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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 Ordinance was passed by Hilliard City Council on June 27, 2016.

16-22(Amended) AUTHORIZING THE DIRECTOR OF FINANCE TO APPROPRIATE FUNDS PAID TO THE CITY AS IMPACT FEES FROM THE LANDMARK LOFTS PLANNED UNIT DEVELOPMENT PROJECT TO BE USED FOR THE CONSTRUCTION OF RETAINING WALLS IN PUBLIC RIGHT OF WAY ALONG CEMETERY ROAD.

WHEREAS, WRK Development LLC (the "Owner") owns approximately 6.642± acres of land located on the north side of Cemetery Road and on the east and west sides of Franklin Street, identified as parcel numbers 050-000157-00, 050-002086-00, 050-002094-00, 050-000864-00 and 050-000210-00 by the Franklin County Auditor's Office (the "Property"); and

WHEREAS, all of the aforementioned parcels have been rezoned to a Planned Unit Development known as the "Landmark Lofts PUD" that is a mixed-use development that permits multi-family and commercial development; and

WHEREAS, the Landmark Lofts Final Development Plan requires a path connection from the Landmark Lofts Development to the future Heritage Rail Trail adjacent to the Property; and

WHEREAS, the City prefers this path connection to be along Cemetery Road between the street and Buildings A & B of the Landmark Lofts Development (the "path"), so the path may connect with the future Heritage Rail Trail just north of the Cemetery Road underpass; and

WHEREAS, construction of this path, at the preferred location, will necessitate construction of retaining walls due to the differences in elevation between the path and street along Cemetery Road and the floor elevations of Buildings A & B, as depicted on **attached** Exhibit A; and

WHEREAS, since the retaining walls will be located in the Cemetery Road public right-of-way and will serve as a part of the overall public multi-use path system in the City, the City desires to use impact fees collected from the Landmark Lofts development to fund the construction; and

WHEREAS, the impact fees to be paid by the Owner are \$2,000 per residential unit, for a total of \$408,000; and

WHEREAS, the Director of Public Service requests the impact fees paid by the Owner in the amount of \$408,000 be appropriated for the purpose of constructing the retaining walls along the public path.

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

SECTION 1. An appropriation in an amount not to exceed \$408,000, which represents the impact fees collected from the Landmark Lofts Development, is authorized from Fund 895, Object 45. These funds will be used to pay for the cost of constructing retaining walls in the Cemetery Road public right-of-way in connection with the Landmark Lofts project.

SECTION 2. Upon appropriation of the funds hereunder, and pursuant to separate authorizing legislation, the City's Director of Public Service will enter into an amended Developer's Agreement with Landmark Lofts, LLC, that requires the Developer to construct the retaining walls and path connection, and authorizes the City to reimburse the Developer for the retaining walls in an amount not to exceed \$408,000.

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

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RESOLUTIONS

The following Resolutions were adopted by Hilliard City Council on June 27, 2016.

16-R-48 AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT FOR THE 2016 STREET AND PUBLIC LANDS TREE PROGRAM (CIP LB-20).

WHEREAS, the City of Hilliard owns and maintains trees on public lands and street rights-of-way in Hilliard; and

WHEREAS, the City of Hilliard public land and street trees are being infested with the Emerald Ash Borer requiring their removal and replacement as a matter of public health and safety (the "Project"); and

WHEREAS, the City identified a five-year program in the 2014 Capital Improvement Program to provide funding to remove and dispose of these diseased trees on public lands; and

WHEREAS, the City Engineer's cost estimate for CIP LB-20 in 2016 is \$197,300 as provided for in Addendum #1 to the bid package; and

WHEREAS, after duly advertising for bids for CIP LB-20, the Director of Public Service publicly received and read aloud the submitted bids at 3:00 p.m. on May 26, 2016; and

WHEREAS, the lowest and best bid for the Project was submitted by Builderscape, Inc., in the amount of \$197,000 and

WHEREAS, funds in the amount of \$217,000 were appropriated for CIP LB-20 in the 2016 Capital Improvement Budget in Ordinance No. 15-55 passed by Hilliard City Council on December 7, 2015, and pursuant to Section 3.10 of the Charter of the City, authorization to fund this Project is 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 Object 55 Fund 304 to pay the costs and expenses for CIP LB-20 in an amount not to exceed \$206,850, which includes a 5% contingency amount for any necessary change orders.

SECTION 2. The Director of Public Service is hereby authorized and directed to enter into a contract with Builderscape, Inc. for CIP LB-20 in an amount not to exceed \$197,000.

SECTION 3. The Director of Public Service is hereby authorized and directed to enter into a contract with Urban Forestry Services, LLC for construction administration services for CIP LB-20 in an amount not to exceed \$6,575.

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-49 AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AGREEMENTS WITH PROPERTY OWNERS FOR THE PURCHASE OF REAL PROPERTY FOR THE CONSTRUCTION OF CAPITAL IMPROVEMENT PROJECT (CIP) T-21/T-129 SCIOTO DARBY ROAD AND LEPPERT ROAD IMPROVEMENT PROJECT; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO UTILITY RELOCATION AGREEMENTS; AND AUTHORIZING AN EXPENDITURE.

WHEREAS, the Scioto Darby Improvement Project (CIP T-21) consists of improvements to Scioto Darby Road between Bradford Drive and Cosgray Road, and the Leppert Road Improvement Project (CIP T-129) consists of improvements to Leppert Road between Scioto Darby Road and the Heritage Rail Trail (collectively, the "Project"); and

WHEREAS, the purpose of the Project is to improve pedestrian and bicycle mobility and safety and to improve vehicular capacity and safety along the corridors; and

WHEREAS, design of the Project was authorized by Hilliard City Council in Resolution 13-R-43; and

WHEREAS, public meetings were held in January 2014 and November 2015 to provide information to the public on the Project; and

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RESOLUTIONS

16-R-49 (continued)

WHEREAS, plans for the Project are nearly complete; and

WHEREAS, prior to the construction of the Project, it is necessary to acquire rights-of-way and permanent and temporary easements (hereinafter referred to as "real property") and relocate private utilities; and

WHEREAS, the cost of utility relocations in privately owned easements necessitated by the Project is a reimbursable expense to the various utility companies; and

WHEREAS, by the passage of Ordinance No. 15-55 on December 7, 2015, funds for right-of-way acquisition and utility relocation in the amount of \$905,000 were appropriated for the Project in the 2016 Capital Improvement Budget; and

WHEREAS, by the passage of Resolution 16-RR-22 on February 22, 2016 an expenditure of \$95,000 was previously authorized for utility relocation by AT&T, leaving a balance of \$810,000 for right-of-way acquisition and/or additional utility relocation expenses.

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 complete the acquisition of real property required to construct the Project, conduct associated appraisal review services, and enter into agreements with property owners for the same.

SECTION 2. The Director of Public Service is authorized to sign all documents or instruments necessary and to authorize payment to private utility companies for utility relocation costs associated with the Project that are located in private easement.

SECTION 3. Expenditures are authorized from Fund 304, Object 55 to fund right-of-way acquisition activities and utility relocation activities in an amount not to exceed \$810,000.

SECTION 4. The Director of Public Service is authorized to do all acts and sign all documents or instruments necessary to record the above properties as public rights-of-way and pay all costs associated with such actions.

SECTION 5. This Resolution is effective upon its adoption.

16-R-50 **AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO NECESSARY AGREEMENTS WITH THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION FOR PID 76469, WHICH CONSISTS OF IMPROVEMENTS ON I-270 BETWEEN THE INTERCHANGES AT I-70 AND I-270 / US-33.**

WHEREAS, the State of Ohio, through the Ohio Department of Transportation ("ODOT"), is undertaking a \$66.6 million project to improve approximately 7.95 miles of roadway and bridge rehabilitation on mainline I-270 between the interchanges at I-70 and I-270 / US-33 in Franklin County, as well as the construction of an additional lane in each direction (the "Project"); and

WHEREAS, ODOT has requested that the City of Hilliard, as a Local Public Agency ("LPA") adopt consent legislation stating its intent to cooperate with ODOT in the planning, design and construction of the Project; and

WHEREAS, the City's pledge of support does not obligate the City to finance the Project in any manner, except for those features requested by the City which are not necessary for the improvement as determined by the State of Ohio and the Federal Highway Administration.

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 provide consent to the Director of Transportation of the State of Ohio to complete the Project, as doing so promotes the general health, safety and welfare of the City.

SECTION 2. The City of Hilliard shall cooperate with the Director of Transportation of the State of Ohio in the Project as follows:

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RESOLUTIONS

16-R-50 (continued)

- A. The City hereby agrees to cooperate with the Director of Transportation of the State of Ohio in the planning, design and construction of the identified highway improvement Project and grants consent to the Ohio Department of Transportation (“ODOT”) for its development and construction of the project in accordance with plans, specifications and estimates as approved by the Director.
- B. ODOT agrees to assume and bear the costs of preliminary engineering, right-of-way, and construction by administering Federal and State funds for this Project.
- C. The City agrees to assume and bear one hundred percent (100%) of those features requested by the City which are not necessary for the improvement as determined by the State and Federal Highway Administration.

SECTION 3. The City of Hilliard agrees that all right-of-way required for the Project will be acquired and/or made available in accordance with current State and Federal regulations. The City of Hilliard also understands that right-of-way costs include eligible utility costs. ODOT agrees to be responsible for all utility accommodation, relocation and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION 4. Upon completion of the described Project, and unless otherwise agreed, the City shall: (1) provide adequate maintenance for the project in accordance with all applicable state and federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial resources, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION 5. The Director of Public Service is hereby authorized, on behalf of the City of Hilliard, Ohio, to enter into contracts with the Director of Transportation as necessary to complete the Project, on condition that any funds required by the City for those contracts be appropriated by City Council.

SECTION 6. The City's Clerk of Council is directed to transmit to the Director of Transportation a certified copy of this Resolution, as provided for in Exhibit “A”, **attached** and incorporated herein.

SECTION 7. This Resolution is effective upon its adoption.

16-R-52 **ACCEPTING THE PUBLIC IMPROVEMENTS FOR THE HERITAGE PRESERVE SUBDIVISION, SECTION 2, PHASE 2 AND SECTION 3, PHASE 2.**

WHEREAS, in Ordinance No. 13-01, adopted February 25, 2013, this Council approved the Heritage Preserve PUD (“PUD”); and

WHEREAS, as a requirement of the PUD, Ordinance No. 13-03, adopted February 25, 2013, authorized the City and Planned Development Company of Ohio and Danken, LLC (collectively, the “Owner” and the “Developer”) to enter into a Developer's Agreement (“Agreement”) which detailed the public infrastructure improvements that the Developer was to construct as a result of the PUD; and

WHEREAS, in the following Resolutions, this Council accepted by subdivision plat (“Plat”) the dedication of roads and easements for the construction of public infrastructure associated with the following sections of the PUD;

- 1. Resolution 15-R-60, adopted September 14, 2015 – Heritage Preserve Section 2, Phase 2; and
- 2. Resolution 16-R-06, adopted January 11, 2016 – Heritage Preserve, Section 3, Phase 2.

WHEREAS, the public improvements for Heritage Preserve, Section 2, Phase 2 and Heritage Preserve, Section 3, Phase 2, as identified on the above Plats, 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 each section of the PUD on the date shown below; and

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RESOLUTIONS

16-R-52 (continued)

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

Final Public Improvements	Final Inspection Date	Acceptance Date
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Heritage Preserve Section 2, Phase 2 Public Street, Storm Sewer, Sanitary Sewer, and Water Line Improvements (# P-857 & # P-858)	10/06/15	10/06/16
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Heritage Preserve Section 3, Phase 2 Public Street, Storm Sewer, Sanitary Sewer, and Water Line Improvements (# P-869 & # P-870)	05/30/16	05/30/17
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WHEREAS, it is in the interest and benefit 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 hereby accepts the public improvements for various sections of the Heritage Preserve PUD as set forth in the following plans titled:

1. "Heritage Preserve, Section 2, Phase 2 – Public Sanitary Sewer Improvements – 2015, P-857" approved by the City Engineer on May 5, 2015, which plans are on file in the office of the City Engineer and available for inspection.
2. "Heritage Preserve, Section 2, Phase 2 – Public Street, Storm Sewer, & Water Line Improvements – 2015, P-858" approved by the City Engineer on May 29, 2015, which plans are on file in the office of the City Engineer and available for inspection.
3. "Heritage Preserve, Section 3, Phase 2 – Public Sanitary Sewer Improvements – 2015, P-869" approved by the City Engineer on August 14, 2015, which plans are on file in the office of the City Engineer and available for inspection.
4. "Heritage Preserve, Section 3, Phase 2 – Public Street, Storm Sewer, & Water Line Improvements – 2015, P-870" approved by the City Engineer on September 16, 2015, which plans are on file in the office of the City Engineer and available for inspection.

SECTION 2. The Mayor, 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 herein.

SECTION 3. This Resolution is effective upon its adoption.

16-R-53 **AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A FIRST AMENDMENT TO THE AMENDED AND RESTATED DEVELOPER'S AGREEMENT WITH LANDMARK LOFTS, LLC FOR THE PURPOSE OF CONSTRUCTING RETAINING WALLS AND A PUBLIC PATH CONNECTION FROM THE HERITAGE RAIL TRAIL TO CEMETERY ROAD IN PUBLIC RIGHT OF WAY.**

WHEREAS, WRK Development LLC (the "Owner") owns approximately 6.642± acres of land located on the north side of Cemetery Road and on the east and west sides of Franklin Street, identified as parcel numbers 050-000157-00, 050-002086-00, 050-002094-00, 050-000864-00 and 050-000210-00 by the Franklin County Auditor's Office (the "Property"); and

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RESOLUTIONS

16-R-53 (continued)

WHEREAS, all of the aforementioned parcels have been rezoned to a Planned Unit Development known as the "Landmark Lofts PUD" that is a mixed-use development that permits multi-family and commercial development (the "Project"); and

WHEREAS, pursuant to Ordinance No. 14-05, on February 11, 2015, the City entered into an Amended and Restated Developer's Agreement (the "Developer's Agreement") with the Owner's authorized assignee, Landmark Lofts, LLC (the "Developer") that provided for the Developer to construct public infrastructure improvements as required for the Project; and

WHEREAS, the Landmark Lofts Final Development Plan, approved by the City's Planning and Zoning Commission on May 14, 2015, requires a pedestrian path connection from the Project to the future Heritage Rail Trail adjacent to the Property; and

WHEREAS, the City prefers this path connection to be along Cemetery Road between the street and Buildings A & B of the Project (the "Public Path"), enabling the path to connect with the future Heritage Rail Trail just north of the Cemetery Road underpass; and

WHEREAS, construction of this Public Path, at the preferred location, will necessitate construction of retaining walls due to the differences in elevation between the path and public right-of-way along Cemetery Road and the floor elevations of Buildings A & B of the Project (the "Retaining Walls"); and

WHEREAS, the parties desire to amend the Developer's Agreement to include construction of the Retaining Walls as a responsibility of the Developer, and to reimburse the Developer for construction of this public infrastructure improvement from impact fees paid to the City by the Developer in an amount not to exceed \$408,000 (the "Impact Fees"); and

WHEREAS, any cost of the Retaining Walls in excess of the Impact Fees paid to the City shall be the Developer's sole responsibility.

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 a First Amendment to the Amended and Restated Developers Agreement with Landmark Lofts, LLC to provide for the construction of the Retaining Walls 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 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 such changes.

SECTION 2. Upon the appropriation of funds in Ordinance 16-22(Amended), an expenditure is authorized in an amount not to exceed \$408,000 from Object 45, Fund 895 to reimburse Landmark Lofts, LLC for the construction of the Retaining Walls.

SECTION 3. 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 4. This Resolution is effective upon its adoption.

16-R-54 ACCEPTING THE DEDICATION OF RIGHT-OF-WAY AND PUBLIC UTILITY EASEMENTS IN CONNECTION WITH THE DEVELOPMENT LOCATED ON THE EAST SIDE OF BRITTON PARKWAY APPROXIMATELY 500 FEET NORTH OF DAVIDSON ROAD.

WHEREAS, MCI International, Inc. (the "Owner") owns a 47.391± acre lot and a 19.350± acre lot identified as parcel numbers 050-010842 and 050-010843 by the Franklin County Auditor's Office (the "Property"), which parcels are located on the east side of Britton Parkway approximately 500 feet north of Davidson Road; and

WHEREAS, the Owner (the "Applicant") submitted an application to the City's Planning and Zoning Commission for the review and approval of a final plat to dedicate public right-of-way on Britton Parkway and grant utility and access easements to the City; and

WHEREAS, on June 9, 2016 at its regularly scheduled meeting, the City's Planning and Zoning Commission approved the final plat ("Final Plat"); and

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RESOLUTIONS

16-R-54 (continued)

WHEREAS, the Owner has offered to dedicate the rights-of-way and easements to the City 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 the Avery Pointe development on the Property; and

WHEREAS, it is in the interest and 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 hereby accepts the dedication of right-of-way on Britton Parkway and accepts public utility and access easements 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 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.

16-R-55 ACCEPTING THE DEDICATION OF ROADS AND EASEMENTS FOR PUBLIC AND PRIVATE UTILITIES, CABLE TELEVISION, SERVICE CONNECTIONS AND STORM WATER DRAINAGE FOR SECTION 2, PHASE 3 AND SECTION 3, PHASE 3 OF HERITAGE PRESERVE.

WHEREAS, on February 25, 2013, Council passed Ordinance 13-01 rezoning 418.75± acres of land owned by Planned Development Company of Ohio and Danken, LLC, from A-1 to Planned Unit Development consisting of 405 single-family lots, 282 multiple-family dwelling units, and 232.84 acres of open space, which development is identified as the Heritage Preserve PUD; and

WHEREAS, upon application by Grand Communities, Ltd. (the "Owner"), on June 9, 2016 at its regularly scheduled public meeting, the City's Planning and Zoning Commission approved the final plat ("Final Plat") for Section 3, Phase 3 of Heritage Preserve for the development of 18 single-family lots and 3 reserves on 12.203± acres of land (the "Property"); and

WHEREAS, the Owner has offered to dedicate to the City of Hilliard the roads and easements for the construction, operation, and maintenance of all public and private utilities, including cable television, above and beneath the surface of the ground including service connections and storm water drainage in, to, and over certain real property described in the Final Plat, attached hereto as Exhibit "A" and incorporated herein; and

WHEREAS, this offer of dedication has been made by the Owner in support of the development of the Property depicted on Exhibit "A"; and

WHEREAS, it is to the interest and 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 the roads and easements for public and private utilities, cable television, service connections and storm water drainage, within Heritage Preserve Section 2, Phase 3 and Section 3, Phase 3, as shown 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 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.

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RESOLUTIONS

16-R-55 (continued)

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 appropriate or necessary to carrying out the terms of the dedication and recording of the Final Plat.

SECTION 4. This Resolution is effective upon its adoption.

16-R-56 ACCEPTING THE DEDICATION OF PUBLIC RIGHTS-OF-WAY FOR DAVIS ROAD AND AUDUBON AVENUE IN CONNECTION WITH THE HERITAGE PRESERVE PLANNED UNIT DEVELOPMENT (HERITAGE PRESERVE PUD).

WHEREAS, on February 25, 2013, City Council passed Ordinance No. 13-01 rezoning 418.75± acres of land from A-1 to Planned United Development which approved the Heritage Preserve PUD Zoning Development Plan; and

WHEREAS, Grand Communities, Ltd. (the "Owner") owns 8.828 acres of land which consists of 4.339± acres identified as a portion of parcel number 053-000020, and 0.958 acre identified as a portion of parcel number 053-000022, and 2.345 acres identified as a portion of parcel number 053-000167, and 1.186 acres identified as a portion of parcel number 053-000168 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 to the City; and

WHEREAS, on June 9, 2016, 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 Davis Road and Audubon Avenue, 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 Heritage Preserve 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 public road rights-of-way, identified as Davis Road and Audubon Avenue, 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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16-R-58 APPROVING CITY COUNCIL'S REAPPOINTMENTS OF KRISTEN HOSNI, PETE MARSH AND KIM MOVSHIN TO THE ENVIRONMENTAL SUSTAINABILITY COMMISSION.

WHEREAS, the Council of the City of Hilliard created the Environmental Sustainability Commission ("ESC") by Ordinance No. 11-01 on February 28, 2011; and

WHEREAS, ESC members were appointed to rotating terms of three members serving an initial term of three years; four members serving an initial term of two years; and members thereafter serving initial terms of one year. Thereafter, all terms shall be for two years; and

WHEREAS, Kristen Hosni ("Ms. Hosni") was appointed to a two year term by Resolution No. 14-R-52 to serve as an ESC member with a term ending June 9, 2016; and

WHEREAS, Pete Marsh ("Mr. Marsh") was appointed to a two year term by Resolution No. 14-R-40 to serve as an ESC member with a term ending April 11, 2016; and

WHEREAS, Kim Movshin ("Ms. Movshin") was appointed to a two year term by Resolution No. 14-R-40 to serve as an ESC member with a term ending April 11, 2016; and

WHEREAS, the Council of the City of Hilliard desires to reappoint Ms. Hosni, Mr. Marsh and Ms. Movshin each to a new two year term beginning from the date this Resolution is adopted; and

WHEREAS, Ms. Hosni, Mr. Marsh and Ms. Movshin have all expressed a desire to accept such reappointment to the ESC.

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

SECTION 1. Hilliard City Council appoints Kristen J. Hosni, Pete Marsh, and Kim Movshin as members of the Environmental Sustainability Commission, each for a two-year term commencing on the date this Resolution is adopted.

SECTION 2 This Resolution is effective upon its adoption.

16-R-59 ACCEPTING A 0.652 ±ACRE SITE BY LIMITED WARRANTY DEED FROM ECHO CONTINENTAL HILLIARD, LLC, THAT WAS SET ASIDE FOR USE AS A TRANSIT CENTER IN THE CONTINENTAL PLANNED UNIT DEVELOPMENT.

WHEREAS, by the passage of Ordinance No. 12-45(Amended), City Council rezoned approximately 55.928± acres at the northwest corner of Cemetery Road and Britton Parkway identified as parcel number 050-002815-00 by the Franklin County Auditor's Office (the "Property") to a Planned Unit Development (the "Continental PUD"); and

WHEREAS, as part of the Continental PUD, the owner thereof was required to set aside land for future use as a public transit center or "hub", for which the owner, Echo Continental Hilliard, LLC ("Owner") platted a 0.652 ±acre site use as a transit hub; and

WHEREAS, in recent communications with appropriate officials at the Central Ohio Transit Authority (COTA), it has been determined that the amount of land set aside for the transit center is not large enough to accommodate the transit hub envisioned for this location; and

WHEREAS, the Owner has offered to convey the 0.652 ±acre site to the City, at no cost, for which the City may in the future use as public parking for a COTA park and ride lot; and

WHEREAS, it is in the interest and benefit of the City of Hilliard and the public-at-large that the City accept the limited warranty deed, as proposed in Exhibit "A", attached hereto and incorporated herein.

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

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RESOLUTIONS

16-R-59 (continued)

SECTION 1. The City of Hilliard accepts a 0.652 ±acre parcel by limited warranty deed from Echo Continental Hilliard, LLC, 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 recording of the Limited Warranty Deed identified in Exhibit "A" and is authorized to provide the Clerk of Council with a final recorded copy of said limited warranty deed.

SECTION 3. Echo Continental Hilliard, LLC shall pay all recordings fees and all real property taxes, assessments, liens and other charges owing up to the date of recording.

SECTION 4. 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)

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.

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