



## Legislation Text

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**File #:** 1294-2023, **Version:** 1

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**BACKGROUND:** This legislation authorizes the appropriation and expenditure of \$250,000 pursuant to the Contribution Agreement with the Confluence Community Authority, which was authorized by Ordinance 1858-2019 and approved by Columbus City Council on July 22, 2019.

The Confluence Community Authority (or “Authority”) is a New Community Authority that was organized pursuant to Chapter 349 of the Ohio Revised Code for the purposes of owning and operating a new stadium for the Columbus Crew SC, undertaking private development activities on property adjacent to the new stadium, facilitating the redevelopment and improvements to the area around the MAPFRE Stadium site that include training facilities, and developing infrastructure necessary to fulfill the needs of the projects.

On July 1, 2019, pursuant to Ordinance No. 1730-2019, City Council authorized the Development Director to enter into a Development Agreement with Franklin County (“County”) and Crew SC Stadium Company, LLC (“Developer”) regarding the proposed financing, development, construction, operation and occupancy of the Stadium, the redevelopment of the MAPFRE Stadium site into a practice facility and training complex for Columbus Crew SC and a community sports campus that will include a community recreation facility and playing fields (“Community Sports Park”), and the development of a mixed-use development project adjacent to the Stadium (“Mixed-Use Development”), collectively, the “Project.” It was the intent of the City, County and the Developer that immediately upon the formation of the Authority, that the Authority would become a party to the Development Agreement and that the City and the Authority would enter into a Contribution Agreement to provide for the timing and other mechanics relating to all or a portion of the City’s Contribution or other amounts to be contributed through the Authority.

As such, Ordinance No. 1858-2019 was passed, which authorized the Finance and Management Director, on behalf of the City, to enter into a Contribution Agreement with the Authority. Pursuant to this Contribution Agreement, the City shall pay an Annual CRF Contribution to the Authority in the amount of \$250,000 for base building capital repairs, as required by and in accordance with the Stadium Lease. This ordinance authorizes the expenditure of the Annual CRF Contribution for 2023.

**Emergency action** is requested in order to make the payment by the required date in the Contribution Agreement. Failure to make this payment could be considered an event of default by the City under the Contribution Agreement and the Confluence Community Authority may pursue all remedies now or hereafter existing at law or in equity to collect all amounts due.

**FISCAL IMPACT:** Funding for this ordinance is available with the 2022 Capital Improvement Budget

To authorize the expenditure of \$250,000.00, from the Development Taxable Bond Fund, to the Confluence Community Authority authorized by Ordinance No. 1858-2019 and approved by Columbus City Council on July 22, 2019; and to declare an emergency. (\$250,000.00)

**WHEREAS,** the Confluence Community Authority is a New Community Authority that was organized for the purposes

of owning and operating the new stadium for the Columbus Crew SC, undertaking private development activities on property adjacent to the new stadium, facilitating the redevelopment and improvements to the area around the MAPFRE Stadium site, the provision of a training facility, and a Community Sports Park, and developing infrastructure necessary to fulfill the needs of the projects; and

**WHEREAS**, Ordinance No. 1730-2019, passed by Council on July 1, 2019, authorized the Development Director to enter into a Development Agreement with Franklin County and Crew SC Stadium Company, LLC, regarding the financing, development, construction, operation and occupancy of the redevelopment of the MAPFRE Stadium site, and the development of a Mixed-Use project on property adjacent to the Stadium, and the financial commitments for all parties involved; and

**WHEREAS**, it was the intent of the City, County and the Developer, that immediately upon the formation of the Authority, that the Authority would become a party to the Development Agreement; and

**WHEREAS**, pursuant to the Development Agreement and as authorized by Ordinance No. 1858-2019, the City and the Authority entered into a Contribution Agreement to provide for the timing and other mechanics relating to all or a portion of the City Contribution or other amounts to be contributed through the Authority; and

**WHEREAS**, pursuant to the Contribution Agreement, the City shall pay an Annual CRF Contribution to the Authority in the amount of \$250,000 for base building capital repairs, as required by and in accordance with the Stadium Lease; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Development in that failure to make this payment could be considered an event of default by the City under the Contribution Agreement and the Confluence Community Authority may pursue all remedies now or hereafter existing at law or in equity to collect all amounts due, all for the preservation of public health, peace, property and safety; **NOW THEREFORE**

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

**SECTION 1.** That the expenditure of \$250,000.00 to the Confluence Community Authority, or so much thereof as may be needed, is authorized in Fund 7739 (Development Taxable Bond Fund), Dept-Div 4402 (Economic Development), in object class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

**SECTION 2.** That the funds necessary to carry out the purpose of this ordinance are deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

**SECTION 3.** That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

**SECTION 14.** That the City Auditor is authorized to transfer the unencumbered balance in a project account to the unallocated balance account within the same fund upon receipt of certification by the Director of the Department administering said project that the project has been completed and the monies are no longer required for said project.

**SECTION 5.** That for the reasons stated in the preamble hereto, which is made a part hereof, this ordinance is declared to be an emergency measure and shall take effect and be in force from and after passage and approval by the mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.