



Legislation Details (With Text)

File #: 0528-2005 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 3/8/2005 **In control:** Development Committee

On agenda: 3/21/2005 **Final action:** 3/23/2005

Title: To authorize the City Clerk to sign an application signifying the approval of the City of Columbus for the addition of land to the boundaries of the Powell Community Infrastructure Financing Authority; and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
3/23/2005	1	CITY CLERK	Attest	
3/22/2005	1	MAYOR	Signed	
3/21/2005	1	Columbus City Council	Approved	Pass
3/21/2005	1	COUNCIL PRESIDENT	Signed	
3/9/2005	1	Dev Drafter	Sent for Approval	
3/9/2005	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
3/9/2005	1	Dev Drafter	Sent for Approval	
3/9/2005	1	CITY ATTORNEY	Reviewed and Approved	
3/9/2005	1	Dev Drafter	Sent to Clerk's Office for Council	

Background: Triangle Properties, Inc., has previously submitted plans to City Council for a 97.057-acre development in the City of Powell, Delaware County. Following review of these plans, City Council, by Ord. 0717-01 passed April 30, 2001, approved the establishment of a new community district under Chapter 349 of the Ohio Revised Code (ORC). ORC 349 requires the approval of the most populous city of the county which adjoins the county in which the development is located, if that city is located within five miles of the proposed district. On June 25, 2001, the Powell Community Infrastructure Financing Authority was established pursuant to Resolution 01-681 passed by the Delaware County Commissioners.

The developer has requested that the Clerk of Council sign the application to add property to the District to evidence the city's approval of the addition of land to the District. The Development Department has previously reviewed the plans of the development within the district and has determined that there are no reasons to deny the city's approval. All necessary zoning approvals have previously been obtained for this site and the site will be served by centralized services.

Emergency action is requested to avoid delaying the development.

Fiscal Impact: No funding is required for this legislation.

To authorize the City Clerk to sign an application signifying the approval of the City of Columbus for the addition of land to the boundaries of the Powell Community Infrastructure Financing Authority; and to declare an emergency.

WHEREAS, Chapter 349 of the Ohio Revised Code authorizes the establishment of new community districts for limited purposes of facilitating the development of property located within such new community district; and

WHEREAS, Chapter 349 of the Ohio Revised Code allows for an application to add property to an already established new community district; and

WHEREAS, in order to add property to the new community district, the developer of the property must submit an application to the Board of County Commissioners of the county within which the new community district is located; and

WHEREAS, Triangle Properties, Inc. (the "Developer") has previously submitted to this Council plans and a draft petition (the "Petition") for the establishment of a new community district in the City of Powell, Delaware County, Ohio on 97.057 acres of land generally bounded by the Grandshire Subdivision to the south, Powell Road to the north, Old Sawmill Road to the west, and CSX Transportation (C&O Railroad, also known as the Hocking Valley Railroad) to the east (the "District"), which District would facilitate the financing and construction of certain infrastructure improvements benefiting property owners within the District; and

WHEREAS, the Petition indicated, among other things, that the Developer would not, without the prior written approval of the City of Columbus and the City of Delaware, develop any private sanitary sewer treatment facilities; and

WHEREAS, this Council through ordinance number 0545-02, adopted on April 8, 2002, approved an application to add property to the District; and

WHEREAS, Section 349.03 of the Ohio Revised Code requires that the Developer obtain the approval for the application to amend the Petition to add property to the District from the most populous city of the county which adjoins the county in which the District will be created if such city is located within five miles of any part of the proposed district, and the city of Columbus is located within five miles of the District; and

WHEREAS, the Developer has requested that the City of Columbus sign the application to amend the Petition in order to evidence its approval of the addition of property to the District, which will expedite the period for holding a hearing on the application to amend the Petition; and

WHEREAS, an emergency exists in the usual daily operation of the City of Columbus, in that it is immediately necessary to authorize the City Clerk to sign an application signifying the approval of the City of Columbus for the addition of land to the boundaries of the Powell Community Infrastructure Financing Authority to avoid delaying the development, all for the immediate preservation of the public peace, health, safety, and welfare; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the City of Columbus approves the application to add property to the District.

Section 2. That the Clerk of Council is hereby directed and authorized to sign the application to amend the Petition in the form presented to this Council, with such changes thereto not inconsistent with this resolution and not substantially adverse to the City. The approval of such changes by the Clerk of Council and that such changes are not substantially adverse to the City shall be conclusively evidenced by the execution of the application to amend the Petition by the Clerk of Council.

Section 3. That it is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4. That for the reasons stated in the preamble thereto, which is hereby made a part hereof, this ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.