

**Columbus Consolidated Government  
Council Meeting Agenda Item**

<b>TO:</b>	Mayor and Councilors
<b>AGENDA SUBJECT:</b>	<b>Uptown Tax Allocation District Fund Grant – 211 13<sup>th</sup> LLC as Owner and Cotton Development, LLC as Developer</b>
<b>AGENDA SUMMARY:</b>	Approval is requested to authorize the City Manager to enter into an agreement with 211 13th, LLC and as Owner and Cotton Development, LLC as Developer to provide Uptown Tax Allocation District (TAD) Funds to provide for infrastructure improvements to develop a mixed-use redevelopment of a blighted area located in the block between 13th and 14th Street and 2nd and 3rd Avenue to be known as Highside Market.
<b>INITIATED BY:</b>	<b>Planning Department</b>

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**Recommendation:** Authorize the City Manager to enter into an agreement 211 13th, LLC, as Owner, and Cotton Development, LLC, as Developer, to provide Uptown Tax Allocation District (TAD) Funds to provide for infrastructure improvements to develop a mixed-use redevelopment of a blighted area located in the block between 13th and 14th Street and 2nd and 3rd Avenue to be known as Highside Market.

**Background:** On December 15, 2020, the Council approved Resolution 406-20 authorizing the City Manager to enter into negotiations with 211 13th, LLC as Owner and Cotton Development, LLC as Developer. The resolution authorized the use of Uptown TAD Funds to provide for infrastructure and right of way improvements needed for the redevelopment project, which will include sidewalks, bus stops, outdoor greenspaces, stormwater and drainage, public parking improvements, and a connection to the DragonFly Trail system.. The company is requesting a grant of \$1,984,269 from the Uptown TAD Funds.

**Analysis:** The adoption of Resolution 406-20 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 Uptown Tax Allocation Fund and before any other payments are made.

**Financial Considerations:** The payout of the grant will be in increments of \$396,853.80 over five years beginning on December 15, 2021. Funding would come from the Uptown TAD Funds. If the Uptown TAD Funds are inadequate to make the scheduled payments for this and all Uptown 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 allows for the Developer to recoup the full payment of up to \$396,853.80 per year for ten (10) additional years until the shortfall has been completed. Under these conditions, the maximum length of the agreement would be fifteen

(15) years, and neither the TAD Fund nor the City would have an further obligation to make payments under the Agreement.

**Legal Considerations:** The Council approved the establishment of the Uptown TAD in 2016 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 211 13th, LLC, as Owner and Cotton Development, LLC as Developer, which the Council approved on December 15, 2020, 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 Uptown 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 211 13th, LLC, as Owner, and Cotton Development, LLC, as Developer, to provide Uptown Tax Allocation District (TAD) Funds to provide for infrastructure improvements to develop a mixed-use redevelopment of a blighted area located in the block between 13th and 14th Street and 2nd and 3rd Avenue to be known as Highside Market.

## A RESOLUTION

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

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH 211 13<sup>th</sup>, LLC (OWNER) AND COTTON DEVELOPMENT, LLC (DEVELOPER) FOR THE PURPOSES OF ALLOCATING UPTOWN TAX ALLOCATION DISTRICT FUNDS FOR THE CONSTRUCTION OF CERTAIN PUBLIC INFRASTRUCTURE IMPROVEMENTS TO DEVELOP A MIXED-USE REDEVELOPMENT OF A BLIGHTED AREA LOCATED IN THE BLOCK BETWEEN**

**13TH AND 14TH STREET AND 2ND AND 3RD AVENUE TO BE KNOWN AS  
HIGHSIDE MARKET IN AN AMOUNT NOT TO EXCEED ONE MILLION NINE  
HUNDRED EIGHTY-FOUR THOUSAND TWO HUNDRED AND SIXTY NINE  
DOLLARS (\$1,984,269).**

**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. 71-16 on March 15, 2016 (the "TAD Resolution"), following a public hearing as required by law, the Columbus Council approved the Uptown Redevelopment Plan and created Tax Allocation District Number 3 - Uptown (the "Uptown 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 Uptown TAD; and,

**WHEREAS**, the undertakings contemplated by the Redevelopment Plan include, among other renewal activity, redevelopment of portions of the Central Riverfront District and Columbus; and,

**WHEREAS**, 211 13<sup>TH</sup>, LLC is the owner of the Highside Market Tract which is located within the Uptown TAD; and,

**WHEREAS**, in order to induce and further facilitate the successful accomplishment of this portion of the 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 Uptown 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 Highside Market project consistent with the Downtown Redevelopment Plan; and,

**WHEREAS**, the Council, after full review and consideration authorized the City Manager on December 15, 2020 to enter negotiations with the Developer for the purposes of a Project Allocation from the Uptown TAD in an amount not to exceed One Million Nine Hundred Eighty-Four Thousand Two Hundred Sixty Nine Dollars (\$1,984,269) to provide for infrastructure improvements to develop a mixed-use redevelopment of a blighted area located in the block between 13th and 14th Street and 2nd and 3rd Avenue to be known as Highside Market.

**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 Uptown TAD funding support of the Project and all instruments, documents and certificates related thereto for an amount not to exceed \$1,984,269. Funds to be paid under the Agreement will be paid from

the Tax Allocation Increment collected in the Uptown 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 the \_\_\_\_ the day of June, 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 T. Davis, Clerk of Council

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B.H. "Skip" Henderson, Mayor