



Legislation Text

File #: 0326X-2019, **Version:** 1

BACKGROUND: This Ordinance is presented as a result of Columbus City Council Resolution No 0281X-2019, passed November 25, 2019, determining the sufficiency of the petition to create the Gravity II New Community Authority (the "Authority") and acknowledges that Authority as a body politic and corporate within the new community district (the "District") along with its associated Board of Trustees.

Gravity Project 2 LLC (also known as The Gravity Project 2, LLC, and together, the "Developer") plans to redevelop an approximately 5.34-acre site located within the municipal corporate boundaries of the City as a mixed-use development consisting of new retail, residential, commercial, and structured parking facilities and other complementary uses.

A public hearing, as required by Ohio Revised Code ("R.C.") Section 349.03(A)(8) to establish a new community authority, was held on December 16, 2019.

Emergency Justification: Emergency action is requested in order to facilitate the development of this project in a timely manner.

FISCAL IMPACT: No funding is required for this legislation.

To determine that the Gravity II New Community Authority will be conducive to the public safety, convenience and welfare and is intended to result in the development of a new community; to declare that the Gravity II New Community Authority will be organized as a body politic and corporate, within the new community district, along with its associated Board of Trustees; to define the boundaries of the new community district; and to declare an emergency.

WHEREAS, the Gravity Project 2 LLC (also known as The Gravity Project 2, LLC, and together, the "Developer") plans to facilitate the redevelopment of approximately 5.34 acres of real property located within the municipal corporate boundaries of the City of Columbus, Ohio (the "City"), as a mixed-use development consisting of new retail, residential, commercial, and structured parking facilities and other complementary uses; and

WHEREAS, on November 12, 2019 the Developer, in its capacity as the "developer" within the meaning of Ohio Revised Code ("R.C.") Section 349.01(E), submitted to the City Council of the City (the "Council"), pursuant to R.C. Section 349.03, a Petition for Establishment of the Gravity II New Community Authority under R.C. Chapter 349 (the "Petition"), a copy of which Petition is on file with the Clerk of Council; and

WHEREAS, the Gravity II New Community District (the geographic area of the Gravity II New Community Authority) is located entirely within the municipal corporate boundaries of the City, and this Council, as the legislative authority of the City, is therefore the organizational board of commissioners under R.C. Section 349.01(F) for the Gravity II New Community Authority; and

WHEREAS, on November 25, 2019, pursuant to R.C. Section 349.03, this Council adopted its Ordinance No. 0281X-2019, which ordinance determined that the Petition is sufficient and complies with the requirements of R.C. Section 349.03 in form and substance; and

WHEREAS, pursuant to R.C. Section 349.03, this Council held a public hearing on the Petition on December 16, 2019, notice of which was published as required pursuant to R.C. Section 349.03, and the date of which hearing was not less than thirty (30) nor more than forty-five (45) days after the filing date of the Petition; and

WHEREAS, this Council has determined that the Gravity II New Community District will be conducive to the public health, safety, convenience, and welfare, and is intended to result in the development of a new community; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to make the legislative determination that the New Community Authority is hereby established in order to facilitate the redevelopment of the project site and for the preservation of the public health, peace, property, safety, and welfare; now therefore,

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

Section 1. Approval of Petition. The Petition is hereby accepted and shall be recorded, along with this Ordinance, in the journal of this Council as the organizational board of commissioners for the purpose of R.C. Chapter 349. The Council hereby determines that the Gravity II New Community District will be conducive to the public health, safety, convenience, and welfare, and is intended to result in the development of a new community as defined in R.C. Section 349.01(A). Pursuant to the Petition, the Gravity II New Community Authority is hereby organized as a body politic and corporate with the corporate name designated in the Petition (such name being the “Gravity II New Community Authority”), and the boundaries of the Gravity II New Community District are consistent with the boundaries described in the Petition.

Section 2. Board of Trustees of the Gravity II New Community Authority. The Board of Trustees of the Gravity II New Community Authority shall be comprised of seven (7) members selected and appointed as provided in the Petition. Pursuant to R.C. Section 349.04, there shall be posted for each member of the Board of Trustees a bond in the amount of \$10,000 for the faithful performance of his or her duties. The bond shall be with a company authorized to conduct business within the State of Ohio as a surety and shall be deposited with and preserved by the Clerk of Council. The initial appointees of the City to the Board of Trustees shall be as follows:

- (i) Jeff Mohrman is hereby appointed, as a citizen member, to a one-year term, such term beginning on the effective date of this resolution and expiring on December, 2020;
- (ii) Johnathan Youngman is hereby appointed, as a citizen member, to a one-year term, such term beginning on the effective date of this resolution and expiring on December, 2020;
- (iii) Trent Smith is hereby appointed, as a citizen member, to a two-year term, such term beginning on the effective date of this resolution and expiring on December, 2021; and
- (iv) Mark Lundine is hereby appointed, as a member to serve as a representative of local government, to a two-year term, such term beginning on the effective date of this resolution and expiring on December, 2021.

This Council hereby adopts an alternative form of selecting successor members pursuant to ORC Section 349.04 and declares that replacement trustees shall be appointed from time to time by this Council and the Developer in the same manner as the initial appointments. No elections shall be held for successor trustees.

Section 3. That for the reasons stated in the Preamble hereto, which is hereby made a part hereof, this resolution is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten (10) days after the passage if the Mayor neither approves nor vetoes the same.