



Legislation Text

File #: 1291-2022, **Version:** 1

BACKGROUND: Ordinance 1699-2020 (the "Rezoning Ordinance") rezoned the property near the northwest corner of the intersection of West Broad Street and Doherty Road and generally located at 5960 West Broad Street (tax parcel ID 570-184818, the "Developer Property") owned by Crown Pointe, LLC, ("Crowne Pointe"), an affiliate of Metro Development, LLC ("Metro"). Pursuant to Ordinance 2535-2020, the Director of the Department of Development (the "Director") entered into a development agreement dated December 1, 2020 (the "Big Darby Agreement") with Metro to outline the plans and respective commitments of the City and Metro including establishing the Big Darby West Broad Street New Community Authority (the "Authority") in relation to the Developer Property. On April 7, 2021, a petition for the organization of the Authority (the "Petition") was filed by Crown Pointe with the Clerk of City Council. By Resolution 0060X-2021, City Council, as the organizational board of commissioners described and required by Chapter 349 of the Ohio Revised Code ("Chapter 349"), determined the sufficiency of the Petition, authorized a public notice, and set a public hearing on the Petition for May 20, 2021. Resolution 0242X-2021 approved the Petition; established the Authority and the Big Darby West Broad Street New Community District; declared the Authority as a body politic and corporate within said district along with its associated board of trustees; and made the City's initial appointments to the Authority's board of trustees; and fixed surety for their bonds. To provide for more consistency between the Big Darby Agreement and the Petition, this legislation authorizes the Director to consent to an "Assignment and Assumption" to remove Crown Pointe and replace it with Metro as the "Developer," as that term is defined in Chapter 349, under the Petition and Resolutions 0060X-2021 and 0242X-2021. Metro will assume the rights and obligations of Crown Pointe thereunder and hereafter.

Emergency Justification: Emergency action is requested to allow the City to consent to the Assignment and Assumption, so the Authority may immediately convene with the appropriate Developer appointed board members to then negotiate and enter into a cooperative agreement by and among the City and the Authority, and the Developer if applicable, for the financing of public infrastructure improvements.

FISCAL IMPACT: No funding is required for this legislation.

To authorize the Director of the Department of Development to execute an Assignment Assumption of Rights, Duties and Responsibilities of Developer to remove Crown Pointe, LLC, and replace it with Metro Development, LLC, as the "Developer," as that term is defined in Ohio Revised Code Chapter 349, and as identified in the Big Darby West Broad Street New Community New Community Authority, its petition, and under Resolutions 0060X-2021 and 0242X-2021, which said resolutions determined the petition and/or authority to be sufficient and approved; and to declare an emergency.

WHEREAS, Crown Pointe, LLC ("Crown Pointe"), an affiliate of Metro Development, LLC ("Metro"), is developing an approximate 9.023-acre site (the "Developer Property") located within the municipal corporate boundaries of the City of Columbus, Ohio (the "City") as eight three-story multi-family residential buildings with appropriate associated amenities, and surface and structured parking necessary to support those uses; and

WHEREAS, pursuant to Ordinance 1699-2020 rezoning the Developer Property, and as authorized by Ordinance 2535-2020, the Director of the Department of Development (the "Director") entered into a development agreement dated December 1, 2020 (the "Big Darby Agreement") with Metro, to outline the plans and respective commitments of the City and Metro including establishing the Big Darby West Broad Street New Community Authority (the "Authority") for the Developer Property; and

WHEREAS, on April 7, 2021, Crown Pointe, the “Developer” as defined by Chapter 349 of the Ohio Revised Code (“Chapter 349”), submitted to the Council of the City (the “Council”) a Petition for Establishment of the Authority under Chapter 349 (the “Petition”), a copy of which is on file with the Clerk of the Council; and

WHEREAS, pursuant to Chapter 349, this Council adopted Resolution 0060X-2021 that determined that the Petition is sufficient and complies with the requirements of Chapter 349 in form and substance, and authorized notices and a public hearing on the Petition; and

WHEREAS, by Resolution 0242X-2021, this Council established the Authority and its new community district; declared the Authority as a body politic and corporate within said district along with its associated board of trustees; and made the City’s initial appointments to the Authority’s board; and fixed surety for their bonds; and

WHEREAS, to provide for more consistency between the Big Darby Agreement and the Petition, Crown Pointe now desires for Metro to assume the rights and obligations of Crown Pointe as the Developer under the Petition and Council resolutions; 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 consent to an assignment and assumption of the Developer, so the Authority may immediately convene with the appropriate Developer appointed board members to then negotiate and enter into a cooperative agreement by and among the City and the Authority, and the Developer if applicable, for the financing of public infrastructure improvements, all for the timely 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 Developer. That Metro Development, LLC is qualified to serve as the Developer for the Authority and the same is hereby authorized by Council.

SECTION 2. Assignment and Assumption. The Director is hereby authorized to execute the “Assignment & Assumption of Rights, Duties and Responsibility of Developer” by and between Crown Pointe and Metro, and to remove Crown Pointe as the Developer and to be replaced by Metro as the Developer under the Petition, Resolutions 0060X-2021 and 0242X-2021 and pursuant to Chapter 349, whereby Metro, as the Developer, will assume the rights and obligations of Crown Pointe as provided for in the Petition, Resolutions 0060X-2021 and 0242X-2021, and Chapter 349.

SECTION 3. Effective Date. This Ordinance 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 passage if the Mayor neither approves nor vetoes the same.