



Legislation Text

File #: 0226X-2022, **Version:** 1

Background: Ordinance 0411-2021, passed by City Council on October 11, 2021, rezoned ± 126.3 acres of property at or near the southeast corner of the intersection of West Broad Street and Alton Darby Creek Road and generally located at 6145 West Broad Street (the “Developer Property”). The Developer Property now includes tax parcel ID 010-256886 owned by GMT Property Holdings LLC and Rock Capital Holdings LLC and tax parcel ID’s 010-306518 and 010-306519 owned by Darby Crossing Apartments LP (the tax parcels collectively being, the “Expansion Area,” and the companies collectively being, the “Owners”). Pursuant to Ordinance 2659-2021 passed by City Council on October 25, 2021, the Director of the Department of Development entered into the Big Darby - Blauser Farms Development Agreement dated November 22, 2021 to outline the plans and respective commitments for the fulfillment of “Big Darby Revenue Program” adopted by Resolution 0216X-2008. This included the requirement to add the Expansion Area to the “Big Darby West Broad Street NCA” established in accordance with the petition pursuant to Resolutions 0060X-2021, 0242X-2021. The petition was submitted by Crown Pointe LLC and the role of developer was assigned to and assumed by Metro Development, LLC by Ordinance 1291-2022. On September 9, 2022, a Written Consent to Add Property to the Big Darby West Broad Street NCA (as amended by the City pursuant to Ohio Revised Code Chapter 349 with the consent of the Owners, the “Consents”) were filed by each of the Owners with the Clerk of City Council. City Council, by Resolution 0182X-2022 adopted on October 3, 2022, determined the sufficiency of the Consents and set a public hearing date on the Expansion Area, which was held on October 19, 2022. This resolution authorizes the expansion of and defines the boundaries of the Big Darby West Broad Street NCA’s new community district by adding the Expansion Area. This resolution also certifies that the public hearing was held in compliance with the requirements of Chapter 349 of the Ohio Revised Code.

Fiscal Impact: No funding is required for this legislation.

To approve the expansion and define the boundaries of the new community district for the Big Darby West Broad Street New Community Authority by inclusion of tax parcel ID 010-256886 owned by both GMT Property Holdings LLC and Rock Capital Holdings LLC, and tax parcel ID’s 010-306518 and 010-306519 owned by Darby Crossing Apartments LP; and to certify compliance of the requirements for the public hearing on the expansion.

WHEREAS, GMT Property Holdings LLC, Rock Capital Holdings LLC, and Darby Crossing Apartments LP (collectively, the “Owners”) plan to cause the development of an approximately ± 126.3 -acre site located at the southeast corner of the intersection of West Broad Street and Alton Darby Creek Road (the “Developer Property”) pursuant to Ordinance 0411-2021, which rezoned the Developer Property; and

WHEREAS, Ordinance 2659-2021 authorized the Director of the Department of Development entered into the Big Darby - Blauser Farms Development Agreement dated November 22, 2021 (the “Big Darby Agreement”); and

WHEREAS, the “Big Darby Revenue Program” adopted by Resolution 0216X-2008 and the Big Darby Agreement require the inclusion of the Developer Property consisting of tax parcel ID’s 010-256886, 010-306518, and 010-306519 (as depicted on Exhibit A attached hereto, the “Expansion Area”) in a new community district of a new community authority pursuant to Chapter 349 of the Ohio Revised Code (“R.C.”); and

WHEREAS, on April 7, 2021, Crown Pointe LLC (the role of developer since assigned and assumed by Metro Development, LLC pursuant to Ordinance 1291-2022) filed with the Clerk of Council, pursuant to R.C. Section 349.03, a Petition for Establishment of the Big Darby West Broad Street New Community Authority under R.C. Chapter 349 (the “Petition”); and

WHEREAS, the Big Darby West Broad Street New Community District (the “District”), as described in the Petition, is located entirely within the municipal corporate boundaries of the City and City Council, as the legislative authority of the City, is therefore the “organizational board of commissioners” for purposes of this Petition in accordance with R.C. Chapter 349; and

WHEREAS, on April 26, 2021, pursuant to R.C. Section 349.03, City Council adopted Resolution 0060X-2021, which determined that the Petition was sufficient and complied in form and substance with the requirements of R.C. Section 349.03 and fixed the time and place for a hearing on the Petition; and

WHEREAS, on May 20, 2021, a public hearing was held on the Petition after public notice was duly published in accordance with Section 349.03(A) of the Ohio Revised Code; and

WHEREAS, pursuant to Resolution 0242X-2021 adopted by City Council on December 13, 2021, a new community authority with the corporate name designated in the Petition (such name being, the “Big Darby West Broad Street New Community Authority”) was organized as a body politic and corporate, and the boundaries of the District were made consistent with the boundaries described in the Petition encompassing the property owned by Crown Pointe LLC; and

WHEREAS, Section 349.03(B) of the Ohio Revised Code authorizes City Council to add property to the District, with the consent of the owner of the property, so long as the developer who submitted the Petition does not file a written objection; and

WHEREAS, on September 9, 2022, a Written Consent to Add Property to the Big Darby West Broad Street NCA (as amended by the City pursuant to R.C. Chapter 349 with the consent of the Owners, the “Consents”) was filed by each of the Owners with the Clerk of Council to add the Expansion Area to the District pursuant to Chapter 349.03(B) of the Ohio Revised Code; and

WHEREAS, City Council, as the organizational board of commissioners, adopted Resolution 0182X-2022 on October 3, 2022 and determined that the Consents complied with the requirements of that R.C. Section 349.03(B) as to form and substance and fixed the time and place of a hearing on the expansion of the District; and

WHEREAS, City Council, as the organizational board of commissioners, authorized the Department of Development to hold a public hearing on the expansion of the District on October 19, 2022, after public notice was duly published in accordance with Section 349.03(A) of the Ohio Revised Code; and

WHEREAS, the Department of Development certifies to City Council that the public hearing was held as advertised as attested on the Certificate of Compliance with the Public Hearing Requirements attached hereto as Exhibit B (the “Certification”); **NOW, THEREFORE**,

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

Section 1. This Council finds and determines that it is the “organizational board of commissioners” for the Big Darby West Broad Street New Community Authority, and the City of Columbus is the only “proximate city” with respect to the Big Darby West Broad Street New Community Authority and the Expansion Area for purposes of Chapter 349 of the Ohio Revised Code.

Section 2. This Council further finds and determines that the owners of the Expansion Area have consented to the inclusion of the Expansion Area in the District, the developer of the Big Darby West Broad Street New Community

Authority that signed the Petition has not filed a written objection with the Clerk of City Council, and the Consents are hereby accepted and shall be recorded, along with this Resolution, in the journal of the City Council, pursuant to Section 349.03 of the Ohio Revised Code.

Section 3. This Council further finds and determines pursuant to Section 349.03 of the Ohio Revised Code that the expansion of the District to include the Expansion Area will be conducive to the public health, safety, convenience and welfare, will be consistent with the development of the Big Darby West Broad Street New Community Authority's "new community," as described in Section 349.01(A) of the Ohio Revised Code, will not jeopardize the plan of that new community, and is intended to result in the development of the new community; and defines the boundaries of the District to now also include the Expansion Area boundaries as well as those consistent with the boundaries described in the Petition.

Section 4. This Council finds and determines that the public hearing was held as advertised as attested by the Department of Development on the Certification.

Section 5. This resolution shall take effect and be in force from and after the earliest date permitted by law.