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Legislative Bulletin

An Official Publication of the Hilliard City Council

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ORDINANCES

**The following Ordinance was passed on January 23, 2023
There were no First Readings on January 23, 2023**

23-01 AMENDING CHAPTER 945 CAPACITY AND CONNECTION CHARGES OF THE CITY'S CODIFIED ORDINANCES TO ALIGN WITH CURRENT PRACTICES.

WHEREAS, Chapter 945 of the City's Codified Ordinances regulates water capacity fees for properties within Hilliard; and

WHEREAS, it is necessary to update the code section to ensure that it corresponds with current practices for calculating and collecting capacity fees; and

WHEREAS, the proposed code change clarifies that all Hilliard parcels that connect to a centralized water system are subject to capacity fees; and

WHEREAS, the Administration desires to amend the code section, as outlined in Exhibit "A" attached hereto and incorporated herein;

WHEREAS, the proposed amendments are in the best interest of the City and its residents.

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

SECTION 1. City Council finds that amending Chapter 945 of the City's Codified Ordinances for Capacity and Connection Charges, as identified in Exhibit "A", **attached** hereto and incorporated herein, is in the City's best interest. The changes and additions to the Capacity and Connection Charges, as shown in track changes in the attached Exhibit "A" are approved and shall be incorporated in the City's Codified Ordinances.

SECTION 2. All other provisions of Chapter 945 not modified herein remain unchanged and are in full force and effect.

SECTION 3. This Ordinance shall be in effect from the and after the earliest time provided for by law.

The following Resolutions were passed on January 23, 2023

22-R-03 ACCEPTING SANITARY SEWER PUBLIC IMPROVEMENTS FOR THE UPPER VUE FLATS APARTMENT DEVELOPMENT.

WHEREAS, City Council approved a Planned Unit Development ("PUD") consisting of 282 ± acres of land located west of I-270, south of the Hilliard municipal boundary, east of Wilcox Road and approximately 2,600 feet north of Davidson Road, by the passage of Ordinance No. 04-48 on December 13, 2004 (the "Britton Central PUD"); and

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22-R-03 continued:

WHEREAS, a final plat for the northern section of Britton Parkway was approved by the Planning and Zoning Commission and City Council on April 14, 2005, and September 26, 2005, respectively, by the passage of Resolution 05-R-39; and

WHEREAS, Edward Rose Properties, Inc., (the "Owner") owns 29.073 ± acres consisting of Subarea A2 of the Britton Central PUD identified as parcel number 050-010603 by the Franklin County Auditor's Office (the "Rose Property"); and

WHEREAS, City Council approved changes to the Britton Central PUD to modify the building height, exterior siding, roof pitch, and site lighting within Subarea A2 of the PUD by the passage of Resolution 20-R-25; and

WHEREAS, the Upper Vue Flats Apartment development consists of a maximum 470 apartment units on the Rose Property; and

WHEREAS, the only public improvement associated with the Upper Vue Flats Apartment development is the sanitary sewer system; and

WHEREAS, the Owner has recently granted the City an easement over all sanitary sewers located on the Upper Vue Flats Apartment development; and

WHEREAS, the public improvements for the Upper Vue Flats Apartment development have been found to be constructed per the plans submitted to and approved by the City Engineer for each section; and

WHEREAS, the City conducted a final inspection of the public improvements associated with both developments on the date shown below; and

WHEREAS, per Section 1191-01 of the City's Planning and Zoning Code, the Developer has posted maintenance surety for the public improvements, and the public improvements will be maintained by the Developer until the date listed below for final acceptance and full maintenance by the City of Hilliard for each section of the PUD; and

<u>Public Improvements</u>	<u>Final Inspection Date</u>	<u>Final Acceptance Date</u>
Upper Vue Flats Apartments Public Sanitary Sewer Improvements (# P-952)	6/10/2022	6/10/2023

WHEREAS, it is in the best interest of the City of Hilliard and the public at large that the City accepts the public improvements as noted above.

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

SECTION 1. The City of Hilliard accepts the public improvements for the Upper Vue Flats Apartment development as set forth in the following plans titled:

- "Public Sanitary Sewer Improvements for Hilliard Upper Vue Flats Riggins Road – 2021, P-952" approved by the City Engineer on May 18, 2021, which plans are on file in the office of the City Engineer and available for inspection.

SECTION 2. The City Manager, Clerk of Council and City Engineer are authorized to do all acts and to execute all instruments appropriate or necessary to carrying out the terms of accepting the public improvements as provided herein.

SECTION 3. This Resolution is effective upon its adoption.

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22-R-04 APPROVING GMP #1 FOR THE RECREATION AND WELLNESS CAMPUS AND AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS TO APPROVE GMP #1.

WHEREAS, on November 2, 2021, City electors approved increasing the City's municipal income tax by 0.5% and dedicating the resulting funds for recreation and parks, including (but not limited to) the construction of a community center and new athletic complex (the "Project"); and

WHEREAS, in 2022 City Council awarded multiple contracts for the design, architecture, engineering of the Project; and

WHEREAS, in late 2022, the City, through its Construction Manager at Risk, was able to issue an invitation for bid ("GMP #1) for certain work and products related to the construction of the Project; and

WHEREAS, following review of responses received, it is necessary to amend Ruscilli's contract to buy the work and products related to GMP #1 along with various general construction requirements; and

WHEREAS, funding for GMP #1 was appropriated by Ordinance No. 22-38, and pursuant to Section 3.10 of the Charter, authorization for funding this Project may be established by Resolution of Council.

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

SECTION 1. An expenditure is authorizing from Fund 101, Object 55 in an amount not to exceed \$6,747,793 in order to fund GMP #1 for the Recreation and Wellness Campus.

SECTION 2. The City Manager is hereby authorized to enter into GMP #1, as shown on Exhibit A, attached hereto and incorporated herein, in an amount not to exceed 6,747,793.

SECTION 3. This City Manager is hereby authorized to enter into any agreement or to execute and deliver any documents, certificates or approvals that are necessary or appropriate in furtherance of GMP #1 that are not inconsistent with this Resolution and not adverse to the City.

SECTION 4. The Finance Director is authorized to make any accounting changes to revise the funding source for any contract or contract modification associated with the expenditure of funds provided herein.

SECTION 5. This Resolution is effective upon its adoption.

23-R-05 ACCEPTING A UTILITY EASEMENT FROM WOLPERT ENTERPRISES, LIMITED.

WHEREAS, Wolpert Enterprises, Limited, (the "Developer"), owns 26.86± acres (the "Property") located on the west side of Edwards Farms Road, identified as tax parcel identification number 050-006545, and depicted on Exhibit "A" **attached** hereto and incorporated by reference herein; and

WHEREAS, the Developer filed application number PZ-22-42 with the Hilliard Planning and Zoning Commission for approval of a Lot Split to separate 14.30 acres from a 26.86± acre tract and a 'Level B' Site Plan for the construction of an 89,954-square-foot data center on 14.30 acres; and

WHEREAS, on September 8, 2022, following a public hearing on the consideration of the 'Level B' Site Plan, the Hilliard Planning and Zoning Commission voted 6-0 to approve the 'Level B' Site Plan; and

WHEREAS, the Developer has submitted plans for the construction of the data center building; and

WHEREAS, the Developer is required to extend a public sanitary sewer to serve the data center building; and

WHEREAS, the sanitary sewer to be constructed in front of the property at 4861 Edwards Farms Road will serve as a public sanitary sewer for other properties in the area and will be owned and maintained by the City; and

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22-R-05 continued:

WHEREAS, in order for the City to accept this sanitary sewer as public infrastructure and be able to maintain it, the owner of 4861 Edwards Farms Road will provide a twenty-five (25) feet wide utility easement along a portion of the lot to the City as shown and described on Exhibit "B", **attached** hereto and incorporated by reference herein; and

WHEREAS, it is in the interest and benefit of the City of Hilliard and the public at large that the City accepts the utility easement from the property at 4861 Edwards Farms Road.

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

SECTION 1. The City of Hilliard hereby accepts the utility easement as shown and described on Exhibit "A", attached hereto and incorporated by reference herein.

SECTION 2. The City Engineer and the City Law Director are authorized to approve any necessary administrative changes to affect the proper recording of the easement identified thereon and are authorized to provide the Clerk of Council with a final recorded copy of said easement.

SECTION 3. The Clerk of Council and City Engineer are authorized to do all acts and to execute all instruments appropriate or necessary to carrying out the terms of this acceptance.

SECTION 4. This Resolution is effective upon its adoption.

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