

## AMENDMENT TO THE ROCKY FORK-BLACKLICK ACCORD

This Amendment to the Rocky Fork-Blacklick Accord (the “Accord”), as adopted by the Village of New Albany (the “Village”) and City of Columbus (the “City”) in 1995 and as subsequently amended, is made and entered into on or as of the \_\_\_\_ day of \_\_\_\_\_, 2008 (the “Effective Date”) by and between the Village and the City pursuant to the terms of the Annexation Agreement (the “Agreement”) by and between the Village, the City, and Plain Township (the “Township”) entered into on February 26, 2008.

WHEREAS, the Township, Village and City entered into the Agreement on February 26, 2008 wherein, in connection with the creation of a new Metro Park, and the development of the Park Zone, the parties established coordinated development and annexation objectives, requirements, restrictions, standards and procedures within the territories to which the Agreement pertains; and

WHEREAS, in Article 7 of the Agreement, dealing with Land Use Planning, the Township adopted the Accord in the form adopted by the City and Village in 1995 (and as subsequently amended) and affirmed its intent that the Accord be used as a principal reference document by the Accord Implementation Panel (the “Accord Panel”) in its deliberations, and that recommendations of the Accord Panel will be considered as set forth in Section 7.2 of the Agreement; and

WHEREAS, the Village and the City agreed in Section 7.1 of the Agreement to amend the Accord within ninety (90) days after the effective date of the Agreement to include the Township as an equal party to the Accord; and

WHEREAS, the parties agreed that, as part of such amendment to the Accord, the Accord Panel would be reconstituted as a nine (9) member Panel;

NOW THEREFORE, in consideration of the promises and covenants contained herein and in the Agreement, the Village and the City hereby agree that the Accord be amended as follows:

1. Inclusion of Township in Accord. The Township is hereby included as an equal party to the Accord as adopted by the Village and the City in 1995 and as subsequently amended. All references in the Accord to the parties, collectively, as well all territorial and jurisdictional references, shall hereinafter include, where applicable, the Township along with the Village and the City.

2. Accord Implementation Panel (the “Accord Panel”). The Accord Panel shall be reconstituted as a nine (9) member Panel, with each member serving a three year staggered term, selected as follows:

- a. Two (2) representatives for and chosen by each Party, and three (3) representatives mutually selected by all Parties.

i. The two (2) Panel members currently representing the Village whose terms have not already expired shall continue to serve the remainder of their respective unexpired terms. The Village shall thereafter appoint one representative to the Accord Panel after June 9<sup>th</sup>, 2008 for an initial two year term, and every three years thereafter (which will be 2008, 2010, 2013, etc). The Village shall appoint one representative after June 9<sup>th</sup>, 2009 and every three years thereafter (2009, 2012, 2015, etc).

ii. The two (2) Panel members currently representing the City shall continue to serve the remainder of their respective unexpired terms, except that the term expiring on June 9, 2010, shall be shortened to expire on June 9, 2009. The City shall appoint one representative after June 9<sup>th</sup>, 2008, who shall serve for an initial two year term and then for every three years thereafter (2008, 2010, 2013, etc). The City shall appoint one representative after June 9<sup>th</sup>, 2009 and then every three years thereafter (2009, 2012, 2015, etc.)

iii. The two (2) Township representatives shall be appointed by the Township Trustees to full three-year terms, provided that initial appointments shall be as follows: one for a term of one year (2008, 2009, 2012, etc.) and one for a term of two years (2008, 2010, 2013, etc.).

iv. The three (3) joint appointments shall be made by the Parties to full three-year terms, beginning after June 9, 2008 and then every three years thereafter (2008, 2011, 2014, etc.).

3. Accord Panel Recommendations. All rezoning requests seeking a legislative change in the zoning classification of real property that is located both (a) within the boundaries of the City, Village or Township and (b) within the boundaries of the Accord shall be submitted to the Accord Panel, as it is proposed to be reconstituted for its review. (By way of explanation, a request to the legislative authority to change a property's current zoning classification from one zoning district to another should be submitted to the Accord Panel for review and recommendation. However, variances, land plans, permits and the like are not required to be submitted to the Accord Panel.) The Accord Panel shall timely prepare a nonbinding recommendation concerning the proposed change and its compliance with the Accord, and such recommendation, if timely presented, shall be considered by the Party of jurisdiction prior to approving any such change. While under no obligation to do so, nothing herein prohibits a Party from submitting other land use related requests or initiatives to the Accord Panel for review and recommendation.

4. All other provisions of the Accord, as adopted in 1995 and as subsequently amended, shall remain in full force and effect, except as expressly amended herein.

IN TESTIMONY WHEREOF, the Village by its Administrator and the City by its Director of Development have each hereunto set their signatures as of the Effective Date.

**SIGNATURE PAGES TO FOLLOW**

**THE VILLAGE**

\_\_\_\_\_  
Joseph Stefanov, Village Administrator

**THE CITY**

\_\_\_\_\_  
Boyce Safford, III, Director of Development

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney, City of Columbus

\_\_\_\_\_  
Mitchell Banchefsky, Law Director  
for the Village of New Albany

Date: \_\_\_\_\_

Date: \_\_\_\_\_