



Real People. Real Possibilities.

City  
Council

## Legislative Bulletin

An Official Publication of the Hilliard City Council

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### ORDINANCES

*The following Ordinances were passed by Hilliard City Council on October 24, 2016.*

**16-33 REZONING 143.8 +/-ACRES OF LAND LOCATED ON THE EAST SIDE OF ELLIOTT ROAD APPROXIMATELY 3,000 FEET SOUTH OF HAYDEN RUN ROAD FROM R-R, RURAL RESIDENTIAL TO A PLANNED UNIT DEVELOPMENT ("PUD") TO BE KNOWN AS THE TARLTON MEADOWS DEVELOPMENT.**

**WHEREAS**, Elliott Road, LLC (the "Owner") owns approximately 113.6± acres of land located on the east side of Elliott Road, approximately 3,000 feet south of Hayden Run Road in Hilliard, identified as parcel numbers 120-000185 and 120-000184 by the Franklin County Auditor's Office (the "Owner's Property"); and

**WHEREAS**, the City co-signed on the application to rezone approximately 30.2 ±acres from the Hoffman Farms Planned Unit Development to the Tarlton Meadows Planned Unit Development consistent with the Owner's development text and plans (the "City Property"); and

**WHEREAS**, collectively, the Owner's Property and the City Property are hereafter identified as the "Property"; and

**WHEREAS**, the Owner submitted application number 15-0191LR to the City's Planning and Zoning Commission to rezone the Property from its current classification of R-R, Rural Residential and of PUD to that of a Planned Unit Development ("PUD") district to be identified as the Tarlton Meadows PUD ("Tarlton Meadows"); and

**WHEREAS**, Tarlton Meadows will permit a maximum of 248 single-family lots with a density of 1.3 dwelling units per acre; and

**WHEREAS**, the City believes the proposal is consistent with the goals and objectives of the Big Darby Accord Watershed Master Plan and the City's Comprehensive Plan concerning land use, provision of ample open space with cohesive linkages, recreational trail development, prairie restoration, and preservation of wetland areas; and

**WHEREAS**, the administration recommended a positive approval to the City's Planning and Zoning Commission as the proposal is consistent with the goals and objectives of the City's Comprehensive Plan concerning land use; it provides connections to adjacent parcels; provides open space for community gathering; creates a greenway system; and provides a mix of residential housing products; and

**WHEREAS**, on April 14, 2016, following its duly advertised public hearing, the Planning and Zoning Commission voted 4-1 to forward a positive recommendation to City Council to rezone the Property to "PUD" Planned Unit Development; and

**WHEREAS**, the Owner or Developer of the Property shall enter into a Developer and Reimbursement Agreement with the City for the construction, financing and phasing of public infrastructure improvements, and shall create or join a New Community Authority under Chapter 349 of the Ohio Revised Code, to finance the costs of certain public infrastructure improvements.

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

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## ORDINANCES

### 16-33 (continued)

**SECTION 1.** The 143.8+/- acres of Property located on the east side of Elliott Road, approximately 3,000 feet south of Hayden Run Road, the graphical exhibit and legal description of which are attached hereto as Exhibits "A" and Exhibit "B" respectively, and incorporated by reference herein, is rezoned from R-R, Rural Residential and PUD to "PUD" Planned Unit Development pursuant to Chapter 1117 of the City's Codified Ordinances.

**SECTION 2.** The Tarlton Meadows PUD Development Standards Text dated August 16, 2016, and the Development Plan, dated May 30, 2016, attached hereto as Exhibits "C" and "D" respectively (collectively, "The Tarlton Meadows Development PUD Text"), and incorporated by reference herein, are approved.

**SECTION 3.** The Owner or Developer of the Property shall enter into a Developer's Agreement with the City, subject to Council approval, for the construction and phasing of public infrastructure improvements, and shall create or join a New Community Authority under Chapter 349 of the Ohio Revised Code, to finance the costs of certain public infrastructure improvements as identified in the Developer's Agreement.

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

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### 16-35 **AUTHORIZING THE CITY'S DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A DEVELOPER'S AND REIMBURSEMENT AGREEMENT WITH PULTE HOMES OF OHIO, LLC, AND ROCKFORD HOMES, INC. FOR THE TARLTON MEADOWS PROJECT.**

**WHEREAS**, Elliott Road, LLC (the "Owner") owns approximately 113.6± acres of land located on the east side of Elliott Road, approximately 3,000 feet south of Hayden Run Road in Hilliard, identified as parcel numbers 120-000185 and 120-000184 by the Franklin County Auditor's Office (the "Owner's Property"); and

**WHEREAS**, the Owner submitted application number 15-0191LR to the City's Planning and Zoning Commission to rezone the Property from its current classification of R-R, Rural Residential and of PUD to that of a Planned Unit Development ("PUD") district to be identified as the Tarlton Meadows PUD ("Tarlton Meadows"); and

**WHEREAS**, the City co-signed on the application to rezone approximately 30.2 ± acres from the Hoffman Farms Planned Unit Development to the Tarlton Meadows Planned Unit Development consistent with the Owner's development text and plans (the "City Property"); and

**WHEREAS**, collectively, the Owner's Property and the City Property are hereafter identified as the "Property"; and

**WHEREAS**, subsequent to Council approving the rezoning of the Property, Pulte Homes of Ohio, LLC and Rockford Homes, Inc., plan to purchase the Property to develop as the Tarlton Meadows PUD (collectively, the "Developer"); and

**WHEREAS**, Tarlton Meadows will permit a maximum of 248 single-family lots with a density of 1.3 dwelling units per acre; and

**WHEREAS**, the Developer desires to enter into a Developer's and Reimbursement Agreement with the City regarding construction of all public infrastructure improvements necessitated by the Project and for the exchange of properties, consistent with the Tarlton Meadows PUD development text and plans and the requirements of the City Engineer; and

**WHEREAS**, the City and the Developer have agreed to the terms of a Developer's and Reimbursement Agreement, attached hereto and incorporated herein as Exhibit "A" (the "Developer's Agreement") which requires the Developer to construct necessary public infrastructure improvements, including, but not limited to regional and local multi-use paths, and to dedicate those public infrastructure improvements to the City for public use; and

**WHEREAS**, the Developer's Agreement requires that the Developer create or joint a New Community District to be governed by a New Community Authority as a mechanism to finance certain public infrastructure improvements and implement a new community development program.

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

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**ORDINANCES**

**16-35 (continued)**

**SECTION 1.** The City's Director of Public Service is authorized to enter into a Developer's and Reimbursement Agreement with the Developer, Pulte Homes of Ohio, LLC and Rockford Homes, Inc., 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 changes thereto that are not substantial nor adverse to the City, as may be deemed appropriate by the City's Director of Public Service and Director of Law, with their execution thereof on behalf of the City constituting conclusive evidence of Council's approval of such changes.

**SECTION 2.** The City's Finance Director and Director of Public Service are authorized to convey Impact Fees paid by the Developer for the purposes and costs as stated in the Developer's Agreement.

**SECTION 3.** The reference to "Developer" and "Owner" as used in this Ordinance, shall refer to any entity in control of the Owner's Property that submits plans to the City to develop the Tarlton Meadows PUD and is issued a building permit.

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

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**16-38 VACATING RIGHT OF WAY AND EASEMENTS LOCATED AT 4200 PARKWAY COURT; AND DECLARING AN EMERGENCY.**

**WHEREAS**, in Ordinance No. 87-53, passed July 27, 1987, Hilliard City Council accepted the plat of Reserve "A" Freeway Business Park Court & Easement Vacation and Dedication (the "Plat"), **attached** hereto as **Exhibit "A"**; and

**WHEREAS**, the Plat vacated right-of-way and easements and relying on this, the City issued building and occupancy permits for 4200 Parkway Court (the "Property"); and

**WHEREAS**, the Property is in the process of being transferred and it was discovered in a title search conducted by the transferee that the Plat was not placed of record with the Franklin County Recorder and that the original executed Plat cannot be located, therefore the right-of-way and easements were never officially vacated; and

**WHEREAS**, a structure was constructed and currently resides on the presumed vacated right-of-way and easements; and

**WHEREAS**, for the health, safety, and welfare of the City's residents, the City requests that this Ordinance be passed by emergency measure so that the right-of-way and easements are vacated expeditiously in order to facilitate the transfer of the Property for economic development purposes.

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

**SECTION 1.** In support of conveying the Property located at 4200 Parkway Court in Hilliard to a new owner, this Council finds that right of way on Parkway Court extending west from westerly lines of Lots 5 and 6 of the Freeway Business Park, Plat Book 60, Page 94, to the terminus of said right-of-way, as depicted on **Exhibit "A"**, **attached** hereto and incorporated herein, is hereby vacated.

**SECTION 2.** In support of conveying the Property located at 4200 Parkway Court in Hilliard, the adjoining 7.5 foot easement on the southerly right-of-way of Parkway Court and adjoining 25 foot easement extending from the westerly terminus of Parkway Court to the railroad right-of-way on the westerly line of Reserve "A" in said Freeway Business Park, as depicted on the **attached Exhibit "A"**, is hereby vacated.

**SECTION 3.** The City reserves the right to operate and maintain any and all sewers, water lines and any other public utilities owned by the City, and that the right is reserved to operate and maintain any other public utilities, if any, now existing on or in said street hereby vacated, and the City and owner of the public utility shall have the right to enter thereon at any time for the purpose of replacing, operating, and maintaining the same.

**SECTION 4.** The Clerk of Council is directed to record this Ordinance and Exhibit "A" in the Office of the Recorder of Franklin County, Ohio.

**SECTION 5.** This Ordinance is declared to be an emergency measure for the general health, safety and welfare of the City and its residents so that the right-of-way and easements can be vacated expeditiously in order to facilitate the transfer of the Property for economic development purposes. Therefore, this Ordinance shall be effective immediately upon passage.

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**RESOLUTIONS**

*The following Resolutions were adopted by Hilliard City Council on October 24, 2016.*

**16-R-71(Amended) AUTHORIZING THE DIRECTOR OF RECREATION AND PARKS TO ENTER INTO A CONTRACT FOR CIP LB-5, THE ROGER A. REYNOLDS MUNICIPAL PARK FENCING AND BACKSTOP PROJECT; AND AUTHORIZING THE APPROPRIATION AND EXPENDITURE OF FUNDS.**

**WHEREAS**, the Recreation and Parks Department has identified a need to replace and repair the backstops and fencing; and

**WHEREAS**, along with improving the backstops and fencing, the safety of the players and spectators will be increased, (the Project); and

**WHEREAS**, the Project is part of the City's 2015-2019 Capital Improvement Program (CIP LB-5) for which Council appropriated \$150,000 for CIP LB-5 by the passage of Ordinance No. 15-55 on January 7, 2016, and pursuant to Section 3.10 of the Charter of the City, authorization to fund this Project is established by resolution of Council; and

**WHEREAS**, after having duly advertised for bids for two consecutive weeks on October 6, 2016 and October 13, 2016, the City publicly opened and read aloud bids at 2 p.m. on Wednesday, October 20, 2016 and Buckeye Fence Builders ("Contractor") who submitted a bid in the amount of \$141,284, was determined to be the lowest and best bidder; and

**WHEREAS**, the City desires to enter into a contract with the Contractor for the Project.

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

**SECTION 1.** An appropriation was made in the amount of \$150,000 from the unencumbered balance in Fund 304, Account 55, which amount now having been appropriated, the City's Finance Director is authorized to transfer from Fund 304 to Fund 208.

**SECTION 2.** An expenditure in an amount not to exceed \$141,284 is authorized from Fund 208, Object 55, which includes a 10% contingency to pay for any cost overruns associated with the Project.

**SECTION 3.** The Director of Recreation and Parks is authorized to enter into a contract with Buckeye Fence Builders, the lowest and best bidder for the Roger A. Reynolds Municipal Park Fencing and Backstop Project, CIP LB-5, in an amount not to exceed \$141,284.

**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.

**SECTION 5.** This Resolution shall be in effect from and after the earliest time provided for by law.

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**16-R-76 ENACTING SECTION 149.05 OF THE CITY'S CODIFIED ORDINANCES TO ESTABLISH THE HILLIARD PUBLIC ARTS COMMISSION IN THE CITY OF HILLIARD.**

**WHEREAS**, City Council believes that cultural and artistic assets enhance the quality of life for individuals living, working in, and visiting the City of Hilliard; and

**WHEREAS**, this Council believes that the incorporation of various artistic mediums into the City's streets, structures and parks is a critical design element that is often overlooked in the City's planning process; and

**WHEREAS**, Council finds that public art and community beautification help to create a city's culture and identity, and helps to foster a sense of place for its residents; and

**WHEREAS**, City Council desires to make visual arts available and accessible in the community; and

**WHEREAS**, City Council desires to create the Hilliard Public Arts Commission for the purpose of advising City Council and the Mayor on the implementation of a public arts program, including the funding, selection, acquisition, maintenance and placement of Public Art in the City.

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**RESOLUTIONS**

**16-R-76 (continued)**

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

**SECTION 1.** Section 149.05 of the City's Codified Ordinances is amended as provided in Exhibit "A", **attached** hereto and incorporated herein, which shall be included in the Codified Ordinances of the City of Hilliard, Ohio.

**SECTION 2.** This Resolution is effective immediately upon passage.

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**16-R-81 AUTHORIZING THE CITY'S DIRECTOR OF PUBLIC SERVICE TO GRANT A TEMPORARY SANITARY SEWER EASEMENT, A STORM WATER DRAINAGE EASEMENT AND TO ENTER INTO AN AGREEMENT FOR SHARED PARKING LOT AND ACCESS DRIVE WITH HILLIARD REAL ESTATE HOLDINGS, INC., IN SUPPORT OF THE BO JACKSON ELITE SPORTS FACILITY PROJECT.**

**WHEREAS**, Hilliard Real Estate Holdings, LLC (the "Developer") and the City entered into a Real Estate Purchase Agreement (the "Agreement") for the Developer to acquire approximately 6.5 ± acres of real property along Cosgray Road (formerly known as the Grener property, the "Property"), upon which the Developer plans to construct a 114,000 square foot Bo Jackson Elite Sports Facility, with plans to include fields and training facilities for a variety of sports (collectively, the "Project"); and

**WHEREAS**, at this time, sanitary sewer lines do not extend up to and through the Property; and

**WHEREAS**, the City and the Developer worked with the City of Columbus and the Franklin County Public Health Department to receive approval for Developer to construct an on-site temporary sanitary sewer system to service its Property (the "Temporary Sanitary Sewer"); and

**WHEREAS**, the City owns land adjacent to the Property (the "City Property") which it intends to use for public parks and recreational uses; and

**WHEREAS**, in order to have the on-site Sanitary Sewer, the Developer needs to construct the Temporary Sanitary Sewer adjacent to its site on the City Property, as depicted on Exhibit "A" and described in Exhibit "B", both attached hereto and incorporated herein; and

**WHEREAS**, as part of the development of the Property, the Developer is required to construct a storm water detention and drainage system for the removal of surface waters (the "Storm Water Drainage System"); and

**WHEREAS**, because the Storm Water Drainage System will also serve the City Property, the City has agreed to allow the Developer to construct it on the City's Property, as depicted on Exhibit "A" and described in Exhibit "C", attached hereto and incorporated herein; and

**WHEREAS**, the Agreement between the City and the Developer requires the Developer to construct an access drive and parking lot on the City's Property sufficient in size for patrons of both the Property and the City Property to park (the "Shared Parking Lot") and to enter into an agreement for the use, maintenance and repair of the same; and

**WHEREAS**, the proposed Agreement for Shared Parking Lot and Access Drive is attached hereto as Exhibit "D", and incorporated herein; and

**WHEREAS**, granting the aforesaid easements and entering into the Shared Parking Lot and Access Drive Agreement is in the best interest of the City and fulfills terms agreed to by the parties in the Agreement.

**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 grant Hilliard Real Estate Holdings, LLC, a temporary sanitary sewer easement on City Property, as depicted and described in **Exhibits "A" and "B"**, **attached** hereto and incorporated herein.

**SECTION 2.** The Director of Public Service is authorized to grant Hilliard Real Estate Holdings, LLC, a storm water drainage easement on City Property, as depicted and described in **Exhibits "A" and "C"**, **attached** hereto and incorporated herein.

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**RESOLUTIONS**

**16-R-81 (continued)**

**SECTION 3.** The Director of Public Service is authorized to enter into an Agreement for Shared Parking Lot and Access Drive, in a form substantially similar to the one **attached** hereto as **Exhibit "D"** and incorporated herein, with such non-material and non-adverse changes as may be deemed necessary or 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 4.** The Director of Public Service is authorized to approve any necessary administrative changes to effect the property recording of the legal descriptions, documents, and necessary instruments to effectuate the granting of the aforementioned easements, 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 5.** This Resolution is effective upon its adoption.

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**16-R-82     **AUTHORIZING THE TRANSFER AND EXPENDITURE OF FUNDS TO EXERCISE THE CITY'S OPTION TO PURCHASE 47 ±ACRES OF LAND LOCATED BETWEEN COSGRAY AND LEPPERT ROAD AND NORTH OF THE HERITAGE RAIL TRAIL; AND AUTHORIZING THE CLOSING THEREON.****

**WHEREAS,** on January 12, 2015, City Council authorized the Mayor to purchase 57.722 ±acres ("Initial Property") from the Hilliard City School District (the "School District") and to enter into a lease agreement with option to purchase agreement (the "Lease/Option to Purchase Agreement") with the School District regarding 47.000 ±acres of land (the "Second Part of the Grener Property"); and

**WHEREAS,** the City closed on purchasing the Initial Property on May 13, 2015, and the Lease/Option to Purchase Agreement required the City to exercise its option to purchase the Second Part of the Grener Property within twelve (12) months after the closing on the Initial Property; and

**WHEREAS,** by a letter dated April 22, 2016, the City exercised the option to purchase the Second Part of the Grener Property and, after receiving a legal description thereof from the School District, the City and the School District desire to close on the sale and purchase of this land; and

**WHEREAS,** the purchase price for the Second Part of the Grener Property, as stated in the Lease/Option to Purchase Agreement, is \$1,880,000 (the "Purchase Price"); and

**WHEREAS,** the Purchase Price was authorized and appropriated in Ordinance No. 15-55, adopted December 7, 2015, and, pursuant to Section 3.10 of the Charter of the City, authorization to fund this purchase may be established by resolution of Council.

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

**SECTION 1.** A transfer of funds in the amount of \$1,880,000 is authorized from the City's General Fund to the City's Capital Improvement Fund 304 Object 55.

**SECTION 2.** An expenditure is authorized in amount not to exceed \$1,880,000 from Fund 304 Object 55 for the purchase of the 47.000 ±acres located between Cosgray and Leppert Roads and North of the Heritage Rail Trail as identified on **Exhibit "A"** **attached** hereto and incorporated herein.

**SECTION 3.** The Mayor, or his designee, the Law Director and Finance Director are authorized to sign and execute any and all documents or agreements necessary to effectuate the purchase of, and closing on, the Second Part of the Grener Property.

**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.

**SECTION 5.** This Resolution is effective upon its adoption.

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## **REMAINING 2016 REGULAR MEETINGS OF HILLIARD CITY COUNCIL**

*(All meetings begin at 7:00 p.m. and are held at City Hall, 3800 Municipal Way, unless otherwise noted.)*

November 14

November 28

December 12

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

[hilliardohio.gov](http://hilliardohio.gov)