

ORDINANCE NO. 100-08

By: Robyn Jones

AN ORDINANCE TO AMEND THE AMENDED MAIN STREET RE/DEVELOPMENT COMMUNITY REINVESTMENT AREA AGREEMENT WITH ONE DAWSON PLACE, L.L.C. TO AMEND THE TIME PERIODS FOR THE REAL PROPERTY TAX EXEMPTIONS ON CONDOMINIUM UNITS GRANTED THEREIN, AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the City of Bexley, Ohio (the "City") by its Ordinance No. 68-02 adopted September 24, 2002, as amended by Ordinance No. 60-04 adopted September 28, 2004 and Ordinance No. 73-04 adopted October 26, 2004, designated the Main Street Re/Development District Community Reinvestment Area (the "CRA") to enable the City to offer real property tax exemption on the construction of certain new structures and the remodeling of certain existing structures as described in Ohio Revised Code §3735.67; and

WHEREAS, the City and One Dawson Place, L.L.C., an Ohio limited liability company ("Dawson Place"), entered into that certain Main Street Re/Development Community Reinvestment Area Agreement dated October 18, 2004 (the "CRA Agreement") and amended on December 18, 2007, in connection with the construction of a five (5)-story mixed-used development (the "Project") within the boundaries of the CRA; and

WHEREAS, the Amended CRA Agreement provides that no real property tax exemption granted therein would commence after January 1, 2007 (tax year 2007) nor extend beyond January 1, 2011 (tax year 2011) (the "Exemption Period"); and

WHEREAS, the City and Dawson Place wish to amend the Exemption Period to permit purchasers of condominium units to take full advantage of the approved 5-year abatement period; and

WHEREAS, the City believes that filling the condominiums will encourage economic stability and maintain real property values; and

WHEREAS, an emergency exists in the usual daily operations of the City, that emergency arising out of the necessity to amend the CRA Agreement in a timely manner for the Franklin County Auditor's Office to record the proper exemptions for 2008 and hereafter; and

WHEREAS, it is the Dawson Place owners' desire to pay full real estate taxes on each condominium unit until it is sold;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL FOR THE CITY OF BEXLEY, OHIO:

Section 1. That this Council hereby authorizes and directs the Mayor and City Auditor to execute an amendment to the CRA Agreement to delay the Exemption Period for each condominium unit until it is sold, with the provision that no real property tax exemption granted in the CRA Agreement shall commence after January 1, 2010 (tax year 2010) nor extend beyond January 1, 2014 (tax year 2014).

Section 2. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any decision making bodies of the City which resulted in such formal actions were in meetings open to the public or in compliance with all legal requirements of the City of Bexley, Franklin County, Ohio.

Section 3. That this Ordinance is hereby declared to be an emergency measure, the immediate passage of which is necessary for the preservation of the public peace, health and safety of the City and its citizens, such emergency arising out of the need for Dawson Place to file a timely amendment with the Franklin County Auditor's Office in order to properly assess 2008 taxes and beyond.

Passed: 12/9, 2008

Matthew J. Sample
President of Council

Attest:

Beecher / J. J.
Clerk of Council

Approved: 12-9, 2008

John M. Brennan
John M. Brennan, Mayor

First Reading 10-14-08

Tabled 11-18-08

Removed from Table 12/9/08

Passed 12/9/08

**SECOND AMENDMENT
TO MAIN STREET RE/DEVELOPMENT DISTRICT
COMMUNITY REINVESTMENT AREA AGREEMENT
BETWEEN THE CITY OF BEXLEY, OHIO AND ONE DAWSON PLACE, L.L.C.**

This Second Amendment to the Main Street Re/Development Community Reinvestment Area Agreement between the City of Bexley, Ohio and One Dawson Place, L.L.C. (this "Second Amendment") is made and entered into to be effective this ___ day of _____, 2008, by and between the City of Bexley (the "City"), a municipal corporation organized and existing under the laws and constitution of the State of Ohio and its Charter, and One Dawson Place, L.L.C. ("Dawson Place"), an Ohio limited liability company, with offices located at 369 East Livingston Avenue, Columbus, Ohio 43215.

WHEREAS, the City and Dawson entered into that certain Main Street Re/Development Community Reinvestment Area Agreement (the "CRA Agreement") dated October 18, 2004, in connection with the construction of a five (5)-story mixed-use development located within the boundaries of the Main Street Re/Development District Community Reinvestment Area adopted by the City in Ordinance No. 68-02 on September 24, 2002, as amended by Ordinance No. 60-04 adopted September 24, 2002 and Ordinance No. 73-04 adopted October 26, 2004; and

WHEREAS, the CRA Agreement provided that no real property tax exemption granted therein would commence after January 1, 2006 (tax year 2006) nor extend beyond January 1, 2010 (tax year 2010) (the "Exemption Period"); and

WHEREAS, the Dawson Place wishes to preserve the 5-year tax abatement for each condominium unit as it is sold and wishes to extend the Exemption Period for units not yet sold; and

WHEREAS, Dawson Place is willing to pay full real estate taxes on all unsold units until they are sold, and,

WHEREAS, the Bexley City Council, by Ordinance _____, passed _____, 2008, authorized the amendment of the CRA Agreement to extend the Exemption Period and the starting date of each exemption; and

WHEREAS, the City and Dawson Place now wish to formally amend the Agreement to reflect these changes.

NOW THEREFORE, in consideration of the promises and mutual obligations of the parties contained in this Second Amendment, each of them hereby covenants and agrees with the other as follows:

1. The last sentence of Section 3 of the CRA Agreement is replaced with the following:

Notwithstanding anything to the contrary contained herein, no exemption granted hereunder shall commence after January 1, 2010 (tax year 2010) nor extend beyond January 1, 2014 (tax year 2014).

2. Dawson Place agrees to pay full real estate taxes on all unsold condominium units until they are sold.
3. Except as specifically modified by this First Amendment, the CRA Agreement shall remain in full force and effect, as amended.

IN WITNESS WHEREOF, the parties have caused this Second Amendment to the CRA Agreement to be executed by their duly-authorized representatives to be effective as of the date and year first written above.

ONE DAWSON PLACE, L.L.C., an Ohio
limited liability company

CITY OF BEXLEY, OHIO

By: _____
Printed Name: _____
Its: _____

By: _____
John M. Brennan, Mayor

APPROVED AS TO FORM:

By: _____
Larry Heiser, City Auditor

Louis Chodosh, City Attorney

MEMORANDUM

TO: City Council
FROM: Bruce A. Langner, Development Director
DATE: September 2, 2008
SUBJECT: Annual Tax Incentive Council Review

The Bexley Tax Incentive Review Council met on August 11, 2008 to review three tax abatements which have been granted in the Main Street Community Reinvestment Area. The TIRC Progress Report prepared by the Development Department in conjunction with the Franklin County Auditor's Office. The minutes of the meeting were previously sent to all Council members.

Under State law, the recommendations of the Tax Incentive Review Council must be submitted to City Council within 30 days of its meeting. Council then must act on the recommendations within 60 days.

The following recommendations were made by the Council:

Shoppes of Bexley

The Council recommended the continuation of the 5-year, 100%-80%-60%-40%-20% tax abatement for this project with a letter being sent to the owners requesting clarification on the dollar investment on the property and a verification of the personal property investment.

Metropolitan Bexley (Chase Bank Building)

The Council recommended the continuation of the 5-year 100%-80%-60%-40%-20% tax abatement for this project on the condition that when the Council reviews this project next year, significant improvement will need to have been made in the new jobs numbers for the property.