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City
Council

Legislative Bulletin

An Official Publication of the Hilliard City Council

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Published under the authority of the City of Hilliard Charter and direction of the Clerk of Council. The City of Hilliard Legislative 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, at 614.876.7361, Ext. 789. Past issues are available by logging onto hilliardohio.gov

ORDINANCES

The following Ordinances were passed by Hilliard City Council on January 25, 2016.

15-53 AUTHORIZING THE CITY'S DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A DEVELOPER'S AGREEMENT WITH THE HICKORY CHASE COMMUNITY AUTHORITY.

WHEREAS, Greenwich Investors Hickory Chase, LLC, ("GIHC") has acquired approximately 85.5 ± acres of real property located in the City south of Davidson Road and east of Leap Road (the "Property"), which GIHC plans to develop as a Planned Unit Development District ("PUD") in accordance with Resolution No. 14-R-86 ("Amended Ansmil PUD"); and

WHEREAS, GIHC established the Hickory Chase Community Authority (the "Authority") in order to facilitate the development of the Property and the Authority is the responsible entity for financing and constructing the public infrastructure improvements that benefit the Property; and

WHEREAS, the Authority desires to enter into a Developer's Agreement with the City regarding construction of all public infrastructure improvements necessitated by the project, consistent with the development text for the Amended Ansmil PUD and the requirements of the City Engineer; and

WHEREAS, the City and the Authority have agreed to the terms of a Developer's Agreement, attached hereto and incorporated herein as Exhibit "A" (the "Developer's Agreement") which requires the Authority to construct necessary public infrastructure improvements; and

WHEREAS, execution of the Developer's Agreement is also a condition of the Real Estate Purchase and Sale Agreement entered into by the City and GIHC on October 6, 2015.

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 with the Hickory Chase Community Authority (the "Authority") for the construction and installation of public infrastructure improvements in a form substantially similar to the one attached hereto as Exhibit "A" and incorporated herein, with such non-material and non-adverse changes as may be deemed necessary and appropriate by the City's Director of Public Service, in consultation with the City's Law Director, with his execution thereof on behalf of the City constituting conclusive evidence of Council's approval of such changes.

SECTION 2. This Ordinance shall be in effect from and after the earliest time provided for by law.

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15-58 REZONING A 0.745 +/-ACRE OF LAND LOCATED ON THE WEST SIDE OF HILLIARD ROME ROAD, APPROXIMATELY 200 FEET NORTH OF SUTTER HOME ROAD FROM R-3 “MODERATE DENSITY RESIDENTIAL” TO B-3 “OFFICE/INSTITUTIONAL” WITH A LIMITED OVERLAY FOR OFFICE USES ONLY.

WHEREAS, Christopher B. Stout (the “Owner”) owns approximately a 0.745± acre of land located on the west side of Hilliard Rome Road, approximately 200 feet north of Sutter Home Road in Hilliard, identified as parcel numbers 050-002927 and 050-002928 by the Franklin County Auditor’s Office (the “Property”), depicted in Attachment “One”, **attached** hereto; and

WHEREAS, the Owner submitted application number 15-0224LR to the City’s Planning and Zoning Commission to rezone the Property from its current classification of R-3 “Moderate Density Residential” to that of a B-3 “Office/Institutional” with a Limited Overlay for office uses only, **attached** hereto as Exhibit “C” and incorporated herein; and

WHEREAS, City staff believes the proposal is consistent with the Hilliard Master Plan to maintain a fiscally balanced land use pattern, to incorporate revenue producing land uses, to preserve and enhance the quality of life, and to maintain a high quality built environment throughout the community; and

WHEREAS, on November 12, 2015, following its duly advertised public hearing, the Planning and Zoning Commission voted 6-0 to forward a positive recommendation to City Council to rezone the Property to B-3 “Office/Institutional” with a Limited Overlay for office uses only.

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

SECTION 1. The 0.745 ±acre of land located on the west side of Hilliard Rome Road, approximately 200 feet north of Sutter Home Road, the graphical exhibit and legal description of which are **attached** hereto as Exhibits “A” and “B” respectively, and incorporated by reference herein, is rezoned from R-3 “Moderate Density Residential” to B-3 “Office/Institutional” pursuant to Chapter 1139 of the City’s Codified Ordinances.

SECTION 2. The Limited Overlay Text for the Property, dated November 16, 2015, **attached** hereto as Exhibit “C” and incorporated by reference herein, is approved.

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

15-59 (Amended) APPROVING THE AGREEMENT FOR THE CITY’S PURCHASE OF EXCESS OF LOSS COVERAGE INSURANCE AS REQUIRED BY THE OHIO BUREAU OF WORKERS COMPENSATION; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Hilliard is self-funded for purposes of providing workers compensation benefits to its employees; and

WHEREAS, the City, through its consultant, received quotes for excess of loss coverage for 2016 from certain vendors for claims over \$500,000; and

WHEREAS, based on the quotes received, the City’s consultant recommends further research into acceptable quotes, which fluctuate based on market conditions; and

WHEREAS, in the event a lower quote can be obtained for this insurance by December 31, 2015, the Director of Finance wishes to proceed with such lower vendor; and

WHEREAS, the City must have an excess of loss coverage policy in effect as of February 16, 2016 in order to comply with the regulations of the Bureau of Workers Compensation’s self-insurance program; and

WHEREAS, it is in the interest and benefit to the City of Hilliard and the public at large that the excess of loss coverage insurance contract be approved by emergency so that excess of loss coverage will be in effect February 16, 2016.

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ORDINANCES

15-59 (Amended) (continued)

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

SECTION 1. The Director of Finance is hereby authorized and directed to enter into a contract with Midwest Employers Casualty Co. at an annual premium cost of \$72,860 for the period from February 16, 2016 to February 15, 2017, on such terms and conditions consistent with the recommendations provided by the City's consultant.

SECTION 2. All monies paid under this contract will be allocated to the various personnel appropriations (Object 51) in the City's 2016 Operating Budget as passed by City Council.

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the general safety, health, and welfare of the City of Hilliard. Emergency passage is necessary to ensure the continued performance by the municipality of its constitutional duty of local self-government. This Ordinance shall be in full force and effect from and after the earliest period provided for by law.

16-03(Amended) TO PROVIDE FOR THE SUBMISSION OF A PROPOSED CHARTER AMENDMENT TO THE ELECTORS OF THE CITY OF HILLIARD, OHIO PURSUANT TO SECTION 12.06 OF THE CITY'S CHARTER; AND DECLARING AN EMERGENCY.

WHEREAS, Section 12.06 of the City Charter states: "Any provision of this Charter may be amended, as provided in Article XVIII, Section 9 of the Ohio Constitution, by submission of a proposed amendment to the voters of the City. Such amendment may be initiated either by a two-thirds (2/3) vote of the Council or by petition to the Council signed by ten percent (10%) of the electors"; and

WHEREAS, pursuant to Section 12.06 of the City Charter and Article XVIII, Section 9 of the Ohio Constitution, a proposed amendment to the Charter of the City of Hilliard, Ohio (the "Proposed Charter Amendment"), has been submitted by a petition of the electors (the "Petition"); and

WHEREAS, Article XVIII, Section 9 of the Ohio Constitution provides that "[a]mendments to any charter framed and adopted herein provided may be submitted to the electors of a municipality by a two-thirds vote of the legislative authority thereof, and upon petitions signed by ten per centum (10%) of the electors of the municipality setting forth any such proposed amendment, shall be submitted by such legislative authority; and

WHEREAS, Article XVIII, Section 14 of the Ohio Constitution provides that the "percentage of electors required to sign any petition provided for herein shall be based upon the total vote cast at the last preceding general municipal election"; and

WHEREAS, Article XVIII, Section 8 of the Ohio Constitution provides that "the ordinance providing for the submission of such question shall require that it be submitted to the electors at the next regular municipal election if one shall occur not less than sixty (60) nor more than one hundred and twenty (120) days after its passage; otherwise it shall provide for the submission of the question at a special election to be called and held within the time aforesaid"; and

WHEREAS, the Supreme Court of Ohio in *State ex rel. Comm. for the Referendum of Lorain Ordinance No. 77-01 v. Lorain Cty. Bd. of Elections*, 96 Ohio St.3d 308, 2002-Ohio-4194, ¶ 49 has directed that the "settled rule is that election laws are mandatory and require strict compliance and that substantial compliance is acceptable only when an election provision expressly states that it is"; and

WHEREAS, the Petition contains an amendment to the Charter of the City of Hilliard, Ohio that includes two sections to Article XII of the Charter, which shall be presented as one ballot issue before the voters; and

WHEREAS, the Petition declares that it is governed by Ohio Revised Code Section 731.31; and

WHEREAS, Ohio Revised Code Section 731.31 requires that "[a]ny initiative or referendum petition may be presented in separate parts, but each part of any initiative petition shall contain a full and correct copy of the title and text of the proposed ordinance or other measure. . . ."; and

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16-03 (Amended) (continued)

WHEREAS, the Petition fails to include a title for the Proposed Charter Amendment; and

WHEREAS, the Petition contains an amendment to the Charter of the City of Hilliard, Ohio that includes two sections to Article XII of the Charter, but fails to indicate that both proposed sections would be added to the Charter as new law and that no portion of the Proposed Charter Amendment is existing law; and

WHEREAS, the Petition alters the Ohio Secretary of State's prescribed Form No. 6-B *Petition for Submission of Proposed Amendment to Charter* by inserting the committee name "Keep Hilliard Beautiful Committee" where no space for specifying any committee name is provided, nor permitted on the prescribed form; and

WHEREAS, the Franklin County Board of Elections has advised that the total number of electors who participated in the 2013 general municipal election in Hilliard, Ohio was 2,509; and

WHEREAS, according to the Franklin County Board of Elections, ten per centum (10%) of the electors of the vote cast at the 2013 general municipal election in Hilliard, Ohio was 251 electors; and

WHEREAS, the Franklin County Board of Elections also advised on November 18, 2015, that it examined the signatures on the Petition and determined that it contains nine hundred forty six (946) valid signatures; and

WHEREAS, notwithstanding the irregularities with the Petition identified above, on January 19, 2016, the Supreme Court of Ohio, in *State ex rel. Carrier et al. v. Hilliard City Council*, Slip Opinion No. 2016-Ohio-155, found that City Council should "approve the necessary ordinance to place the initiative petition on the March 15, 2016 ballot"; and

WHEREAS, this Ordinance was placed on the agenda for the first meeting following the Supreme Court's decision on January 25, 2016.

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

Section 1. That, mindful of its legal duties and obligations under Sections 8 and 9 of Article XVIII of the Ohio Constitution, and in order to comply with the mandamus order of the Supreme Court of Ohio, in *State ex rel. Carrier et al. v. Hilliard City Council*, Slip Opinion No. 2016-Ohio-155, Council hereby determines to submit the Proposed Charter Amendment to the electors at a special election to be held on March 15, 2016.

Section 2. That, mindful of its legal duties and obligations under Sections 8 and 9 of Article XVIII of the Ohio Constitution, and in order to comply with the mandamus order of the Supreme Court of Ohio, in *State ex rel. Carrier et al. v. Hilliard City Council*, Slip Opinion No. 2016-Ohio-155, Council hereby authorizes and directs the Franklin County Board of Elections to place the Proposed Charter Amendment on the special election ballot as follows:

**PROPOSED CHARTER AMENDMENT BY INITIATIVE PETITION
CITY OF HILLIARD
FRANKLIN COUNTY, OHIO**

A majority affirmative vote is necessary for passage.

TO ENACT SECTION 12.09 TO IMPOSE A MANDATORY SIXTY DAY WAITING PERIOD FOR ALL ZONING DECISIONS BY CITY COUNCIL THAT IMPACTS ANY PROPERTY LOCATED WITHIN THE CITY OF HILLIARD, OHIO, AND SECTION 12.10 TO PROHIBIT THE CITY FROM USING CERTAIN STATE-AUTHORIZED TAX INCREMENT FINANCING TO CONSTRUCT PUBLIC INFRASTRUCTURE IMPROVEMENTS PERMITTED BY THE OHIO REVISED CODE SUCH AS ROADS, WATER AND SEWER LINES, UTILITIES, MULTI-USE PATHS, ACQUISITION OF LAND FOR RECREATIONAL AND ECONOMIC DEVELOPMENT AND OTHER PURPOSES ASSOCIATED WITH CONSTRUCTION OF RETIREMENT COMMUNITIES, MIXED-USE RESIDENTIAL AND COMMERCIAL DEVELOPMENTS, MULTI-FAMILY, AND SINGLE FAMILY HOMES.

Article XII, Section 12.09 – Referendum and Effective Date on Zoning Ordinances.

Notwithstanding any other provision of this Charter, a referendum petition on any Zoning Ordinance may be filed within sixty (60) days after passage by the Council of the Zoning Ordinance, in order to afford an opportunity during that period for the filing of referendum petitions thereon. Notwithstanding any other provision in this Charter, a Zoning Ordinance shall not become effective

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16-03 (Amended) (continued)

prior to sixty (60) days following its passage by the Council, in order to afford an opportunity during that period for the filing of referendum petitions thereon. Notwithstanding any other provision of this Charter, no Zoning Ordinance shall be passed by Council on an emergency basis. "Zoning Ordinance" for purposes of this Section, means any ordinance or other measure passed by the Council that modifies the City's zoning code or modifies the application of the City's zoning code to any property in the City.

Article XII, Section 12.10 – Prohibition of Creation of Tax Increment Financing incentive Districts for Dwelling Unit Improvements and Prohibition of Dwelling Unit Improvements to be a Public Purpose.

Notwithstanding any other provision of this Charter or Ohio law, the Council shall not:

- (a) declare an improvement to any parcel in the City to be a "public purpose," pursuant to section 5709.40(B) of the Revised Code, or any other provision of the Revised Code Chapter 5709, as now exists or hereafter amended, if the improvement includes the construction or creation of one or more Dwelling Units; or
- (b) create an "incentive district," pursuant to section 5709.40(C) of the Revised Code, or any other provision of Revised Code Chapter 5709, as now exists or hereafter amended, unless the Council limits the improvements in the "incentive district" so as to exclude the construction or creation of one or more Dwelling Units in the "incentive district."

"Dwelling Unit" for purposes of Section 12.10, means any permanent building or portion thereof which is designated or used exclusively for residential occupancy containing sleeping, cooking and sanitary facilities, including but not limited to, apartments, houses, town houses, row houses, retirement communities or condominiums.

Shall the proposed amendment to the Charter for the City of Hilliard, Ohio be adopted?

YES
NO

Section 3. That, mindful of its legal duties and obligations under Sections 8 and 9 of Article XVIII of the Ohio Constitution, and in order to comply with the mandamus order of the Supreme Court of Ohio, in *State ex rel. Carrier et al. v. Hilliard City Council*, Slip Opinion No. 2016-Ohio-155, Council hereby authorizes and directs the Clerk of Council to determine the potential cost and expense to the City to either: (a) mail a copy of the Proposed Charter Amendment, as set forth in Section 2 herein, to each City elector whose name appears upon the poll or registration books of the 2015 General Election; or (b) to give notice by appropriate newspaper advertising pursuant to state law and to utilize the most economic and efficient alternative to provide such notice not less than thirty (30) days prior to March 15, 2016.

Section 4. That, mindful of Section 3501.01(D) of the Ohio Revised Code stating that in any year in which a presidential primary election is held, no special election shall be held in May, but may be held on the second Tuesday after the first Monday in March, this Council determines that the proposed Charter Amendment be voted upon at the Primary Election to be held on March 15, 2016, at the regular places and times of voting in the City.

Section 5. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations of the Council and any of the decision making bodies of the City of Hilliard which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the City of Hilliard, Franklin County, Ohio.

Section 6. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the City and for the further reason that Council must act "forthwith" under Article XVIII, Section 8 of the Ohio Constitution. This Ordinance shall take effect and be in full force and effect immediately upon its passage.

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RESOLUTIONS

The following Resolutions were adopted by Hilliard City Council on January 25, 2016.

16-R-04 AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH WOOLPERT, INC., FOR THE PRELIMINARY ENGINEERING, ANALYSIS AND DETAILED DESIGN OF THE FRANKLIN STREET IMPROVEMENT PROJECT (CIP T-138).

WHEREAS, two fundamental goals of the City's Comprehensive Plan are to become a better connected community and promote active and healthy lifestyles; and

WHEREAS, in order to achieve the Plan's goals, a top priority of the City is to invest in Old Hilliard to increase connectivity and pedestrian mobility; and

WHEREAS, the Franklin Street Improvement Project (CIP T-138) consists of improvements to Franklin Street between Main Street and the development known as Landmark Lofts (the "Project"); and

WHEREAS, various alternatives will be evaluated for the Project including, but not limited to, the installation of sidewalks, curbs, on-street parallel parking, pavement improvements, drainage improvements, street lighting, improved pedestrian crossings, aesthetic enhancements, and public and private utility modifications; and

WHEREAS, in October, 2015, the City's Division of Engineering issued a Request for Proposal (RFP) to qualified consultants to provide professional engineering services for the Project; and

WHEREAS, the City of Hilliard uses a Quality-Based Selection (QBS) process to evaluate proposals; and

WHEREAS, the Division of Engineering evaluated proposals and determined that Woolpert, Inc., is the most qualified to perform the work associated with the Project based on their technical approach, experience in providing the requested services, and past performance; and

WHEREAS, work associated with the Project includes evaluation of various construction funding sources early in the preliminary design process to appropriately refine the design approach based on the requirements associated with the potential funding source; and

WHEREAS, Woolpert, Inc., has estimated the cost to conduct the planning level analysis, environmental documentation, and preliminary and detailed design, as defined in the Project Scope, to be \$472,000, which scope will be divided into two phases; and

WHEREAS, the City budgeted \$225,000 for CIP T-138 in 2016 for preliminary design and due diligence phase ("Phase One"); and

WHEREAS, design will be completed in 2017 following the refinement of the project scope and evaluation of funding sources ("Phase Two"); and

WHEREAS, by the passage of Ordinance No. 15-55 on December 7, 2015, funds for Phase One in the amount of \$225,000 were appropriated for CIP T-138 in the 2016 Capital Improvement Budget, and pursuant to Section 3.10 of the Charter of the City, authorization to fund Phase One of the Project may be established by resolution of Council.

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

SECTION 1. An expenditure is authorized from Fund 304 Object 55 to fund Phase One of the Project in an amount not to exceed \$225,000.

SECTION 2. The Director of Public Service is hereby authorized and directed to enter into a professional services contract ("Contract") with Woolpert, Inc. in substantially the same form as the one **attached** hereto as Exhibit "A" and incorporated herein, for Phase One of CIP T-138 in an amount not to exceed \$225,000 in 2016. The Director of Public Service is authorized to make such changes to the Contract that are not inconsistent with this Ordinance and not adverse to the City, which shall be evidenced conclusively by his signature thereof that such changes are approved by Council.

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RESOLUTIONS

16-R-04 (continued)

SECTION 3. The City's Director of Public Service is authorized to extend the Contract for the performance of Phase Two of the Project as may be necessary in future years, subject to the appropriation of funds by City Council.

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 expenditure of the funds provided herein.

SECTION 5. This Resolution is effective upon its adoption.

16-R-05 AUTHORIZING THE CITY'S DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AMENDED CONTRACT WITH MILLER SITE MANAGEMENT FOR THE HILLIARD CIVIC AND CULTURAL ARTS CENTER PROJECT (CIP LB-09).

WHEREAS, the City of Hilliard has considered the necessity of growing and improving its park system as a priority to improve the quality of life and to create destination points for the residents of Hilliard; and

WHEREAS, to grow its park system, the City constructed First Responders' Park in 2011 to honor our nation's police, fire and emergency medical personnel who protect and serve us on a daily basis; and

WHEREAS, in addition, Hilliard's Station Park has been constructed across the street from the First Responders' Park; and

WHEREAS, in furtherance of the City's efforts to create destination points, the City has identified the need to make improvements to a city-owned building at 5425 Center Street, adjacent to Hilliard's Station Park, to be the City's Civic and Cultural Arts Center (the "Center"); and

WHEREAS, improvements to the Center will permit the performance of cultural and performing arts in the building for the benefit of the public; and

WHEREAS, the engineer's estimated construction cost for the base bid was \$400,000 and the estimate for Alternate One, which was included in the bid package as an Addendum, was \$466,300, for total estimated cost of \$866,300 for the entire project (the "Project"); and

WHEREAS, Miller Site Management ("Miller") submitted the lowest and best bid on the base bid in the amount of \$428,922.09 (the "Base Bid"), and submitted the lowest and best bid on Alternate One in the amount of \$377,962.19; and

WHEREAS, by the authority granted by City Council in Resolution No. 14-R-39, the City's Director of Public Service entered into a contract with Miller for the Base Bid of \$428,922.09 (the "Contract") as such funds had been appropriated by City Council by the passage of Ordinance No. 14-46 on January 12, 2015; and

WHEREAS, the City's Director of Public Service issued a limited notice to proceed to Miller to begin performing work comprising the Base Bid; and

WHEREAS, by the passage of Ordinance No. 15-55 (Capital Budget Appropriation) on December 7, 2015, City Council appropriated funds for the Project to fund Alternate One as part of CIP LB-09 Parks and Recreation Miscellaneous Facilities, and pursuant to Section 3.10 of the City's Charter, authorization to amend the Contract with Miller to perform Alternate One may be made by Resolution of Council.

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

SECTION 1. The City's Director of Public Service is authorized to enter into an amended contract with Miller Site Management to perform Alternate One work for the Hilliard Civic and Cultural Arts Center Improvement Project (CIP LB-09) in an amount not to exceed \$377,962.19 (the "Amendment").

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RESOLUTIONS

16-R-05 (continued)

SECTION 2. The Finance Director is authorized to pay Dave Kerr an amount not to exceed \$27,300 to provide construction inspection services required for Alternate One work.

SECTION 3. The Finance Director is authorized to pay the cost of city staff services to provide construction inspection services required for Alternate One work in an amount not to exceed \$12,000.

SECTION 4. An expenditure is authorized in an amount not to exceed \$538,650 from Fund 304 Objects 55 to fund the Hilliard Civic and Cultural Arts Center Improvement Project, which amount includes a ten percent contingency for the Project in an amount not to exceed \$82,988.45.

SECTION 5. This Resolution is effective upon its adoption.

16-R-07 AUTHORIZING THE CITY'S DIRECTOR OF PUBLIC SERVICE TO ACCEPT A 0.318 ±ACRE PERMANENT UTILILITY EASEMENT AND A TEN-FOOT WIDE TEMPORARY CONSTRUCTION EASEMENTS FROM DARBY CREEK HORTICULTURAL SUPPLY COMPANY, LLC LOCATED ALONG THE NORTH SIDE OF SCIOTO DARBY ROAD.

WHEREAS, City Council approved a Planned Unit Development District ("PUD") consisting of 33.8± acres of land (the "Property" and the "Site"), known as the Square at Latham Park PUD, by passage of Ordinance No. 10-12, effective September 23, 2010 (the "Square at Latham Park PUD"); and

WHEREAS, in order to develop the Property, the owner, MJC Holdings, LLC (the "Developer") is required to extend water and sewer services to the Property; and

WHEREAS, the Developer approached the adjacent property owner, Darby Creek Horticultural Supply Company, LLC, ("Darby Creek") to provide public utility easements for the purpose of extending water and sewer services to the Site; and

WHEREAS, Darby Creek has offered to dedicate a 0.318 ±acre permanent utility easement to the City of Hilliard ("Utility Easement"), which easement is located on Grantor's property along the north side of Scioto Darby Road, for the purpose of extending public utilities as needed to develop the Square at Latham Park PUD; and

WHEREAS, Darby Creek is also providing the City with a ten-foot wide temporary construction easement ("Temporary Easement") for the purpose of installing and constructing the public utilities in the Utility Easement; and

WHEREAS, accepting the aforesaid Utility Easement and the Temporary Easement is in the best interest of the City and is vital to development of the Property.

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

SECTION 1. The Director of Public Service is authorized to accept a permanent utility easement and a temporary easement from Darby Creek Horticultural Supply Company, LLC, with an address of 6368 Scioto Darby Road, as described and depicted on Exhibits "A" and "B" attached hereto and incorporated herein.

SECTION 2. The Director of Public Service is authorized to approve any necessary administrative changes to effect the proper recording of the legal descriptions, documents, and necessary instruments to effectuate the granting of the aforementioned easement, and shall provide the Clerk of Council with a final recorded copy of all such legal descriptions, documents and instruments for filing in the City records.

SECTION 3. This Resolution is effective upon its adoption.

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16-R-08 ACCEPTING THE DEDICATION OF PUBLIC RIGHTS-OF-WAY AND THE DEDICATION OF A NEW 20-FOOT-WIDE SANITARY SEWER EASEMENT IN CONNECTION WITH SUBAREA E1 OF THE ANSMIL PLANNED UNIT DEVELOPMENT (ANSMIL PUD).

WHEREAS, on December 13, 1999, City Council passed Ordinance No. 99-57 rezoning 320± acres of land from A-1 to Planned United Development which approved the Ansmil PUD Zoning Development Plan; and

WHEREAS, City Council approved a first modification to the Ansmil PUD to modify the provisions of the General Development Standards, creating Subareas A1, A5, and A6, and modifying the boundaries and standards for Subareas A2, A3, A4, B1, and B3 by approving Resolution No. 06-R-07, passed on February 13, 2006; and

WHEREAS, on March 26, 2007, City Council approved Resolution No. 07-R-08 which amended the Ansmil PUD Zoning Development Plan and text to create Subarea E1 for a continuing care retirement community and to eliminate Subareas B3 and B4, and modify the boundaries and development standards and requirements for Subareas B1, B2, C1, C2, C3, C4, C5, C6, C7, C8 and D1; and

WHEREAS, on February 9, 2015, City Council approved Resolution No. 14-R-86 to eliminate a Continuing Care Retirement Community as the primary use within Subarea E1 and to permit the following uses: senior residential, non-age restricted residential dwellings (not to exceed 500 dwelling units), public library, public or private parks, recreational activities or uses, office and ancillary services, bank and financial institutions, eating and drinking places, neighborhood business, personal services and home occupations; and

WHEREAS, Greenwich Investors Hickory Chase, LLC (the "Owner") owns the land comprising Subarea E1, which consists of 77.019± acres identified as parcel number 050-010749 and 8.528 acres identified as parcel number 050-010752 by the Franklin County Auditor's Office (collectively, the "Property"); and

WHEREAS, the Owner submitted an application to the City's Planning and Zoning Commission for the review and approval of a final plat to dedicate public rights-of-way and to dedicate a new 20-foot-wide sanitary sewer easement to the City; and

WHEREAS, on November 12, 2015, at its regularly scheduled meeting, the City's Planning and Zoning Commission approved the final plat ("Final Plat"); and

WHEREAS, the Owner has offered to dedicate two public road rights-of-way, identified as Hickory Chase Drive and Paul Wolpert Lane, and a new 20-foot-wide sanitary sewer easement to the City, all as shown and described on Exhibit "A" attached hereto and incorporated by reference herein; and

WHEREAS, this offer of dedication has been made by the Owner in support of developing land in the Ansmil PUD; and

WHEREAS, it is in the interest and to the benefit of the City of Hilliard and the public-at-large that the dedications proposed on Exhibit "A" be accepted by the City of Hilliard.

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

SECTION 1. The City of Hilliard accepts the dedication of two public road rights-of-way, identified as Hickory Chase Drive and Paul Wolpert Lane, and accepts the dedication of a new 20-foot-wide sanitary sewer easement, all as shown and described on Exhibit "A", **attached** hereto and incorporated by reference herein.

SECTION 2. The City Engineer is authorized to approve any necessary administrative changes to effect the proper plat language and recording of the Final Plat identified on Exhibit "A", and is authorized to provide the Clerk of Council with a final recorded copy of said plat.

SECTION 3. The Mayor, Clerk of Council, Chairman of the Planning and Zoning Commission and City Engineer are authorized to do all acts and to execute all instruments that are necessary or appropriate to carrying out the terms of the dedication and recording of the plat.

SECTION 4. This Resolution is effective upon its adoption.

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RESOLUTIONS

16-R-09 AUTHORIZING THE DIRECTOR OF RECREATION AND PARKS TO PREPARE AND SUBMIT GRANT APPLICATIONS TO THE STATE OF OHIO RECREATIONAL TRAILS PROGRAM AND TO THE CLEAN OHIO TRAIL FUND ADMINISTERED BY THE OHIO DEPARTMENT OF NATURAL RESOURCES.

WHEREAS, the State of Ohio, through the Ohio Department of Natural Resources, administers financial assistance for recreational trail construction through the Recreational Trails Program ("RTP"), which provides grant funding up to 80% of projects costs, and through the Clean Ohio Trail Fund ("COTF") Program, which provides grant funding up to 75% of projects costs, both of which are reimbursable grants; and

WHEREAS, the City desires to construct a southern extension of the existing trail located at the corner of Columbia and Center Streets to a designated location just west of city hall, as outlined in red on Exhibit "A", attached hereto and incorporated herein; and

WHEREAS, the City of Hilliard desires to apply for a grant from the RTP program for 80% of the project cost and to apply for a grant from the COTF Program for 75% of the project cost to assist in constructing the trail extension as identified in Exhibit "A"; and

WHEREAS, the southern extension of the trail is identified in CIP LB-21 in the City's Capital Improvement Program, and funds in the amount of \$125,000 were appropriated in the City's 2016 Capital Improvement Budget to fund this extension of the trail by the passage of Ordinance 15-55 on December 7, 2015, and pursuant to Section 3.10 of the Charter of the City, authorization for this purchase is established by resolution of Council.

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

SECTION 1. The Director of Recreation and Parks is hereby authorized to apply to the Ohio Department of Natural Resources for financial assistance from the RTP Program and from the COTF Program to assist in funding a southern extension of the existing trail located at the corner of Columbia and Center Streets to a designated location just west of city hall, as identified in Exhibit "A", **attached** hereto and incorporated herein.

SECTION 2. The Director of Recreation and Parks is further authorized to enter into any agreements and sign documents as may be necessary and appropriate for obtaining and receiving these grant funds in accordance with all authority granted to and limitations upon the Director of Recreation and Parks.

SECTION 3. This Resolution is effective upon its adoption.

16-R-10 AUTHORIZING THE DIRECTOR OF RECREATION AND PARKS TO PREPARE AND SUBMIT GRANT APPLICATIONS TO THE STATE OF OHIO RECREATIONAL TRAILS PROGRAM AND TO THE CLEAN OHIO TRAIL FUND ADMINISTERED BY THE OHIO DEPARTMENT OF NATURAL RESOURCES.

WHEREAS, the State of Ohio, through the Ohio Department of Natural Resources, administers financial assistance for recreational trail construction through the Recreational Trails Program ("RTP"), which provides grant funding up to 80% of projects costs, and through the Clean Ohio Trail Fund ("COTF") Program, which provides grant funding up to 75% of projects costs, both of which are reimbursable grants; and

WHEREAS, the City desires to construct a Recreational Trail in Charles W. Latham Park (the "Project"), including the construction of an ADA accessible trail suitable for walking and biking activities, expanding the existing parking lot, adding bike racks, building a restroom facility and a water fountain, designing a Nature Play area for kids and adults; building a gazebo that overlooks the existing lake from which park visitors can observe the wildlife, placing additional benches across the park; and

WHEREAS, the construction of the Project will also include building a classroom or open shelter facility for educational workshops and placing educational signage throughout the park that describes the native plant species, the type of wildlife and the importance of wetlands in an ecosystem in order to increase public awareness about the need to preserve the environment; and

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an Official Publication of the Hilliard City Council

RESOLUTIONS

16-R-10 (continued)

WHEREAS, the City of Hilliard desires to apply for a grant from the RTP program for 80% of the project cost and to apply for a grant from the COTF Program for 75% of the project cost to assist in constructing the connector trail as identified in Exhibit "A"; and

WHEREAS, if the City receives the grant funds requested, the Project will become a Capital Improvement Project, subject to the appropriation of funds by City Council.

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

SECTION 1. The Director of Recreation and Parks is authorized to apply to the Ohio Department of Natural Resources for financial assistance from the RTP Program and from the COTF Program to assist in funding improvements in the Charles W. Latham Park as identified in Exhibit "A", **attached** hereto and incorporated herein.

SECTION 2. The Director of Recreation and Parks is further authorized to enter into any agreements and sign documents as may be necessary and appropriate for obtaining and receiving these grant funds in accordance with all authority granted to and limitations upon the Director of Recreation and Parks.

SECTION 3. This Resolution is effective upon its adoption.

REMAINING 2016 MEETING DATES OF HILLIARD CITY COUNCIL

(All meetings begin at 7:00 p.m., unless otherwise noted)

February 8
February 22
March 14
March 28
April 11
April 25
May 9
May 23
June 13
June 27
July 11
August 22
September 12
September 26
October 24
November 14
November 28
December 12

To confirm meeting dates and times please check the calendar on the City's website

hilliardohio.gov