City of Hilliard Legislative Bulletin

An Official Publication of the Hilliard City Council

Published under authority of the City Charter and direction of the Clerk of Council. The Hilliard City Bulletin contains ordinances and resolutions acted upon by Council. If noted within ordinance text, supplemental and supporting documents, such as exhibits, are available upon request to the Clerk of Council's office, 3800 Municipal Way, Hilliard, Ohio 43026, (614) 876-7361, Ext. 789. Past issues are available by logging onto www.cityofhilliard.com.

Publication Date: August 27, 2010

ORDINANCES

The following Ordinances were passed by the Hilliard City Council on August 23, 2010.

10-12 (Amended) REZONING ±33.8 ACRES OF LAND LOCATED ON THE NORTH SIDE OF SCIOTO DARBY ROAD AT ALTON DARBY ROAD, EAST OF DULCET LANE AND WEST OF COSGRAY ROAD FROM PLANNED UNIT DEVELOPMENT AND A-1 TO A PLANNED UNIT DEVELOPMENT (PUD) TO BE KNOWN AS THE SQUARE AT LATHAM PARK.

WHEREAS, MJC Holdings, LLC (the "Applicant" or the "Developer") owns or controls six parcels ("parcels") of land totaling ±33.8 acres located north of Scioto Darby Road at Alton Darby Road, east of Dulcet Lane and west of Cosgray Road, identified by the Franklin County Auditor as parcel numbers 050-005625, 050-008207, 050-010776-00, 050-010623, 050-009101, and 053-000003, which parcels are depicted on Exhibit "A" attached hereto and incorporated by reference herein (the "Property"); and

WHEREAS, on March 12, 2007, Hilliard City Council passed Ordinance No. 07-14 accepting the application for annexation of ±12.5 acres owned by the Applicant, which is part of the Property; and

WHEREAS, on December 10, 2007, Hilliard City Council passed Ordinance No. 07-58 rezoning the ±12.5 acres from the township zoning of rural residential to "PUD" Planned Unit Development under Chapter 1157 of the City's Codified Ordinances, identified as the Campus at Alton-Darby PUD; and

WHEREAS, on December 22, 2008, Hilliard City Council passed Ordinance No. 08-70 rezoning ±1.454 acres owned by the Applicant from "A-1" Agricultural to "PUD" Planned Unit Development under Chapter 1157 of the City's Codified Ordinances, so that the additional acreage was then included in the Campus at Alton-Darby PUD and which acreage is part of the Property; and

WHEREAS, upon application by the Developer, on November 9, 2009, the Big Darby Accord Advisory Panel recommended that the proposed application to use the Property for office, retail, commercial and age-restricted residential uses be approved with five conditions, which have been met; and

WHEREAS, at its regularly scheduled meeting on December 10, 2009, the City's Planning and Zoning Commission voted 4-0 to forward a positive recommendation to rezone the Property to PUD with six conditions; and

WHEREAS, at the July 8, 2010 Planning and Zoning Commission meeting, the Developer presented modifications to the zoning plan and development text, including, increasing the maximum number of multi-family residential units to 212 provided that the units be constructed in the originally approved building footprints; decreasing the minimum tenant age restriction from 55 to 50; providing that the final conservation easement area will be determined during the final engineering of Subarea 5 and will be jointly coordinated by the City and the Franklin Soil and Water Conservation District; and correcting typographical errors, all changes which were approved by a 5-0 voice-vote of the P&Z Commission members; and

WHEREAS, the Applicant revised the text and plans consistent with the staff recommendations, and consistent with the changes noted in the previous paragraph, with the text and plans attached hereto and incorporated herein as Exhibit "B", and identified as "The Square at Latham Park PUD".

Ordinance 10-12 (Amended) ***(continued)***

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio that:

SECTION 1. The six parcels of land totaling ±33.8 acres located north of Scioto Darby Road at Alton Darby Road, east of Dulcet Lane and west of Cosgray Road, identified by the Franklin County Auditor as parcel numbers 050-005625, 050-008207, 050-010776-00, 050-010623, 050-009101, and 053-000003, which parcels are depicted on Exhibit "A" attached hereto and incorporated by reference herein, is rezoned to Planned Unit Development.

SECTION 2. Pursuant to Chapter 1157 of the City's Codified Ordinances, the Development Plan and Text dated July 6, 2010 for The Square at Latham Park PUD, attached hereto as Exhibit "B" including all exhibits and attachments thereto, is approved.

SECTION 3. The Applicant/Developer shall meet its shortfall in the City's parkland dedication requirement by providing the City with one, or a combination, of the following; 1) a fee-in-lieu of payment based on the per acre appraised value of $90,707 pursuant to the number of residential units constructed, which shall be paid prior to the issuance of a building permit; and/or 2) the Applicant/Developer shall present a plan and associated costs to the City for making improvements to Latham Park as permitted under Section 1179.07(d) of the City's Codified Ordinances.

SECTION 4. This Ordinance is effective at the earliest time provided for by law.

10-27(Amended) CREATING THE ANDERSON MEADOWS TAX INCENTIVE DISTRICT; DECLARING THE INCREASE IN ASSESSED VALUATION OF PARCELS WITHIN THE INCENTIVE DISTRICT TO BE A PUBLIC PURPOSE; EXEMPTING FROM TAXATION SEVENTY-FIVE PERCENT OF THE INCREASE IN ASSESSED VALUATION FOR A PERIOD NOT TO EXCEED TEN YEARS; PROVIDING THAT AS TO THE SINGLE-FAMILY RESIDENTIAL DEVELOPMENT, THE HILLIARD CITY SCHOOL DISTRICT BE PAID AN AMOUNT EQUAL TO THE REAL ESTATE TAXES IT WOULD OTHERWISE HAVE RECEIVED ON THE EXEMPTED PORTION OF THE IMPROVEMENTS HAD THE PROPERTY NOT BEEN EXEMPTED AS PROVIDED HEREIN; DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO BENEFIT OR SERVE THOSE PARCELS IN THE DISTRICT; REQUIRING OWNERS–THEREOF TO MAKE ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SERVICE PAYMENTS; AND AUTHORIZING THE CITY'S DIRECTOR OF ECONOMIC DEVELOPMENT TO ENTER INTO A TAX INCREMENT FINANCING AGREEMENT WITH THE DEVELOPER OF THE SINGLE-FAMILY RESIDENTIAL PROPERTY IN THE DISTRICT.

WHEREAS, Section 5709.40(C), Ohio Revised Code ("Revised Code"), authorizes the legislative authority of a municipal corporation, by ordinance, to create an incentive district and to declare improvements to parcels of real property located within the incentive district to be a public purpose and exempt from taxation; and

WHEREAS, by Ordinance No. 10-24, passed on July 12, 2010, this Council approved a Planned Unit Development zoning for single-family and multi-family residential development on property known as the Anderson Meadows Planned Unit Development ("Anderson Meadows PUD"); and

Ordinance 10-27 (Amended) *(continued)*

WHEREAS, the ±20.9 acre multi-family residential Development ("Multi-Family Development) is on the north side of Roberts Road and east of Alton Darby Creek Road at the intersection of those two roads, and the ±19.5 acre single-family development ("Single-Family Development") is adjacent to and east of the multi-family development, north of Roberts Road, with the Anderson Meadows PUD being comprised of parcel numbers 050-010847-00 and 050-010844-00 as identified by the Franklin County Auditor (as they may be combined and/or subdivided, **collectively,** the "Residential Property"); and

WHEREAS, this Council has determined to create an incentive district that encompasses the Residential Property to be known as the Anderson Meadows Residential Tax Incentive District (the "Anderson Meadows Incentive District") pursuant to Section 5709.40(C) of the Ohio Revised Code, the boundary of which shall be coextensive with the boundary of the Residential Property; and

WHEREAS, as required by 5709.40(A)(5)(f), the Hilliard City Engineer has certified to this Council that (i) the Anderson Meadows Incentive District is less than 300 acres in size, (ii) it is enclosed by continuous boundaries, and (iii) the public infrastructure serving the Anderson Meadows Incentive District is inadequate to meet the development needs of the Residential Property as evidenced by the Anderson Meadows PUD and the City's Master Plan, adopted August 14, 2003 in Ordinance No. 03-31; and

WHEREAS, an owner and/or entity in control of parcels in the Anderson Meadows Incentive District (the "Owner", as further defined below) intends to make or cause to be made certain improvements on the Residential Property within the District that is under its ownership or control (the "Project"); and

WHEREAS, as used herein, the term "Improvement" or "Improvements" means, consistent with the definition in Section 5709.40(A)(4) of the Ohio Revised Code, the entire increase in the assessed value of any parcel of the Residential Property that would first appear on the tax list and duplicate of real and public utility property after the effective date of this Ordinance if not for the exemption granted by this Ordinance, which Improvement(s) this Council has determined to be a public purpose under Section 5709.40(C) of the Ohio Revised Code; and

WHEREAS, this Council has determined that the life of the Anderson Meadows Incentive District shall be ten years and that it is necessary and appropriate and in the best interest of the City to exempt from taxation seventy-five percent of the Improvements to parcels within the Anderson Meadows Incentive District as permitted and provided in Section 5709.40(C) of the Ohio Revised Code and to simultaneously direct and require the current and future owner(s) of parcels within the Anderson Meadows Incentive District (each individually an "Owner" and collectively the "Owners") to make annual service payments in lieu of real property taxes with respect to the Exempted Portion of the Improvement (as defined below) in the same amount as the real property tax payments they would have made but for the exemption provided by this Ordinance (the "Service Payments", as further defined below), which Service Payments shall be made to the Franklin County Treasurer on or before the final due dates for the payment of real property taxes; and

WHEREAS, this Council has determined that as to the Single-Family Development, the Franklin County Treasurer is directed to pay the Hilliard City School District a portion of the Service Payments collected, equal to the amount of real property taxes the School District would otherwise have received on the Exempted Portion of the Improvements, had they not been exempted from taxation as provided herein; and

WHEREAS, this Council intends to cause to be constructed the public infrastructure improvements contained in Section 5 below (the "Public Infrastructure Improvements" and as described in Exhibit B, attached hereto and incorporated herein), which shall be constructed for public use, that once made will benefit and/or serve the Anderson Meadows Incentive District; and

WHEREAS, pursuant to Section 5709.43(A) of the Ohio Revised Code, this Council has determined to establish a municipal public improvement tax increment equivalent fund for the Anderson Meadows Incentive District into which there shall be deposited Service Payments distributed to the City; and

WHEREAS, notice of the proposed adoption of this Ordinance has been delivered to the Boards of Education of the Hilliard City School District and the Central Ohio Joint Vocational School District in accordance with and within the time periods prescribed in Sections 5709.40(D) and 5709.83, Revised Code; and

WHEREAS, the City desires to enter into a Tax Increment Financing Agreement (the "TIF Agreement"), substantially similar to the one attached hereto as Exhibit "C", with the developer of the Single-Family Development, in order to reimburse the Developer for construction of some of the Public Infrastructure Improvements.

Ordinance 10-27 (Amended) ***(continued)***

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard that:

SECTION 1. Pursuant to Section 5709.40(C) of the Ohio Revised Code, the City hereby creates the Anderson Meadows Incentive District, the boundary of which shall be coextensive with the boundaries of the Residential Property as identified in Exhibit A attached hereto and incorporated herein. The tax parcels within the Anderson Meadows Incentive District are parcel numbers 050-010847-00 and 050-010844-00 as currently identified by the Franklin County Auditor. The Anderson Meadows Incentive District shall have a life not to exceed ten years, commencing on the first day of the first tax year after the effective date of this Ordinance in which an Improvement that is attributable to the construction of one or more completed new buildings in the Anderson Meadows Incentive District first appears on the tax list and duplicate of real and public utility property, and ending on the earlier of the tenth anniversary of such commencement date or the date on which the cost of the Public Infrastructure Improvements is paid in full from the Anderson Meadows Residential TIF Fund/Account established in Section 6 of this Ordinance, whichever first occurs.

SECTION 2. In accordance with Section 5709.40(C) of the Revised Code, the City hereby finds and determines that the increase in the assessed value of the parcels within the Anderson Meadows Incentive District subsequent to the effective date of this Ordinance is and shall be a public purpose, which increase in assessed value is referred to herein as the "Improvement", as defined in Section 5709.40(A)(4) of the Ohio Revised Code.

SECTION 3. The City hereby exempts seventy-five percent of the Improvements in the Anderson Meadows Incentive District from taxation (the "Exempted Portion of the Improvement"). The exemption granted in this Ordinance shall commence on the first day of the first tax year after the effective date of this Ordinance in which an Improvement that is attributable to the completed construction of one or more completed new buildings in the Anderson Meadows Incentive District first appears on the tax list and duplicate of real and public utility property, and ending on the earlier of the tenth anniversary of such commencement date or the date on which the cost of the Public Infrastructure Improvements is paid in full from the Anderson Meadows Residential TIF Fund/Account established in Section 6 of this Ordinance.

SECTION 4. The City hereby directs and requires the Owner(s) to make annual Service Payments with respect to the Exempted Portion of the Improvement to the Franklin County Treasurer on or before the final dates for payment of real property taxes, and authorizes and directs the Mayor, Law Director, Finance Director, Service Director or other appropriate officers of the City, to make such arrangements and sign all documents as are necessary and proper for collection from the Owners of said Service Payments, and to file applications for exemptions from real property taxation for property within the Anderson Meadows Incentive District as provided in Section 5709.911 of the Ohio Revised Code. Each Owner shall provide to the City's Director of Economic Development, a signed and notarized DTE 24P form prior to the issuance of a building permit by the City, permitting the City to file for the exemptions with the Owners' consent.

Each semiannual payment of Service Payments shall be in the same amount as the real property taxes that would have been charged and payable against the Exempted Portion of the Improvement had an exemption from taxation not been granted, and otherwise shall be in accordance with the requirements of Ohio Revised Code Sections 5709.40 and 5709.42, including any interest assessed on any late payment of the Service Payments (currently established under Sections 323.121(B)(1) and 5703.47 of the Ohio Revised Code, as the same may be amended from time to time). The payment of penalties and interest and any payments received by the County Treasurer in connection with the reduction required by Ohio Revised Code Section 319.302, as may be amended from time to time, or any successor provisions thereto as may be amended from time to time, are collectively referred to herein with the service payments in lieu of taxes as the "Service Payments."

SECTION 5. The Service Payments collected on the Exempted Portion of the Improvements on the Multi-Family Development shall be distributed to the City of Hilliard and deposited into the Anderson Meadows Residential TIF Fund/Account. The Service Payments collected on the Exempted Portion of the Improvements on the Single-Family Development shall be distributed to the City of Hilliard, less the amount of real property taxes the School District would have received on the Exempted Portion of the Improvement if it had not been exempted from taxation as provided herein, and deposited into the Anderson Meadows Residential TIF Fund/Account.

SECTION 6. The City hereby designates the Public Infrastructure Improvements described in Exhibit B, attached hereto, as Public Infrastructure Improvements that, once made, will benefit and/or serve parcels in the Anderson Meadows Incentive District. The Project will place additional demand on the Public Infrastructure Improvements.

Ordinance 10-27 (Amended) *(continued)*

SECTION 7. The City shall cause the Developer, as Owner, to finance the cost of a portion of the Public Infrastructure Improvements which, once constructed, will benefit or serve the Anderson Meadows Incentive District. Payment of the cost to construct the Public Infrastructure Improvements shall be as provided in the TIF Agreement, as such agreement is described in Section 8 below.

SECTION 8. The City hereby establishes the "Anderson Meadows Residential Tax Increment Equivalent Fund/Account" (the "Anderson Meadows Residential TIF Fund/Account") into which the City, upon receipt from the Franklin County Treasurer, shall deposit the Service Payments attributable to the Anderson Meadows Incentive District. Service Payments deposited into the Anderson Meadows Residential TIF Fund/Account shall be used for all costs associated with the construction of the Public Infrastructure Improvements as defined in Exhibit B. The Anderson Meadows Residential TIF Fund/Account shall remain in existence so long as Service Payments are collected and used for the aforesaid purposes, after which the Anderson Meadows Residential TIF Fund/Account shall be dissolved in accordance with Section 5709.43 of the Ohio Revised Code.

SECTION 9. The City's Director of Economic Development is authorized to enter into a TIF Agreement with the Developer of the Single-Family Development, in substantially the same form as the agreement attached hereto as Exhibit "C" and incorporated herein, for and in the name of the City, with such changes approved by the Director of Economic Development that are not adverse to the City and that shall not be inconsistent with this Ordinance, which approval shall be evidenced conclusively by his execution thereof. This Council further authorizes and directs the Directors of Law and Finance, or other appropriate officers of the City, to make such arrangements as are necessary and proper for the collection of the Service Payments from the Owner(s) of the parcels in the Anderson Meadows Incentive District. The reference to "Developer" as used in this Ordinance, shall refer to any entity in control of all or a portion of the Property.

SECTION 10. The City's Tax Incentive Review Council, in accordance with Section 5709.85 of the Ohio Revised Code, shall review annually all exemptions from taxation resulting from the declarations set forth in this Ordinance and any other such matters as may properly come before that Council, all in accordance with Ohio Revised Code Section 5709.85.

SECTION 11. Pursuant to Section 5709.40(I) of the Ohio Revised Code, the City Clerk is hereby directed to deliver a copy of this Ordinance to the Director of Development of the State of Ohio within fifteen days after its effective date. Further, on or before March 31 of each year that the exemption set forth in Section 3 hereof remains in effect as provided in Section 3 hereof, the City's Director of Economic Development, or other authorized officer of the City, shall prepare and submit to the Director of Development of the State of Ohio the status report required under Section 5709.40(I) of the Ohio Revised Code.

SECTION 12. The Mayor, Law Director, Finance Director, Service Director or any other appropriate officers or officials of the City, as appropriate, are authorized and directed to sign any other documents, instruments or certificates and to take such actions as are necessary or appropriate to consummate or implement the actions described herein, or contemplated by this Ordinance.

SECTION 13. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 14. This Ordinance shall take effect and be in force from and after the earliest time provided by law.

10-28(Amended) AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A DEVELOPER'S AGREEMENT WITH SCHOTTENSTEIN HOMES, LLC AND WAIVING PAYMENT OF CERTAIN FEES.

WHEREAS, the Anderson Farms LTD, LLC (the "Owner") owns approximately ±50.074 acres of land, identified as tax parcel identification numbers 050-010847-00, 050-010844-00 (collectively, the "Property"); and

Ordinance 10-28 (Amended) ***(continued)***

WHEREAS, the Owner has authorized Schottenstein Homes, LLC (the "Applicant") to file application number 09-0034LR with the Hilliard Planning and Zoning Commission to rezone the Property from rural to a Planned Unit Development ("PUD") pursuant to Chapter 1157 of the City's Codified Ordinances, that would permit 76 single-family homes, 208 multi-family dwelling units, 7.4 acres of park land and approximately 22.8 acres of off-site open space; and

WHEREAS, on November 10, 2009, the Big Darby Accord Panel recommended approval of the proposed development with three conditions; and

WHEREAS, on January 14, 2010 following a public hearing on the application, the Planning and Zoning Commission voted 6-0 to forward a positive recommendation to City Council that the Property be rezoned to a PUD with five conditions; and

WHEREAS, on July 12, 2010, Hilliard City Council passed Ordinance 10-24 which approved the Applicant's request to rezone the Property to a PUD with a condition that the Applicant enters into a Developer's Agreement with the City regarding construction and financing of all public improvements, consistent with the development text; and

WHEREAS, the Applicant has requested to waive direct payment of certain fees required by the City's code due to its paying the more recently enacted $1,500 per residential unit impact fee as well as an additional $1,000 per residential unit in the form of a Developer's Contribution, as recommended by the Big Darby Accord; and

WHEREAS, the City and the Applicant have agreed to the terms of a Developer's Agreement, attached hereto and incorporated herein as Exhibit "A" ("Developer's Agreement").

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Ohio that:

SECTION 1. The City's Director of Public Service is authorized to enter into a Developer's Agreement, in a form substantially similar to the one attached hereto as Exhibit "A" and incorporated herein, with such non-material and/or non-adverse changes as may be deemed appropriate by the City's Director of Public Service, with his execution thereof on behalf of the City constituting conclusive evidence of Council's approval of any such changes.

SECTION 2. The City of Hilliard waives payment from the Applicant of the $200 per residential unit public use fee payable under Section 1137.07(a)(2) of the City's Codified Ordinances and the $50.00 per lot capital improvement fee required under Section 1183.03(a) of the City's Codified Ordinances, as the Applicant will be paying the more recently enacted impact fees required under Section 1187.02(a) of the City's Codified Ordinances, in the amount of $1,500 per residential unit, as well as an additional $1,000 per residential unit in the form of a Developer's Contribution that will go towards financing public infrastructure improvements and recreational amenities in the immediate vicinity of Applicant's Property.

SECTION 3. The reference to "Applicant" as used in this Ordinance, shall refer to any entity in control of the Property that submits plans to the City to develop on the Property pursuant to the PUD.

SECTION 4. This Ordinance shall be in full force and effect from and after the earliest period provided for by law.

10-29 REPEALING SECTION 1137.07 "PUBLIC USE FEE" AND SECTION 1183.03 "PRELIMINARY PLAT INSPECTION FEE" AND AMENDING CHAPTER 190 "MUNICIPAL FEES" OF THE CITY'S CODIFIED ORDINANCES.

WHEREAS, in 1978 the Council of the City of Hilliard ("City") passed Ordinance 78-17 which authorized the imposition of a $200.00 public use fee ("Public Use Fee") on each single-family residence and on each unit of a multi-family structure, constructed after the effective date of the Ordinance, to be paid prior to the issuance of a building permit; and

Ordinance 10-29 ***(continued)***

WHEREAS, Ordinance 78-17, as thereafter amended, was codified in Section 1137.07 of the City's Codified Ordinances and requires that the Public Use Fee be deposited into a Parks Capital Improvement Fund to be used for the acquisition and improvement of public parks, playgrounds and lands and for other public purposes; and

WHEREAS, the Council of the City of Hilliard, Ohio passed Ordinance 03-59 (Amended) which authorized the imposition of a $500.00 Development Impact Fee ("Impact Fee") on each single-family residence and on each unit of a multi-family structure, constructed after the effective date of the Ordinance, which fee was to be paid prior to the issuance of a building permit, and is now codified in Chapter 1187 of the City's Codified Ordinances; and

WHEREAS, in assessing the need for the Impact Fee, the City determined that new demand created by increased population, jobs and traffic within the City necessitated the imposition of the Impact Fee to pay for the additional demand placed on public services by new growth, including the increased demand on the City's parks and recreational facilities; and

WHEREAS, by the passage of Ordinance 05-76 in 2005, the Council of the City of Hilliard increased the Impact Fee from $500.00 to $1,500.00 for each new residential unit constructed, beginning April 1, 2006; and

WHEREAS, by the passage of Ordinance 64-45 in 1964, the Council of the City of Hilliard enacted a $50.00 preliminary plat inspection fee ("Plat Inspection Fee") to be assessed and paid by developers on a per lot basis; and

WHEREAS, the City believes that collecting a Public Use Fee on each new residential unit constructed in the City is no longer necessary due to the imposition of the increased $1,500 per unit Impact Fee, which increase contemplated using a portion of the Impact Fees to fund the increased demand on parks and recreational facilities; and

WHEREAS, the City believes that collecting a Plat Inspection Fee is no longer necessary as the City imposes public and private improvement inspection fees to be paid by developers based on a cost percentage basis; and

WHEREAS, the City must repeal Section 1137.07 and Section 1183.03 of the City's Codified Ordinances in their entirety to terminate imposition of the Public Use Fee and of the Plat Inspection Fee, and the City must modify Chapter 190, "Exhibit A" to delete reference to charging the $50.00 per lot Plat Inspection Fee.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Ohio, that:

SECTION 1. Sections 1137.07 and 1183.03 of the City's Codified Ordinances are repealed.

SECTION 2. Public Use Fees existing in the Parks Capital Improvement Fund shall continue to be used for the acquisition and improvement of public parks, playgrounds and lands, and for other public purposes as originally intended by Ordinance 78-17.

SECTION 3. Exhibit A to Chapter 190, Municipal Fees, is amended to delete reference to the $50.00 per lot "Preliminary Plat Inspection by Engineer" fee.

SECTION 4. This Ordinance shall be in full force and effect from and after the earliest time provided by law.

RESOLUTIONS

The following Resolutions were adopted by the Hilliard City Council on August 23, 2010.

10-R-33 AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO WAIVE CERTAIN CITY FEES FOR THE CONSTRUCTION OF A PICNIC SHELTER AT THE HILLIARD / RAY PATCH FAMILY YMCA.

Resolution 10-R-33 ***(continued)***

WHEREAS, the Hilliard / Ray Patch Family YMCA ("Hilliard YMCA") located at 4515 Cosgray Road in the City of Hilliard was dedicated on July 31, 2004; and

WHEREAS, the Hilliard YMCA is a mission-driven association, committed to providing programs to serve the whole community while working to build a healthy spirit, mind and body for all; and

WHEREAS, the Hilliard YMCA is a leading not-for-profit in the city working to strengthen the foundations of our community; and

WHEREAS, the Hilliard YMCA serves over 120 youth and teens everyday during the summer providing care, exercise, activities, leadership, and social development guidance; and

WHEREAS, the Hilliard YMCA serves over 200 youth in outdoor sports programs annually that encourages learning the fundamentals of sports, sportsmanship and teamwork; and

WHEREAS, the Hilliard YMCA desires to build a picnic shelter to provide additional covered space to enhance the various programs that it offers to the Hilliard community; and

WHEREAS, the City establishes certain fees for the construction of improvements that are required to be paid; and

WHEREAS, the Hilliard YMCA has requested a waiver of certain fees that would be due to the City of up to $1,000.00; and

WHEREAS, the Director of Public Service is responsible for calculating those fees based upon the construction specifications submitted to the City and is in support of the waiver of up to $1,000.00 for this structure.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio, that:

SECTION 1. The Director of Public Service, or his designee, is hereby authorized and directed to waive certain City fees, including but not limited to the application fee, building permit fee, zoning certificate fee, occupancy certificate fee, plan examination fee, electrical inspection fee, and water tap fee in an amount not to exceed $1,000.00 for the construction of the Hilliard / Ray Patch Family YMCA picnic shelter at 4515 Cosgray Road in the city of Hilliard.

SECTION 2. This resolution shall become effective upon its adoption.

10-R-34 ACCEPTING THE CONVEYANCE OF A TEMPORARY AND A PERMANENT SANITARY SEWER EASEMENT LOCATED ALONG THE WEST SIDE OF WILCOX ROAD NEEDED IN CONNECTION WITH CONSTRUCTION OF THE HILLIARD GRAND APARTMENTS.

WHEREAS, the Schottenstein Real Estate Group is constructing the Hilliard Grand Apartments on the north and south sides of Riggins Road, and along the east side of Wilcox Road; and

WHEREAS, it is necessary that the sanitary sewer line constructed for the benefit of that project terminate at a point west of Wilcox Road and south of the Silverton Farms subdivision, on property jointly owned by Barbara Trueman and The Northern Trust Company, as trustee (collectively, the "Owners"); and

WHEREAS, the Owners have agreed to grant, at no cost, to the City a ±.062 acre temporary easement needed for construction of the sanitary sewer, as described in Exhibit A, attached hereto and incorporated herein, and to grant a ±.021 acre easement for the permanent placement of the sanitary sewer, as described in Exhibit B, attached hereto and incorporated herein; and

WHEREAS, it is to the interest and benefit of the City of Hilliard and the public at large that the proposed easements be accepted by the City, which are depicted in Exhibit C, attached hereto and incorporated herein.

Resolution 10-R-34 ***(continued)***

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio, that:

SECTION 1. The City of Hilliard accepts the temporary sanitary sewer easement, as described in Exhibit A, attached hereto and incorporated herein, and accepts the permanent sanitary sewer easement, described in Exhibit B, attached hereto and incorporated herein, from property owners Barbara Trueman and The Northern Trust Company, as trustee, both as depicted in Exhibit C, attached hereto and incorporated herein.

SECTION 2. The Director of Service is authorized to execute and deliver any documents necessary and appropriate to consummate acceptance of the described easements, and to require conveyance documents to be delivered and recorded evidencing the grant of such easements.

SECTION 3. This Resolution is effective upon its adoption.

10-R-35 AUTHORIZING THE CITY OF HILLIARD, BY AND THROUGH ITS DIRECTOR OF PUBLIC SERVICE, TO TRANSFER THREE EASEMENTS ALONG HILLIARD ROME ROAD TO THE COLUMBUS SOUTHERN POWER COMPANY FOR UTILITY LOCATION PURPOSES.

WHEREAS, the City of Hilliard acquired public road right-of-way and easements from property owners whose land abuts Main Street and Hilliard Rome Road for the Hilliard Rome Road Improvements Project (CIP T-09); and

WHEREAS, Columbus Southern Power Company (CSP), by and through its affiliate American Electric Power, also needed to negotiate easements from properties abutting Hilliard Rome Road for relocation of their electrical transmission line in preparation for CIP T-09; and

WHEREAS, the timely acquisition of these utility easements was paramount to the project schedule and the City's ability to retain federal funds necessary for the City to undertake and complete CIP T-09; and

WHEREAS, because CSP could not acquire all necessary easements from all property owners in a timely manner, upon request by CSP, the City and CSP entered into an agreement (the "Agreement") whereby the City used its lawful power of eminent domain to secure those utility easements for which CSP could not timely negotiate all terms of acquisition, and for which CSP would fully reimburse the City for the costs thereof; and

WHEREAS, the City acquired easements on parcels owned by Silver Horn Limited Partnership, being Franklin County Auditor's parcel numbers 560-222599 and 560-228208 (the "parcels"), for utility relocation purposes and for which the owner has been fully compensated; and

WHEREAS, pursuant to the terms of the Agreement, the City desires to transfer these three utility easements to CSP for its location purposes, which easements are more fully described in Exhibit A, attached hereto and incorporated herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio that:

SECTION 1. The City of Hilliard, by and through its Director of Public Service, is authorized and directed to transfer the three utility easements located in, on and under parcels owned by the Silver Horn Limited Partnership to the Columbus Southern Power Company, as such easements are more particularly described in Exhibit A, attached hereto and incorporated herein.

SECTION 2. The Director of Public Service is hereby authorized to sign all documents on behalf of the City of Hilliard to execute the transfer of these easements.

SECTION 3. This Resolution shall become effective upon its adoption.

POSTPONED/TABLED LEGISLATION

None

PENDING LEGISLATION

None

2010 REGULAR MEETINGS OF COUNCIL

September 13th & September 27th
October 25th

November 8th & November 22nd
December 13th

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