Section 4 of this Ordinance) in lieu of taxes, provide for the distribution of the applicable portion of those Service Payments to the overlapping city, local or exempted village school district, establish an urban redevelopment tax increment equivalent fund for the deposit of the remainder of such Service Payments and payments from that fund; and

**WHEREAS**, to support redevelopment on and in the area of the Vine TIF Area No. 1, this Council, by its Ordinance No.

2356-98 passed September 14, 1998, created the Arena District TIF pursuant to Sections 5709.40, 5709.42 and 5709.43 of the Ohio Revised Code that included the parcels to be included in Vine TIF Area No. 1; and

**WHEREAS**, the parcels in the Vine TIF Area No. 1 remain subject to redevelopment, and pursuant to Ordinance No. 2043-2019 passed by this Council on July 22, 2019 and the EDA and TIF Agreement, the Director of Development has determined to amend and restructure the existing TIFs in the Arena District to create new TIFs on sites undergoing redevelopment, thereby allowing a full 30-year TIF for those sites and further encouraging and supporting the redevelopment of those sites and the surrounding area; and

**WHEREAS**, Section 5709.41 of the Ohio Revised Code requires that the City hold fee title to the parcels to be included in Vine TIF Area No. 1 prior to enacting this Ordinance, and its Director of Development, acting on behalf of the City pursuant to Ordinance No. 2697-2019 passed November 18, 2019, accepted title for the City to those parcels on November 22, 2019; and

**WHEREAS**, this Council has determined that it is necessary and appropriate and in the best interest of the City to exempt from taxation one hundred percent (100%) of the Improvements (as defined in Section 3 of this Ordinance) to each parcel of real property identified and depicted in Exhibit A (the “Vine TIF Area No. 1 Parcels”) attached hereto (with each current or future parcel of such real property referred to herein individually as a “Parcel” and collectively as the “Parcels”) as permitted and provided for in TIF Statutes for up to thirty (30) years (the “TIF Exemption”) and to simultaneously direct and require the current and future owner(s) of each Parcel (each such owner individually, an “Owner,” and collectively, the “Owners”) to make annual Service Payments in lieu of real property tax payments, in the same amount as they would have made real property tax payments except for the TIF Exemption provided by this Ordinance; provided that the TIF Exemption and the obligation to make Service Payments are subject and subordinate to any tax exemptions applicable to any Improvements pursuant to Section 140.08, Sections 5709.12 and 5709.121, or under Sections 3735.65 through 3735.70 or 5709.61 through 5709.69 of the Ohio Revised Code; and

**WHEREAS**, the City has determined that a portion of the Service Payments shall be paid directly to the Columbus City School District (the “School District”) in an amount equal to the real property taxes that School District would have been paid if the Improvement to each Parcel located within that School District had not been exempt from taxation pursuant to this Ordinance; and

**WHEREAS**, pursuant to Section 5709.43(B) of the Ohio Revised Code, this Council has determined to establish an urban redevelopment tax increment equivalent fund in which there shall be deposited the remaining Service Payments distributed to the City as provided herein; and

**WHEREAS**, the City finds that the Vine TIF Area No. 1 Parcels may be redeveloped for residential purposes as defined by the TIF Statutes, and in order to declare residential improvements to be a public purpose under Section 5709.41 of the Ohio Revised Code those residential improvements must be made in a “blighted area” of an “impacted city,” each as defined in Sections 5709.41 and 1728.01 of the Ohio Revised Code; and

**WHEREAS**, the Department of Development has received, reviewed and approved a TIF Eligibility Report of that includes the Vine Parcels, which concludes that those Parcels are located in a “blighted area” as that term is defined in Sections 5709.41 and 1728.01 of the Ohio Revised Code, and that assessment and study and those findings have been submitted to this Council submitted to and approved by this Council by its passage of Ordinance No. 2697-2019 on November 18, 2019; and

**WHEREAS**, the Director of the Ohio Development Services Agency has certified Columbus to be an “impacted city” within

the meaning of Sections 5709.41 and 1728.01 of the Ohio Revised Code; and

**WHEREAS**, to support redevelopment in the Arena District, this Council, by its Ordinances No. 2092-01 and No. 2093-01 (collectively the “Pen West TIF Ordinances”) both passed December 10, 2001, created the Pen West West Tax Increment Financing and the Pen West East Tax Increment Financing, both pursuant to Sections 5709.40, 5709.42 and 5709.43 of the Ohio Revised Code, Section 7 of those Ordinances created the Pen West West Municipal Public Improvement Tax Equivalent Fund (the “Pen West West TIF Fund”) and the Pen West East Municipal Public Improvement Tax Equivalent Fund (the “Pen West East TIF Fund” and, together with the Pen West West TIF Fund, the “Pen West TIF Funds”), respectively; and

**WHEREAS**, to further support redevelopment in the Arena District, this Council amended that Pen West West Tax Increment Financing by its Ordinance No. 1648-2016 passed June 27, 2016, creating the Jaeger TIF and the Buggyworks TIF, both pursuant to Sections 5709.41, 5709.42 and 5709.43 of the Ohio Revised Code and Section 5 of which Ordinance created the Jaeger Site Urban Redevelopment Tax Increment Equivalent Fund (the “Jaeger TIF Fund”) and the Buggyworks Urban Redevelopment Tax Increment Equivalent Fund (the “Buggyworks TIF Fund”); and

**WHEREAS**, notice of this proposed Ordinance has been delivered to the Board of Education of the School District in accordance with and within the time periods prescribed in Sections 5709.41 and 5709.83 of the Ohio Revised Code; now, therefore,

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

**SECTION 1.** That Exhibit A to Ordinance No. 2356-98 passed on September 14, 1998, is hereby amended to remove from the Arena District TIF all the Vine TIF Area No. 1 Parcels shown on Exhibit A to this Ordinance, and the Department of Development shall prepare and attach to that Ordinance No. 2356-98 a substitute Exhibit A reflecting those deletions.

**SECTION 2.** That the real property subject to this Ordinance is identified and depicted on attached Exhibit A (as currently or subsequently configured, the “Parcels” with each individual parcel a “Parcel”). This Council finds that the City is engaged in urban redevelopment and held fee title to each of the Parcels prior to passage of this Ordinance. This Council confirms its prior finding by its Ordinance No. 2697-2019 passed November 18, 2019, that the Parcels in the Vine TIF Area No. 1 shown on attached Exhibit A are part of a “blighted area” as defined in Sections 5709.41 and 1728.01 of the Ohio Revised Code.

**SECTION 3.** That pursuant to and in accordance with the provisions of Section 5709.41 of the Ohio Revised Code, this Council hereby finds and determines that one hundred percent (100%) of the increase in assessed value of each Parcel subsequent to the acquisition of that Parcel by the City (which increase in assessed value is hereinafter referred to as the “Improvement” as defined in Section 5709.41(A) of the Ohio Revised Code) is hereby declared to be a public purpose and will be exempt from taxation for a period commencing on the effective date of this Ordinance and ending on the earlier of (a) 30 years after such commencement or (b) the date on which the City can no longer require service payments in lieu of taxes, all in accordance with the requirements of the TIF Statutes. The TIF Exemption granted pursuant to this Section 3 and the payment obligations established in Section 4 of this Ordinance are subject and subordinate to any tax exemption applicable to the Improvement under Section 140.08, Sections 5709.12 or 5709.121, or Sections 3735.65 through 3735.70 or 5709.61 through 5709.69 of the Ohio Revised Code.

**SECTION 4.** That subject to any tax exemption applicable to the Improvement pursuant to Section 140.08, Sections 5709.12 and 5709.121, or Sections 3735.65 through 3735.70 or 5709.61 through 5709.69 of the Ohio Revised Code, and pursuant to Section 5709.42 of the Ohio Revised Code, this Council hereby directs and requires the Owner of each Parcel it owns to make annual service payments in lieu of taxes with respect to the Improvement allocable thereto to the Franklin County Treasurer (the “County Treasurer”) on or before the final dates for payment of real property taxes. Each service payment in lieu of taxes, including any penalties and interest at the then current rate established under Sections 323.121(B) (1) and 5703.47 of the Ohio Revised Code (collectively, the “Service Payments”), shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the Improvement if it were not exempt from taxation pursuant to Section 3 of this Ordinance. The Service Payments, and any other payments with respect to each Improvement that are received by the County Treasurer in connection with the reduction required by Sections 319.302, 321.24, 323.152 and 323.156 of the Ohio Revised Code, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time (the “Property Tax Rollback Payments”), shall be allocated and distributed in accordance with Section 6 of this Ordinance. This Council further hereby authorizes and directs appropriate officers of the City to make such arrangements as are necessary and proper for collection of the Service Payments from the Owners, including the preparation and filing of any necessary exemption applications.

**SECTION 5.** That this Council hereby establishes, pursuant to and in accordance with the provisions of Section 5709.43 of the Ohio Revised Code, the Vine Urban Redevelopment Tax Increment Equivalent Fund No. 1 (the “Vine TIF No. 1 Fund” or the “TIF Fund”), into which there shall be deposited the Service Payments collected from the Parcels not required to be distributed to the School District pursuant to Section 6(a) of this Ordinance and paid to the City pursuant to Section 6(b) of this Ordinance. The Vine TIF No. 1 Fund shall be maintained in the custody of the City and shall receive

all distributions, as applicable, to be made to the City pursuant to Section 6(b) of this Ordinance. Those Service Payments and Property Tax Rollback Payments received by the City with respect to the Improvement of each Parcel and so deposited pursuant to Sections 5709.42 and 5709.43 of the Ohio Revised Code shall be used solely for the purposes authorized in the TIF Statutes and this Ordinance. The TIF Fund shall remain in existence so long as such Service Payments and Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time the TIF Fund shall be dissolved, and any surplus funds remaining therein shall be transferred to the City's General Fund, all in accordance with Section 5709.43 of the Ohio Revised Code.

**SECTION 6.** That pursuant to the TIF Statutes, the County Treasurer is directed to distribute the Service Payments and Property Tax Rollback Payments as follows:

- a) to the School District, an amount equal to the amount it would otherwise have received as real property tax payments (including the applicable portion of any Property Tax Rollback Payments) derived from the Improvement to each Parcel located within that School District if the Improvement had not been exempt from taxation pursuant to this Ordinance; and
- b) to the City, all remaining amounts for further deposit into the TIF Fund for payment of the costs of urban redevelopment identified in the EDA and the TIF Agreement, including, without limitation, debt charges on any securities of the City issued to pay or reimburse financing costs or those costs of urban redevelopment.

All distributions required under this Section 6 are requested to be made at the same time and in the same manner as real property tax distributions.

**SECTION 7.** That the Service Payments and Property Tax Rollback Payments deposited in the TIF Fund shall be deemed appropriated for the purposes set forth in this Ordinance. Subject to vouchers approved by the Director of the City's Department of Development (the "Director"), the City Auditor is hereby authorized to make payments from the TIF Fund in accordance with this Ordinance. Money deposited into the TIF Fund may be used for any purpose permitted under Section 5709.41 of the Revised Code consistent with the provisions of the EDA and TIF Agreement. Notwithstanding any provisions of Ordinance No. 1648-2016 passed by this Council on June 27, 2016, money deposited into the Jaeger TIF Fund or the Buggyworks TIF Fund may be used for any purpose permitted under Section 5709.41 of the Revised Code consistent with the provisions of the EDA and TIF Agreement. Notwithstanding any provisions of the Pen West TIF Ordinances, money deposited into the Pen West West TIF Fund and the Pen West East TIF Fund may be used to pay costs of any public improvements listed on Exhibit B to the TIF Agreement, which public improvements directly benefit, or that once made will directly benefit the parcels in those Pen West East and Pen West West Tax Incremental Financings.

**SECTION 8.** That this Council ratifies the delivery of the notice of this Ordinance to the School District and hereby authorizes and directs the Director, the City Clerk or other appropriate officers of the City to make such arrangements as are necessary and proper for the implementation of this Ordinance and collection from the Owners of the Service Payments, and to prepare, execute and deliver all other documents and instruments (including but not limited to any exemption applications under the TIF Statutes) and to take any other actions as may be appropriate to implement this Ordinance.

**SECTION 9.** That pursuant to Section 5709.41(E) of the Ohio Revised Code, the Department of Development

is hereby directed to deliver a copy of this Ordinance to the Director of the Ohio Development Services Agency within fifteen (15) days after its passage. Further, and on or before March 31 of each year any exemption set forth in Section 3 of this Ordinance remains in effect, the Director of Development or other authorized officer of the City shall prepare and submit to the Director of the Ohio Development Services Agency the status report required under Section 5709.41(E) of the Ohio Revised Code.

**SECTION 10.** That the City's Tax Incentive Review Council shall review annually all exemptions from taxation resulting from the declarations set forth in this Ordinance and any other matters as may properly come before that Council, all in accordance with Section 5709.85 of the Ohio Revised Code.

**SECTION 11.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.