



## Legislation Text

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**File #:** 0144X-2022, **Version:** 1

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### **BACKGROUND**

This Resolution of Necessity declares the necessity of levying special assessments on the Special Benefit District described in the Petition in order to partially fund the costs of construction of a parking garage near the southeast corner of the intersection of West Rich Street and McDowell Street in the East Franklinton area of Columbus, Ohio. The special assessments will be collected over 30 years in an amount equaling \$87,700.00 annually. The City is contributing funding to pay for a portion of the construction of the parking garage, and the construction of the parking garage was completed in January 2018.

The owners of properties comprising 100% of the parcels directly benefiting from the parking spaces provided by the project have submitted a petition agreeing to assess themselves to pay for a portion of the costs of the project. The total special assessment for the project will be \$2,631,000.00 and will be collected over 30 years in 60 consecutive semi-annual installments of \$43,850.00 each.

Emergency action is requested in order to meet community commitments.

A resolution declaring the necessity of acquiring, constructing, installing, equipping, or improving off-street parking facilities near the southeast corner of the intersection of West Rich Street and McDowell Street, and acquiring interests in the site thereof, together with all necessary and proper appurtenances, and declaring an emergency.

**WHEREAS**, pursuant to Ordinance No. 0843-2017, the City entered into an Amended and Restated Economic Development Agreement with CWKSS Franklinton Developer, LLC (the “Original Developer”), and two entities formed by the Original Developer and the Columbus Metropolitan Housing Authority, Riverside Sunshine, LLC and EF Garage, LLC (collectively, the “Developer”) on July 10, 2017, which outlined mutual commitments and obligations for the redevelopment of the site of the former Riverside Bradley public housing development on the real property located at 230 West Rich Street and identified as Franklin County Tax Parcel 010-297330-00 (the “Site”); and

**WHEREAS**, the Developer invested \$50 million into the Site for the construction of 230 residential units; up to 28,000 square feet of ground floor commercial space; and a 292 space structured parking garage which includes 200 parking spaces available for public use; and

**WHEREAS**, pursuant to Ordinance No. 2821-2017, the City and EF Garage, LLC entered into a Contribution Agreement on December 15, 2017 (the “Agreement”), through which the City agreed to contribute \$10,000.00 per parking space in a total amount not-to-exceed \$2,000,000.00 to EF Garage, LLC for the costs associated with constructing the public parking spaces in the Project and EF Garage, LLC agreed to make annual payments to the City through the form of a 30-Year special assessment in the total amount of \$2,631,000.00; and

**WHEREAS**, EF Garage, LLC, has caused the Columbus Metropolitan Housing Authority, as owner of the properties comprising 100% of the parcels directly and specially benefiting from parking spaces to be provided by the project, to

agree to pay in the aggregate 100% of the total special assessments to be assessed to pay a portion of the costs of the improvement described in Section 2 hereof and has executed and filed with this Council a petition (the "Petition") requesting such assessment;

**WHEREAS**, a 30-year special assessment on the parcels described in the Petition is estimated to be \$2,631,000.00 and shall be collected in 60 consecutive semi-annual installments of \$43,850.00 to pay for a portion of the construction of the project; and

**WHEREAS**, an emergency exists in that it is immediately necessary to declare the necessity of levying a special assessment on the parcels in order to meet community commitments; thereby immediately preserving the public health, peace, property, safety and welfare; **NOW, THEREFORE**,

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

**Section 1.** Capitalized terms not otherwise defined herein shall have the meaning assigned to each term in the Petition (the "Petition") filed with the City Clerk, which Petition is hereby accepted, ratified, adopted and approved and is incorporated into this Resolution as if set forth in full herein. The Petition is attached as Appendix A hereto and is incorporated into this Resolution as if set forth herein.

**Section 2.** It is hereby declared necessary to construct, in the City of Columbus, Ohio (the "City") off-street parking facilities near the southeast corner of the intersection of West Rich Street and McDowell Street, and to acquire interests in the site thereof, together with all necessary and proper appurtenances within the City, all as shown on the Plans and Specifications and Contribution Agreement on file in the office of the City Clerk (the "Project").

**Section 3.** The Contribution Agreement, Plans and Specifications, and estimated total cost of the Project (the "Estimated Project Cost") now on file in the office of the City Clerk have been approved. The Project has been made in accordance with the terms and conditions outlined in the Contribution Agreement and Plans and Specifications.

**Section 4.** This Council finds and determines: (i) that the Project is conducive to the public health, convenience, and welfare of this City and the inhabitants thereof, and (ii) that the Parcels to be assessed for the Project (the "Assessed Parcels,") are specially benefited by the Project.

**Section 5.** The total cost of the Project (the "Project Cost") shall be an amount equal to the costs of acquiring, constructing, installing, equipping, or improving the Project, which is estimated to be \$4,246,500.00. The special assessments for the Project (the "Special Assessments") shall be collected in 60 consecutive semi-annual installments of \$43,850.00 each. The Special Assessments shall be assessed in proportion to the front footage of the Assessed Parcels. The Special Assessments shall be calculated as of the Determination Date and allocated to each Assessed Parcel in the Special Benefit District based on the proportionate share of front footage of each such Assessed Parcel. The percentage of Proportional Benefit for the Assessed Parcel shall be multiplied by the Annual Special Assessment (a maximum of \$87,700) to determine the annual amount of Special Assessments to be paid by the Assessed Parcel. The portion of the Project Cost allocable to the City is none, as allowable under Section 181-1 of the Charter.

**Section 6.** The City Clerk is hereby directed to certify a copy of this Resolution to the chief engineer of the City (the "City Engineer"), and the City Engineer is authorized and directed to prepare and file in the office of the City Clerk the report required by Section 168 of the Charter. Such report of the City Engineer shall contain:

- (a) The estimated amount of the Special Assessment allocated to each Assessed Parcel, which Special Assessments shall not exceed the special benefit of the Project thereto as ascertained by the calculation of the Proportional Benefit to each such Assessed Parcel; and
- (b) The deduction, if any, to which each Assessed Parcel is entitled so that no Special Assessment against such

Assessed Parcel, during any five year period, exceeds thirty-three and one-third per cent (33.33%) of the actual value of such Assessed Parcel, which such actual value shall be determined assuming that the Project has already been completed; and

(c) The estimated amount of the City's contribution to the Project Cost, which is none, as allowable under Section 181-1 of the Charter.

**Section 7.** As 100% of the Owners of the Assessed Parcels located within the Project limits have petitioned for, waived any objection to, and recorded a Declaration of Public Parking Covenants on the property acknowledging the Special Assessment, notice of the adoption of this Resolution and the filing of the estimated Special Assessments as otherwise required by Section 170 of the City Charter has been waived by the Petitioners.

**Section 8.** The Special Assessment as to any Assessed Parcel may be prepaid at any time by paying the full amount of the aggregate unpaid Parcel Special Assessments for such Assessed Parcel.

**Section 9.** The Special Assessment relating to a subdivided Assessed Parcel shall be reapportioned to each new Assessed Parcel upon the subdivision of the original Assessed Parcel. The Special Assessment shall be reapportioned to each new Assessed Parcel in proportion to the fair market value of each new Assessed Parcel.

The reapportionment of the Special Assessment to each subdivided Assessed Parcel shall be represented by the following formula:

$$A = B \times (C \div D)$$

Where the terms have the following meanings:

A = The Special Assessment levied upon a newly subdivided Assessed Parcel

B = The Special Assessment of the original Assessed Parcel prior to its subdivision

C = The fair market value of the new Assessed Parcel

D = The total fair market value of all of the Assessed Parcels resulting from the subdivision of the original Assessed Parcel

In the event of a subdivision, the computation of the fair market value shall be based upon an appraisal, acceptable to the City Auditor, of the Assessed Parcels in question at the time of such subdivision that will reflect the value of the Assessed Parcels to be transferred on the date of such transfer.

The sum of the Special Assessments payable after the subdivision of an Assessed Parcel shall equal the Special Assessment of the Assessed Parcel before its subdivision.

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