

**Columbus Consolidated Government  
Council Meeting Agenda Item**

<b>TO:</b>	Mayor and Councilors
<b>AGENDA SUBJECT:</b>	<b>Midland Commons Tax Allocation District Fund Grant – JMC Flatrock Partners, LLC</b>
<b>AGENDA SUMMARY:</b>	Approval is requested to enter into an agreement with JMC Flatrock Partners, LLC for the purposes of allocating Midland Commons tax allocation district funds for the construction of certain improvements for the development of 88.82 acres on the former swift mills site on Beaver Run Road in an amount not to exceed fourteen million five hundred fourteen thousand two hundred and forty-three dollars (\$14,514,243).
<b>INITIATED BY:</b>	<b>Planning Department</b>

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**Recommendation:** Approval is requested to enter into an agreement with JMC Flatrock Partners, LLC to provide Midland Commons Tax Allocation District (TAD) Funds to develop the project known as Midland Commons.

**Background:** On August 10, 2021, the Council approved Resolution 250-21 authorizing the City Manager to enter into negotiations with JMC Flatrock Partners, LLC. The resolution authorized the use of Midland Commons TAD Funds for the purpose to develop the 88.82 acres on the former Swift Mills site on Beaver Run Road. The developers are proposing to construct a mixed-use development that will consist of over 384,000 square feet of retail and restaurant space anchored by a major grocery store and two larger national retail anchors. Also, a 100-room hotel, 118 market-rate rental residential units, 26 units of senior housing, and 250 assisted living units are being proposed. When the property was rezoned to a Planned Mixed Unit Development (PMUD) in 2018, conditions were included to require the developers to make necessary improvements to the transportation system that would serve the development. The applicants are requesting \$14,514,243 from the Midland Commons TAD funds.

**Analysis:** The adoption of Resolution 250-21 was only the first step in authorizing the use of these funds. The next step required that the City Manager and/or his representatives enter into negotiations with the developer to determine how the funds would be distributed. Staff has concluded those negotiations with an agreement that defines the number of payments, the timing of the payments, and the overall length of time the agreement will be enforced. The agreement also establishes a City Administrative Fee of \$5,000 per year to be paid out of the Midland Commons Tax Allocation Fund and before any other payments are made.

**Financial Considerations:** The payout of the \$14,514,243 will begin with an initial payment of \$60,737.60 with gradual payment increases over the next 20 years. Schedule F of the proposed agreement provides more detail on this matter. Funding would come from the Midland Commons TAD Funds. If for any reason the Midland Commons TAD Funds are inadequate to make the scheduled payments for this and all Midland Commons TAD projects approved by the Council, then each project will receive its proportional share based on the amount for its scheduled payment due that year. Should a shortfall of this type occur, the

Agreement is extended for up to five more years to allow the Developer to recoup an annual payment of up to \$995,066.10 until the shortfall has been reimbursed. At the end of twenty-years, the Agreement terminates and the Developer is entitled to no further payments from the TAD FUNDS or the City regardless of whether the total payout of \$14, 514,243 has been reached.

**Legal Considerations:** The Council approved the establishment of the Midland Commons TAD in Resolution No. 34-18 and in doing so designated itself as the redevelopment agency to exercise the provisions of this district and the use of these funds. An application for the use of these funds was requested by JMC Flatrock Partners, LLC, which the Council approved on August 10, 2021, authorizing the City Manager to enter into these negotiations to allocate the requested fund amount. Approval of this resolution will authorize the City Manager to sign the agreement, allowing the Midland Commons TAD Funds to be paid out over a specified time as established in the proposed agreement.

**Recommendation/Action:** Authorize the City Manager to enter into an agreement with JMC Flatrock Partners, LLC to provide Midland Commons Tax Allocation District (TAD) Funds to develop the project known as Midland Commons.

**A RESOLUTION**

**NO. \_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH JMC FLATROCK PARTNERS, LLC FOR THE PURPOSES OF ALLOCATING MIDLAND COMMONS TAX ALLOCATION DISTRICT FUNDS FOR THE CONSTRUCTION OF CERTAIN IMPROVEMENTS FOR THE DEVELOPMENT OF 88.82 ACRES ON THE FORMER SWIFT MILLS SITE ON BEAVER RUN ROAD IN**

**AN AMOUNT NOT TO EXCEED FOURTEEN MILLION FIVE HUNDRED FOURTEEN THOUSAND TWO HUNDRED AND FORTY-THREE DOLLARS (\$14,514,243).**

**WHEREAS**, Columbus is duly authorized to exercise the redevelopment powers granted to cities and counties in the State pursuant to the Redevelopment Powers Law and in accordance with House Bill 773 enacted by the General Assembly in 2006 (2006 GA. LAWS p. 4507, *et seq.*) and approved in a referendum on November 6, 2006; and,

**WHEREAS**, by a Resolution duly adopted Resolution No. 34-18 on February 13, 2018 (the "TAD Resolution"), following a public hearing as required by law, the Columbus Council approved the Midland Commons Redevelopment Plan and created Tax Allocation District Number 7 – Midland Commons (the "Midland TAD"); and,

**WHEREAS**, the Redevelopment Powers Law provides that Columbus may enter into public-private partnerships to effect the redevelopment projects contemplated in the Redevelopment Plan; and,

**WHEREAS**, the TAD Resolution expressed the intent of Columbus, as set forth in the Redevelopment Plan, to provide funds to induce and stimulate redevelopment in the Midland Commons TAD; and,

**WHEREAS**, the undertakings contemplated by the Redevelopment Plan include, among other renewal activities, redevelopment of the Midland Commons District; and,

**WHEREAS**, JMC Flatrock Partners, LLC (Developer) is the owner of the Midland Commons Tract which is located within the Midland Commons TAD and has undertaken the redevelopment of its property into various commercial, residential and related uses; and,

**WHEREAS**, in order to induce and further facilitate the successful accomplishment of this portion of this Redevelopment Plan, the Council has indicated its intent to exercise its authority under the Redevelopment Powers Law and in accordance with State law to enter into this Development Agreement with Developer, pursuant to which, subject to the conditions described herein, a portion of the Tax Allocation Increment collected in the Midland Commons TAD will be used to reimburse Developer for certain Redevelopment Costs advanced by Developer in connection with the TAD Project; and,

**WHEREAS**, the Developer, pursuant to the terms of this Agreement, has undertaken this critical revitalization in Columbus and developed the Midland Commons Project consistent with the Midland Commons Redevelopment Plan; and,

**WHEREAS**, the Council, after full review and consideration authorized the City Manager on August 10, 2021 to enter negotiations with the Developer for the purposes of a Project Allocation from the Midland Commons TAD in an amount not to exceed Fourteen Million Five Hundred Fourteen Thousand Two Hundred Forty-Three (\$14,514,243) to develop the site as outlined in the development agreement known as the Midland Commons.

**NOW, THEREFORE, THE COUNCIL OF COLUMBUS, GEORGIA HEREBY RESOLVES AS FOLLOWS:**

The Council of Columbus hereby authorizes the City Manager to enter into an Agreement, in substantially the form attached setting forth the terms and conditions relating to the Midland Commons TAD funding support of the Project and all instruments, documents and certificates related thereto for an amount not to exceed \$14,514,243 and for a time period not to exceed twenty-five (25) years. Funds to be paid under the Agreement will be paid from

the Tax Allocation Increment collected in the Midland Commons TAD and will not be a liability of the General Fund of Columbus, Georgia.

Introduced at a regular meeting of the Council of Columbus, Georgia held on the \_\_\_\_\_ day of \_\_\_\_\_, 2021 and adopted at said meeting by the affirmative vote of \_\_\_\_\_ members of said Council.

Councilor Allen	Voting _____
Councilor Barnes	Voting _____
Councilor Crabb	Voting _____
Councilor Davis	Voting _____
Councilor Garrett	Voting _____
Councilor House	Voting _____
Councilor Huff	Voting _____
Councilor Thomas	Voting _____
Councilor Tucker	Voting _____
Councilor Woodson	Voting _____

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**Sandra B. Davis**  
Clerk of Council

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**B.H. "Skip" Henderson, III**  
Mayor