

**Columbus Consolidated Government
Council Meeting Agenda Item**

TO:	Mayor and Councilors
AGENDA SUBJECT:	Midland Commons Tax Allocation District Fund Grant – Modification to the Midland Commons Initial Request
AGENDA SUMMARY:	Approval is requested for a modification to the Midland Commons Tax Allocation District (TAD) grant to JMC Flatrock Partners LLC, to enhance the traffic circulation and on-site infrastructure improvements for the development of the Midland Commons.
INITIATED BY:	Planning Department

Recommendation: Approve the modification request for additional funding and authorize the City Manager to enter into negotiations with JMC Flatrock Partners, LLC for the use of Midland Commons Tax Allocation District Funds to enhance the traffic circulation and on-site infrastructure improvements for the development of the Midland Commons site.

Background: JMC Flatrock Partners, LLC is currently developing 88.82 acres on the former Swift Mills site on Beaver Run Road. The developers are proposing constructing a mixed-use development which 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.

On October 27, 2020 the Council approved a request to use Midland Commons TAD funds in the amount of \$8,615,244 for this project. The applicants are now requesting a modification to that request because the original application “*did not add in the carrying cost of the expenditures being reimbursed by the TAD funds*”. The modified request is asking for an additional \$5,898,999 from the Midland Commons TAD funds for a total of \$14,514,243.

Analysis: According to this request the carrying cost was not factored in because the applicant “*anticipated working with the city to implement bond finance, which computed an interest carrying expense in the total cost of the bond.*” Based upon this information, the Columbus Tax Allocation District Committee has met and rated the request as Excellent. The application has met the “But For” test as required under state law and local TAD policies.

Financial Considerations: The payout of the \$14,514,243 would be over some time as determined during the contractual negotiations. Funding would come from the Midland Commons Tax Allocation District Funds.

Legal Considerations: The Council approved the establishment of the Midland Common Tax Allocation District in 2018 and in doing so designated itself as the redevelopment agency to

exercise the provisions of this district and the use of these funds. Approval of this resolution will authorize the City Manager to enter into negotiations with the applicant for the use of the funds and for the time table for the payout the TAD funds for this project. Final approval of any negotiations will require the action of the City Council.

Recommendation/Action: Approve the modification request for additional funding and authorize the City Manager to enter into negotiations with JMC Flatrock Partners, LLC for the use of Midland Commons Tax Allocation District Funds to enhance the traffic circulation and on-site infrastructure improvements for the development of the Midland Commons site.

RESOLUTION

NO. _____

A RESOLUTION AUTHORIZING A GRANT FROM THE MIDLAND COMMONS TAX ALLOCATION DISTRICT FUND TO THE JMC FLATROCK PARTNERS, LLC., TO SUPPORT THE CONSTRUCTION OF IMPROVEMENTS TO ENHANCE THE TRAFFIC CIRCULATION AND ON-SITE INFRASTRUCTURE FOR THE DEVELOPMENT OF THE MIDLAND COMMONS SITE AND TO PROVIDE FUNDING FOR A NEW BANQUET FACILITY AND SCIENCE LAB TO BE CONSTRUCTED AT FLAT ROCK IN AN AMOUNT NOT TO EXCEED FOURTEEN MILLION FIVE HUNDRED AND FOURTEEN THOUSAND TWO HUNDRED AND FORTY-THREE DOLLARS (\$14,514,243); AUTHORIZING THE NEGOTIATION, EXECUTION, AND DELIVERY OF A DEVELOPMENT AGREEMENT AND ANCILLARY DOCUMENTS IN CONNECTION WITH SUCH ALLOCATION; AND FOR OTHER PURPOSES.

WHEREAS, to encourage the redevelopment of the area of the City known as Midland Commons, the Tax Allocation District (TAD) #7 was duly created by Council under Resolution No. 34-18 which was adopted February 13, 2018; and,

WHEREAS, in accordance with O.C.G.A. §36-44-4(a), the Columbus Council ("Council") previously designated itself as the redevelopment agency to exercise the provisions of the Midland Commons Redevelopment Area Plan and the Redevelopment Powers Law with the delegation of certain administrative functions to the Columbus Development Authority (Ordinance No.15-51); and,

WHEREAS, the JMC Flatrock Partners, LLC, has proposed to construct a multi-use development which 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, a 100-room hotel, 118 market-rate rental residential units, 26 units of senior housing, and 250 assisted living units, has applied for a grant from the Midland Commons TAD allocation fund developers to make necessary improvements to the transportation system that would serve the development and the construction of a new banquet facility and a science lab to be constructed at Flat Rock Park ("the Project"); and,

WHEREAS, the Project will significantly increase the property tax based in the Midland Commons TAD, provide new residential units, while adding new retail to the community; and,

WHEREAS, the Columbus Tax Allocation Committee has reviewed the application from JMC Flatrock Partners, LLC for the grant request as has found the Project to be within the scope of the Midland Commons Redevelopment TAD Plan, impactful and worthy of a grant from the Midland Commons TAD; and,

WHEREAS, the Council of Columbus, Georgia, after full review and consideration of the ratings of the Columbus Tax Allocation Committee has determined that it is in the best interest of the city to approve a Project Allocation from the Midland Commons TAD in an amount not to exceed Fourteen Million Five Hundred And Fourteen Thousand Two Hundred And Forty-Three Dollars (\$14,514,243)

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

Section 1. Authority. This Resolution is adopted pursuant to the Development Authorities Law of Georgia (O.C.G.A. §36-62-1, et seq., as amended), the Redevelopment Powers Law(O.C.G.A. § 36-44-1, et seq., as amended), Columbus Council Resolution No. 71-16, and other applicable provisions of law.

Section 2. Approval of Funding of the Project. The Council of Columbus, Georgia hereby authorizes and approves the funding to JMC Flatrock Partners, LLC (the“Developer”) from the Midland Commons TAD fund in an amount not to exceed Eleven Million Six Hundred And Fifteen Thousand Two Hundred And Forty-Four Dollars (\$11,615,244) (the “Project Allocation”) upon the approval of the agreement by the Council, to fund the construction of the “Project.

Section 3. Approval to Negotiate the Grant Agreement. The Council of Columbus hereby authorizes the City Manager to negotiate, the Grant Agreement, in a form deemed satisfactory to the City Attorney 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.

Section 4. Failure to Negotiate and Execute the Grant Agreement. If for any reason the Development Agreement is not negotiated and executed between the Developer and the City within twelve (12) months of the date of this Resolution, the Approved Funding shall expire, provided, however, such Approved Funding may be extended administratively by the City Manager upon good cause shown for an additional twelve (12) month period.

Section 5. Approval of Final Grant Agreement. Upon the completion of a negotiated agreement between the Developer and the City, Council shall have final determination in the approval of such agreement.

Section 6. Conflicts. All resolutions and parts of resolutions in conflict with this resolution are hereby rescinded to the extent of any such conflict.

Introduced at a regular meeting of the Council of Columbus, Georgia, held 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 _____.

Sandra T. Davis, Clerk of Council

B.H. "Skip" Henderson, Mayor