

**AMENDED ORDINANCE NO. 71-06**

**By: Mr. Lampke**

An Ordinance to designate the North Cassady Avenue/Delmar Drive Re/Development District Community Reinvestment Area, to authorize and direct the Planning and Economic Development Director to petition the Director of the Ohio Department of Development to certify this designation, and to confirm the findings contained within this Ordinance for the City of Bexley, Ohio.

**WHEREAS**, City Council desires to pursue all reasonable and legitimate incentive measures to assist, encourage and stimulate development in specific areas of the City that have not enjoyed sufficient reinvestment from remodeling or new construction; and

**WHEREAS**, Ordinance No. 67-02, passed September 24, 2002 authorized the Bexley Development Office to carry out a Community Reinvestment Area Program, pursuant to Sections 3735.65 to 3735.70 of the Ohio Revised Code, and approved a Tax Incentive Policy and Procedures Plan for the program; and

**WHEREAS**, the City is required by law to administer a Community Reinvestment Area Program and agreements with the City in accordance with Sections 3735.65 to 3735.70 of the Ohio Revised Code including, but not limited to: (1) to establish and operate the Tax Incentive Review Council as specified in Section 5709.85 of the Ohio Revised Code, (2) to ensure that the Community Reinvestment Area agreements contain the information outlined in Section 3735.671 of the Ohio Revised Code, (3) to forward copies of all agreements to both the Ohio Department of Development within fifteen (15) days after the agreement is entered into as specified in Section 3735.671 of the Ohio Revised Code, and to maintain a centralized record of all aspects of each Community Reinvestment Area, including copies of the agreements, a list of the members of the appropriate Housing Council, a list of the members of the Tax Incentive Review Council, and a summary of the Tax Incentive Review Council's Annual Review of each agreement; and

**WHEREAS**, the area proposed to be included in the North Cassady Avenue/Delmar Drive Re/Development District Community Reinvestment Area designated in this Ordinance and described and depicted in Exhibit "A" attached to this Ordinance has been surveyed, pursuant to Section 3735.66 of the Ohio Revised Code and has been found to meet the criteria for designation as a Community Reinvestment Area; and

**WHEREAS**, the maintenance of existing and/or the construction of new structures in such area would serve to encourage economic stability, maintain real property values, and generate new employment opportunities; and

**WHEREAS**, the remodeling of existing and/or the construction of new structures in the North Cassady Avenue/Delmar Drive Re/Development District Community Reinvestment Area constitutes a public purpose for which real property exemptions may be granted; **NOW, THEREFORE**,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:**

**Section 1.** That the area to be designated as the North Cassady Avenue/Delmar Drive Re/Development District Community Reinvestment Area constitutes an area in which housing facilities or structures of historical significance are located, and in which new housing construction and repair of existing facilities or structures are discouraged.

**Section 2.** That this Council hereby designates the area described and depicted in Exhibit "A" attached hereto and incorporated herein by reference as the North Cassady Avenue/Delmar Drive Re/Development District Community Reinvestment Area. Only residential, commercial and/or industrial properties consistent with the applicable zoning regulations within the North Cassady Avenue/Delmar Drive Re/Development District Community Reinvestment Area will be eligible for the exemptions provided for in Section 3 hereof.

**Section 3.** That within the North Cassady Avenue/Delmar Drive Re/Development District Community Reinvestment Area, new construction and/or renovation of all structures, whether residential, commercial or industrial with a minimum investment of \$25,000, will be eligible under this Ordinance to apply for tax exemptions for improvements to real property as described in Section 3735.65 et seq. of the Ohio Revised Code.

**Section 4.** That within the North Cassady Avenue/Delmar Drive Re/Development District Community Reinvestment Area, all properties identified in Exhibit "A" for which new construction and/or renovation is performed are eligible for this incentive and new construction and/or renovation of existing structures is hereby declared to be a public purpose and exempt from real property taxation. Pursuant to Section 3735.67 of the Ohio Revised Code, all owners of property in the North Cassady Avenue/Delmar Drive Re/Development District Community Reinvestment Area that wish to claim tax exemptions for construction and/or remodeling must file an application with the Housing Officer of the City after completion of the construction and/or remodeling. The exemption percentage and term shall be determined as follows:

(a) **Residential Applicants** – In accordance with the requirements of Section 3735.65 et seq. of the Ohio Revised Code, the percentage of the tax exemption on the increase in the assessed valuation resulting from improvements to these properties and the term of those exemptions shall be consistent with those noted on the Tax Incentive

Guidelines as described in Exhibit "B" attached hereto and incorporated herein by reference.

(b) Commercial and Industrial Applicants – In accordance with the procedures and requirements of Section 3735.67 of the Ohio Revised Code, the percentage of the tax exemption on the increase in the assessed valuation resulting from improvements to these properties and the term of those exemptions shall be negotiated on a case-by-case basis in advance of construction and/or renovation, all in accordance with Section 3735.67 of the Ohio Revised Code and the Tax Incentive Guidelines as described in Exhibit "B" attached hereto and incorporated herein by reference. The results of the negotiation of any exemption authorized by this Ordinance shall be set forth in writing in a Community Reinvestment Area Agreement pursuant to and in accordance with Section 3735.671, each of which agreements shall be approved by this Council.

**Section 5.** All commercial and industrial projects in the North Cassady Avenue/Delmar Drive Re/Development District Community Reinvestment Area are required to comply with the State of Ohio application fee requirements of Section 3735.672(C) of the Ohio Revised Code outlined in attached Exhibit "B" to this Ordinance; all projects, including residential projects, are required to comply with the local processing fees outlined in attached Exhibit "B" to this Ordinance.

**Section 6.** That reference is hereby made to Ordinance No. 67-02 passed by City Council on September 24, 2002 as to designation of the Housing Officer and establishment of a Community Reinvestment Area Housing Council. The same Housing Officer and the same Community Reinvestment Area Housing Council shall serve the North Cassady Avenue/Delmar Drive Re/Development District Community Reinvestment Area.

**Section 7.** That the Tax Incentive Review Council established pursuant to Section 5709.85 of the Ohio Revised Code shall review annually the compliance of all agreements involving the granting of exemptions for real property improvements under Section 3735.671 of the Ohio Revised Code and make written recommendations to this Council as to continuing, modifying or terminating said agreements based upon the performance of each agreement.

**Section 8.** The City Council reserves the right to reevaluate the designation of the North Cassady Avenue/Delmar Drive Re/Development District Community Reinvestment Area after December 31, 2008, at which time Council may direct the Housing Officer not to accept any new applications for exemptions as described in Section 3735.67 of the Ohio Revised Code with respect to any additional new remodeling or construction thereafter commenced in the North Cassady Avenue/Delmar Drive Re/Development District Community Reinvestment Area.

**Section 9.** That the Clerk of Council be and hereby is directed to provide a certified copy of this Ordinance to the Franklin County Auditor for information and reference and will be published in a newspaper of general circulation once a week for two consecutive weeks immediately following its passage and approval.

**Section 10.** That the Housing Officer is hereby authorized and directed, on behalf of the City of Bexley, to petition the State Director of Development, in accordance with Section 3735.66 of the Ohio Revised Code for confirmation of the North Cassady Avenue/Delmar Drive Re/Development District Community Reinvestment Area.

**Section 11.** The City Council hereby finds and determines that all formal actions relative to the passage of this Ordinance were taken in an open meeting of this Council, that all deliberations of this Council and of its committees, if any, which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

**Section 12.** That this Ordinance shall take effect and be in force from and after the earliest period allowed by law and upon confirmation by the Director of the Ohio Department of Development of the findings in this Ordinance.

Passed: October 10, 2006

*Helen Mae Murray*  
\_\_\_\_\_  
President of Council

Attest: *[Signature]*  
\_\_\_\_\_  
Clerk of Council

*9-26-06 Amended Ord  
Substituted at 2<sup>nd</sup>  
Reading.  
10-10-06 Third Reading  
Passed*

Approved: October 10, 2006

*[Signature]*  
\_\_\_\_\_  
David H. Madison, Mayor

## **EXHIBIT A**

### **NORTH CASSADY AVENUE/DELMAR DRIVE COMMUNITY REINVESTMENT AREA**

#### **A. Verbal Boundary Description**

Beginning for reference at the centerline intersection of North Cassady Avenue with Ruhl Avenue, said point being the true point of beginning for this description; then north with the centerline of North Cassady Avenue to the centerline intersection of North Cassady Avenue with the north right-of-way line of Delmar Drive; then northeast along the corporation line of the City of Bexley which becomes the north property line of tax parcel 000390, continuing along the north property lines of parcels 000391, 000392, 000393, 002848, 002849, and 002796 ; then south along the east corporation line of the City of Bexley to its intersection with the centerline of an unnamed alley located approximately halfway between Delmar Drive and Allegheny Avenue; then west along the centerline of said unnamed alley to its intersection with an unnamed alley at the southeast corner of parcel 000394; then south along the centerline of said alley to its intersection with the centerline of Ruhl Avenue; then west along the centerline of Ruhl Avenue to its intersection with the centerline of North Cassady Avenue, also being the point of beginning.

All references to tax parcels are those in the City of Bexley/Bexley City School District (tax district no. 020) and those recorded on the real estate tax maps of the Franklin County Auditor's office. The Cassady-Delmar Community Reinvestment Area shall include all splits and combinations of tax parcels within the above-described area.

## B. Property Inventory

The area included within the verbal description is comprised of the following land parcels:

Street Number	Parcel Number
396 N. Cassady Ave.	020-003999
420 N. Cassady Ave.	020-000383
438-440 N. Cassady Ave.	020-000539
446-448 N. Cassady Ave.	020-000538
450-452 N. Cassady Ave.	020-000537
458 N. Cassady Ave.	020-000536
466 N. Cassady Ave.	020-000535
466 N. Cassady Ave.	020-000534
492 N. Cassady Ave.	020-000487
500 N. Cassady Ave.	020-000485
508 N. Cassady Ave.	020-002063
526 N. Cassady Ave.	020-001808
528 N. Cassady Ave.	020-000452
528 N. Cassady Ave.	020-002423
540 N. Cassady Ave.	020-000451
540 N. Cassady Ave.	020-000450
0 Delmar Dr.	020-000394
0 Delmar Dr.	020-000395
0 Delmar Dr.	020-000396
0 Delmar Dr.	020-000397
0 Delmar Dr.	020-000398

Street Number	Parcel Number
0 Delmar Dr.	020-000399
0 Delmar Dr.	020-000400
0 Delmar Dr.	020-000401
0 Delmar Dr.	020-000402
0 Delmar Dr.	020-000403
0 Delmar Dr.	020-000404
0 Delmar Dr.	020-000407
2771 Delmar Dr.	020-000406
526 N. Cassingham Rd.	020-000262
526 N. Cassingham Rd.	020-000409
0 Delmar Dr.	020-000410
0 Delmar Dr.	020-000411
2807 Delmar Dr.	020-000413
2807 Delmar Dr.	020-000414
2807 Delmar Dr.	020-000415
0 Delmar Dr.	020-000416
2825 Delmar Dr.	020-000417
0 Delmar Dr.	020-000418
0 Delmar Dr.	020-000419
2843 Delmar Dr.	020-000420
2844 Delmar Dr.	020-002796
2838 Delmar Dr.	020-002849
2832 Delmar Dr.	020-002848
2814 Delmar Dr.	020-000392

Street Number	Parcel Number
2800 Delmar Dr.	020-000391
2800 Delmar Dr.	020-000390

All references to tax parcels are those in the City of Bexley/Bexley City School District (Tax District No. 020) and those recorded on the real estate tax maps of the Franklin County Auditor's Office. The City of Bexley makes no representations or warranties as to the accuracy or completeness of the information compiled.

### C. Housing Survey

Within the aforementioned area, the following housing facilities or structures of historical significance are found and new construction or repair of existing facilities has been discouraged:

Address	Land Use	Parcel Number
2844 Delmar Dr.	510 One-Family Dwelling	020-002796
2838-2840 Delmar Dr.	520 Two-Family Dwelling	020-002849
2832-2834 Delmar Dr.	520 Two-Family Dwelling	020-002848
2824 Delmar Dr.	510 One-Family Dwelling	020-000393
438-440 N. Cassady Ave.	520 Two-Family Dwelling	020-000539
446-448 N. Cassady Ave.	520 Two-Family Dwelling	020-000538
450-452 N. Cassady Ave.	520 Two-Family Dwelling	020-000537





#### **D. Existing Context**

North Cassady Avenue is the major north entry into the city of Bexley. Cassady connects with Fifth Avenue and I-670 a short distance north of the city limits. I-670 is the major route to Port Columbus Airport. North of the city, Cassady Avenue is in the city of Columbus and the roadway and surrounding conditions are substandard. The road north of the railroad tracks has either substandard or no sidewalks to carry pedestrian traffic and the street condition is such that Columbus has scheduled a major reconstruction of the street, but not until 2012 at the earliest. The conditions north of Bexley have been somewhat of a disincentive to property owners south of the tracks to invest in their properties. Cassady within Bexley has a number of small retail and service businesses that primarily serve residents in the surrounding neighborhoods, but also draw from Columbus north of the tracks. Some of the businesses, due to their nature, for example, the Sunoco Service Station, the florist shop, a massage therapist, and two grocery stores would draw from the community at large. Sherritt's Market and the Dairy Mart provide convenience grocery shopping for surrounding neighborhoods and the community at large.

Improvements to structures in the area have been minimal over the years. One house in the district was built in 1920, one in 1941, three in 1954 and the remainder prior to 1960. There have been no apparent improvements to the exterior of the housing units. Businesses on Cassady and Delmar were constructed at various times and there have been minimal improvements to the exteriors of these buildings. A large vacant tract of land on Delmar east of the alley was platted as part of the original subdivision but the lots were never built upon. That land is zoned for General Commercial but has sat vacant. These are all indications that investment and reinvestment in the area has been discouraged over the past thirty to forty years. The City of Bexley has recently undertaken a major reconstruction of North Cassady Avenue from Broad Street to the north corporation line, including new sidewalks and driveway aprons in certain sections, new storm sewer, curbs and gutters, and pavement, as well as streetscape improvements. The new roadway should help in improving the investment activity in the area. However, without tax incentives, it is believed that investment would not occur as rapidly as is needed to halt the decline of the area.

## EXHIBIT B

### NORTH CASSADY AVENUE/DELMAR DRIVE RE/DEVELOPMENT DISTRICT COMMUNITY REINVESTMENT AREA TAX INCENTIVE GUIDELINES

The following are guidelines for the North Cassady Avenue/Delmar Drive Re/Development District CRA . Tax incentive benefits will be provided to encourage district redevelopment with infill, new forms of mixed-use residential, commercial and pedestrian-oriented retail development, and new construction and remodeling of existing residential and commercial structures.

1. The City shall designate the North Cassady Avenue/Delmar Drive Re/Development District as a Community Reinvestment Area, providing real property tax abatement based on capital investment according to the following schedule:

Project	Percentage Abated	Maximum Term
<u>1 &amp; 2-Family Dwelling—Remodeling</u>	50%	5 years
3+ Family Dwelling—Remodeling	50%	5 years
Commercial/Industrial Remodeling	75%	10 years
1 & 2-Family New Construction	50%	10 years
3+ Family New Construction	50%	10 years
Commercial/Industrial New Construction	75%	10 years
Mixed Use New Construction	75%	12 years

Capital investment defined as the total dollar amount of expected “new” investment at the project site in the following:

Real Property Improvements—acquisition/assemblage of land and/or buildings, construction of new buildings, renovation of existing buildings and expansion of existing buildings.

2. Minimum capital investment is \$25,000.
3. The project must physically be located within the boundaries of the North Cassady Avenue/Delmar Drive Re/Development District Community Reinvestment Area.
4. Priority consideration will be given to redevelopment proposals that meet the desired development goals and objectives.

5. Existing land values and existing building values, as appraised prior to completion of the project (private improvements), are not eligible for abatement.
6. For commercial and industrial projects only, the project must not have already started at the proposed site before a CRA agreement is executed. In other words, no requests for retroactive abatement can or will be considered.
7. Businesses moving from another location within Bexley are eligible if it can be shown that the current business location cannot accommodate growth.
8. For commercial and industrial applicants only, applicants shall maintain the total new capital investment at the project site for the term of the CRA exemption. If the applicant fails to comply with this provision, this shall be deemed a material failure of the applicant to comply with the terms of the agreement, and City Council may terminate the exemption at any time after the first year of the exemption and may require repayment of the full amount of abated taxes. Pursuant to R.C. Section 3735.671, such amount may be certified and placed on the tax duplicate of Franklin County and be deemed to have the full force and effect of a tax lien upon the real and personal property of the Applicants under the laws of the State of Ohio.
9. For residential applicants, pursuant to R.C. Section 3735.68, the City Housing Officer shall perform an annual inspection of properties within the CRA for which an exemption has been granted. If the Housing Officer finds that the property has not been properly maintained or repaired due to the neglect of the owner, the Housing Officer may revoke the exemption at any time after the first year of the exemption.
10. Non-residential applicants shall maintain a membership in the Bexley Area Chamber of Commerce.
11. The City will accept applications until December 31, 2008, at which time the CRA designation will be reevaluated. In other words, the City may determine not to grant CRA exemptions for projects after December 31, 2008.
12. Agreements must be executed prior to the project going forward, describing the commitments/obligations of each party, except for residential projects.
13. Applications will be submitted to the Bexley Development Office. A non-refundable processing/monitoring fee of \$250 will be charged and shall be due upon application submission. In addition, applicants shall be responsible for direct payment of any required newspaper publication costs of public notice.
14. A separate one-time fee of \$750 will be charged by the State and collected by the City with each CRA application, except for residential projects. Any application submitted without the required fees will be returned to the applicant.
15. The City has the sole discretion to accept or reject any application submitted hereunder.