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City  
Council

## Legislative Bulletin

An Official Publication of the Hilliard City Council

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### RESOLUTIONS

*The following Resolutions were adopted by Hilliard City Council on November 14, 2016.*

**16-R-85 ACCEPTING PUBLIC INFRASTRUCTURE IMPROVEMENTS FOR THE EXTENSION OF EDWARDS FARMS ROAD FROM ITS SOUTHERN TERMINUS TO DAVIDSON ROAD IN THE CITY.**

**WHEREAS**, in Ordinance No. 15-31 (Amended), adopted August 24, 2015, this Council approved the Vision Development PUD (the "Vision PUD"); and

**WHEREAS**, in Ordinance No. 15-33 (Amended), adopted August 24, 2015, this Council authorized the City's Director of Public Service to enter into a Developer's Agreement with Vision Development, Inc. (the "Owner" and "Developer"); and

**WHEREAS**, the City and the Developer entered into a Developer's Agreement ("Agreement") on September 26, 2015, which detailed the public infrastructure improvements that Developer was to construct as a result of the Project; and

**WHEREAS**, one of the public infrastructure improvements was to construct a public street connection from Davidson Road to the City's northern corporate boundary abutting the southern terminus of Edwards Farms Road, which included the extension of waterlines and storm sewer improvements (collectively, the "Public Infrastructure Improvements" and the "Road Extension"); and

**WHEREAS**, in Resolution No. 16-R-26, adopted February 22, 2016, this Council authorized the acceptance of 4.452+/- acres of land from Wolpert Enterprises – I-270, Ltd. for use as public right-of-way for the Public Infrastructure Improvements; and

**WHEREAS**, the Developer constructed the Public Infrastructure Improvements, known as Edwards Farms Road, and the City finds this Road Extension was constructed according to plans approved by the City Engineer; and

**WHEREAS**, per Section 1191-01 of the City's Planning and Zoning Code, the Developer has posted maintenance surety for the Public Infrastructure Improvements, which shall be maintained by the Developer for a period of one year from the date this Resolution is adopted; and

**WHEREAS**, prior to the end of this one year maintenance period, the City will conduct a final inspection of the Public Infrastructure Improvements before accepting them for full maintenance by the City of Hilliard; and

**WHEREAS**, it is in the interest and benefit of the City of Hilliard and the public at large that the City accepts the Public Infrastructure Improvements.

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

*City of Hilliard Legislative Bulletin*  
an Official Publication of the Hilliard City Council

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**RESOLUTIONS**

**16-R-85 (continued)**

**SECTION 1.** The City of Hilliard accepts the Public Infrastructure Improvements for the extension of Edwards Farms Road, water lines and storm sewer improvements, as set forth in the plans titled "Edwards Farms Road Extension, Public Street, Storm Sewer and Water Line Improvements, P-877" approved by the City Engineer on February 3, 2016, 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 this acceptance.

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

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**16-R-86     ACCEPTING THE DEDICATION OF RIGHT-OF-WAY AND PUBLIC UTILITY EASEMENTS IN CONNECTION WITH THE DEVELOPMENT LOCATED ON THE NORTH SIDE OF SCIOTO DARBY ROAD AT THE NORTHERN TERMINUS OF ALTON DARBY ROAD KNOWN AS THE SQUARE AT LATHAM PARK.**

**WHEREAS,** Latham Apartments LLC/Latham Commercial Partners LLC (the "Owner") owns six parcels totaling 33.772± acres identified as parcel numbers 050-005625-00, 050-009101-00, 050-011312-00, 053-000105-00, 050-011311-00 and 053-000003-00 by the Franklin County Auditor's Office (the "Property"), which parcels are located on the north side of Scioto Darby Road at the northern terminus of Alton Darby Road; 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 right-of-way on Scioto Darby Road and to grant utility easements to the City (the "Final Plat"; and

**WHEREAS,** on October 13, 2016 at its regularly scheduled meeting, the City's Planning and Zoning Commission approved the Final Plat; and

**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 Square at Latham Park 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 accepts the dedication of right-of-way on Scioto Darby Road and accepts public utility 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 Exhibit "A" in order to affect the proper recording of the Final Plat identified thereon, 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 Final Plat.

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

*City of Hilliard Legislative Bulletin*  
an Official Publication of the Hilliard City Council

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**RESOLUTIONS**

**16-R-87 AUTHORIZING THE CITY TO GRANT AN EASEMENT TO OHIO POWER COMPANY, A UNIT OF AMERICAN ELECTRIC POWER, FOR PLACEMENT OF UTILITY LINES AND APPURTENANCES IN CONNECTION WITH THE CONSTRUCTION OF CAPITAL IMPROVEMENT PROJECT (CIP) T-121/T-129 SCIOTO DARBY ROAD AND LEPPERT ROAD IMPROVEMENT PROJECT.**

**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**, American Electric Power's (AEP) facilities are currently located above ground on poles in public right-of-way within the Project limits and require relocation to facilitate the construction of the Project; and

**WHEREAS**, by the passage of Resolution No. 16-R-32, the City granted a waiver to AEP to remain overhead when relocated for the Project; and

**WHEREAS**, in connection with the relocation, AEP has requested a five-foot easement to place a guy wire on City property on the south side of Scioto Darby Road and east of Cosgray (the "Property"), as shown on Exhibit "A", attached hereto and incorporated herein; and

**WHEREAS**, granting a five-foot wide easement across the Property, as depicted on Exhibit "A", is in the best interest of the City and for the general health, safety, and welfare of its residents.

**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 the necessary easement on City property to the Ohio Power Company, a unit of American Electric Power, as described and depicted in **Exhibit "A"**, attached hereto and incorporate herein by reference.

**SECTION 2.** The Director of Public Service is authorized to approve any necessary administrative changes to the easement document and to approve any necessary changes to affect the proper recording of the legal descriptions, documents, and instruments associated with the granting of this 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-88 ACCEPTING THE DEDICATION OF PUBLIC RIGHT-OF-WAY ON COSGRAY ROAD FROM HILLIARD REAL ESTATE HOLDINGS, LLC AND DEDICATING CERTAIN LAND AS PUBLIC RIGHT-OF-WAY IN SUPPORT OF THE BO JACKSON ELITE SPORTS FACILITY PROJECT.**

**WHEREAS**, Hilliard Real Estate Holdings, LLC (the "Owner") owns 6.5 ± acres of real property along Cosgray Road (the "Property"), upon which the Owner is constructing 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**, in order to obtain water lines to service the Property, the City of Columbus prefers to place the water lines in land designated as right-of-way; and

**WHEREAS**, the Owner has offered to convey the necessary 0.526 ± acres of land to the City of Hilliard by quitclaim deed to be used as and for public right-of-way so that the water lines can be constructed, as shown and described on Exhibit "A", attached hereto and incorporated herein; and

**WHEREAS**, this offer of dedication has been made by the Owner in support of the Project; and

*City of Hilliard Legislative Bulletin*  
an Official Publication of the Hilliard City Council

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**RESOLUTIONS**

**16-R-88 (continued)**

**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**, to implement the City's Thoroughfare plan in addition to obtaining access to the water lines for the future development of the City Property, the City desires to designate land, described and depicted in Exhibit "B", attached hereto and incorporated herein, as public right-of-way; and

**WHEREAS**, it is in the interest and benefit of the City of Hilliard and the public-at-large that the limited warranty deed for public right-of-way be accepted and that the designation of public right-of-way, shown on Exhibit "B", be approved by the City of Hilliard.

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

**SECTION 1.** Council accepts a quitclaim deed conveying 0.526 ±acres of land as and for public right-of-way from Hilliard Real Estate Holdings, LLC, as shown on **Exhibit "A"**, **attached** hereto and incorporated herein by reference. Hilliard Real Estate Holdings, LLC, shall pay, and be responsible for the payment of, any and all real property taxes and assessments that are due, or that may become due, if any, on the land being deeded to the City herein, up to the date the deed is recorded with the Office of the Franklin County Recorder.

**SECTION 2.** Upon recording of the deed, the 0.526 ±acreage included in the deed is hereby dedicated as public right-of-way

**SECTION 3.** Council dedicates 1.408 ±acres of land as public right-of-way, as depicted and described on **Exhibit "B"**, **attached** hereto and incorporated herein.

**SECTION 4.** The Director of Public is authorized to do all acts and sign all documents or instruments necessary and appropriate to carry out the acceptance and recording of the deed from the Owner for right of way and for designating the 1.408 ±acres of City land as public right-of-way.

**SECTION 5.** The City shall pay recording fees as necessary to effectuate the designation and acceptance of land as identified herein.

**SECTION 6.** This Resolution is effective upon its adoption.

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**16-R-90    **AUTHORIZING THE CITY'S DIRECTOR OF LANDS AND BUILDINGS TO ENTER INTO A LEASE AGREEMENT WITH THE AMERICAN LEGION – POST 614 FOR THE PREMISES AND BUILDING LOCATED AT 4579 AVERY ROAD.****

**WHEREAS**, as part of the Avery Pointe Development's parkland dedication, the City received the land and building located at 4579 Avery Road (the "Premises") identified in Exhibit "A", attached hereto and incorporated herein; and

**WHEREAS**, the City desires to lease the Premises to the American Legion – Post 614 (the "Legion") for civic purposes, for One Dollar (\$1.00) per year, in a form substantially similar to the lease attached hereto as Exhibit "B", and incorporated herein (the "Lease"); and

**WHEREAS**, the Lease is for an original five-year period and may be extended for another five-year period at the option of the City, and provided the Legion desires to do so and is not in default of the Lease; and

**WHEREAS**, pursuant to the Lease, the Legion is responsible for operating and maintaining the Premises and is responsible for the cost of making certain additional improvements to the Premises, as identified in the Lease; and

**WHEREAS**, leasing the Premises to the Legion is a benefit to the City's residents by supporting and promoting the Legion's non-profit endeavors, including mentoring youth, sponsoring community programs, advocating patriotism and honor, and assisting veterans; and

*City of Hilliard Legislative Bulletin*  
an Official Publication of the Hilliard City Council

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**RESOLUTIONS**

**16-R-90 (continued)**

**WHEREAS**, utilizing the Premises for these non-profit activities promotes the general health, safety and welfare of the City.

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

**SECTION 1.** The City's Director of Lands and Buildings is authorized to enter into an agreement with the American Legion – Post 614 to lease the premises at 4579 Avery Road, as shown on **Exhibit "A" attached** hereto and incorporated herein, and as identified in the agreement, **attached hereto as Exhibit "B"** (the "Lease"), with such changes therein that are not inconsistent with this Resolution and not detrimental to the City, with his execution thereof being conclusive evidence that such changes are approved by Council.

**SECTION 2.** The City's Director of Lands and Buildings and the Director of Law are authorized to sign any and all documents as may be necessary to effectuate the Lease and its terms and conditions.

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

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**16-R-92     SETTING A HEARING ON THE 2017 MUNICIPAL OPERATING BUDGET.**

**WHEREAS**, Section 6.06 of the Hilliard City Charter requires that City Council shall, by resolution, fix the date and place for a public hearing on the City's operating budget.

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

**SECTION 1.** The public hearing on the 2017 Municipal Operating Budget shall be held on **November 28, 2016 at 7:00 p.m.** in the Chambers of the Council of the City of Hilliard, 3800 Municipal Way, Hilliard, Ohio.

**SECTION 2.** The Clerk of Council is directed to ensure that notice regarding said hearing is given in accordance with the Hilliard City Charter.

**SECTION 3.** The budget shall be on file for public inspection in the office of the Clerk of Council during usual office hours, which shall be stated in the notice.

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

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

*(Both meetings begin at 7:00 p.m.)*

November 28  
December 12

**2016 SPECIAL MEETING OF HILLIARD CITY COUNCIL**

Monday, November 21, 2016 – Committee of the Whole

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