



Legislation Details (With Text)

File #: 0243-2005 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 1/31/2005 **In control:** Development Committee

On agenda: 3/7/2005 **Final action:** 3/9/2005

Title: To authorize and direct the Clerk of Council to execute and sign a petition on behalf of the City of Columbus to be presented to the Board of County Commissioners of Delaware County, Ohio by M/I Homes of Central, Ohio, LLC to create a new authority under Ohio Revised Code Chapter 349 for the benefit of the Westerville City School District and the City of Westerville.

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD0243-2005 Exhibit A Petition.pdf

Date	Ver.	Action By	Action	Result
3/9/2005	1	CITY CLERK	Attest	
3/8/2005	1	MAYOR	Signed	
3/7/2005	1	Columbus City Council	Approved	Pass
3/7/2005	1	COUNCIL PRESIDENT	Signed	
2/28/2005	1	Columbus City Council	Read for the First Time	
2/9/2005	1	Dev Drafter	Sent to Clerk's Office for Council	
2/2/2005	1	CITY ATTORNEY	Reviewed and Approved	
2/1/2005	1	Dev Drafter	Sent for Approval	
2/1/2005	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
2/1/2005	1	Dev Drafter	Sent for Approval	

BACKGROUND: M/I Homes of Central Ohio, LLC, as owner of approximately 135 acres in the City of Westerville, Delaware County, Ohio (the "Developer"), has requested the City of Columbus, Ohio to execute and sign a petition to be presented to the Board of County Commissioners of Delaware County, Ohio to create a new community authority under the provisions of Ohio Revised Code Chapter 349 for the benefit of the Westerville City School District and the City of Westerville. The other jurisdictions or entities included within the proposed district or affected by such proposal have evidenced their approval of the creation of such new community authority, which entities include the City Council of the City of Westerville and the City Council of the City of Delaware. The City of Columbus is a "proximate city" under Ohio Revised Code Chapter 349 as the largest city in the county adjacent to the authority, with portions of such city being within five miles of the authority, and the City's approval for the creation of such authority is required in order to proceed.

Preparatory to the creation of such new community authority under Ohio Revised Code Chapter 349, the Developer prepared and filed with the Recorder of Delaware County, Ohio a Declaration of Covenants and Restrictions for The Millstone Community Authority which sets forth real estate covenants, restrictions, community development, fees and obligations. A proposed petition in its entirety has been presented to the City of Columbus, and explanation of the proposed new community authority has been made to City officers by the Developer and the Developer's counsel, and such proposed petition is on file with the Clerk of Council.

FISCAL IMPACT: No funding is required for this legislation.

To authorize and direct the Clerk of Council to execute and sign a petition on behalf of the City of Columbus to be presented to the Board of County Commissioners of Delaware County, Ohio by M/I Homes of Central, Ohio, LLC to create a new authority under Ohio Revised Code Chapter 349 for the benefit of the Westerville City School District and the City of Westerville.

WHEREAS, M/I Homes of Central Ohio, LLC, as owner of approximately 135 acres in the City of Westerville, Delaware County, Ohio (the "Developer"), has requested the City of Columbus, Ohio to execute and sign a petition to be presented to the Board of County Commissioners of Delaware County, Ohio to create a new community authority under the provisions of Ohio Revised Code Chapter 349 for the benefit of the Westerville City School District and the City of Westerville; and

WHEREAS, the other jurisdictions or entities included within the proposed district or affected by such proposal have evidenced their approval of the creation of such new community authority, which entities include the City Council of the City of Westerville and the City Council of the City of Delaware; and

WHEREAS, the City of Columbus is a "proximate city" under Ohio Revised Code Chapter 349 as the largest city in the county adjacent to the authority, with portions of such city being within five miles of the authority, and the City's approval for the creation of such authority is required in order to proceed; and

WHEREAS, preparatory to the creation of such new community authority under Ohio Revised Code Chapter 349, the Developer prepared and filed with the Recorder of Delaware County, Ohio a Declaration of Covenants and Restrictions for The Millstone Community Authority which sets forth real estate covenants, restrictions, community development, fees and obligations; and

WHEREAS, a proposed petition in its entirety has been presented to the City of Columbus, and explanation of the proposed new community authority has been made to City officers by the Developer and the Developer's counsel, and such proposed petition is on file with the Clerk of Council; **NOW, THEREFORE**,

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

Section 1. That the Clerk of Council, Andrea Blevins, be and hereby is authorized to execute and sign on behalf of the City of Columbus and the Columbus City Council a petition of the Developer, a proposed draft copy which is on file with the Clerk of Council, to be presented to the Board of County Commissioners of Delaware County, Ohio pursuant to Ohio Revised Code Chapter 349 to create a new community authority for the benefit of the Westerville City School District and the City of Westerville, thereby indicating the approval of the City and its legislative authority for the creation and establishment of such authority based upon the conditions and restrictions stated in this Ordinance. The Clerk of Council is also authorized to execute and sign a petition that is substantially identical to Exhibit A where any changes are minor, technical, or requested by the City, and the City Attorney approves such changes, omissions, or additions as non-substantive.

Section 2. That this Ordinance has been passed, and all formal actions and deliberations taken, in a meeting open to the public.

Section 3. That the City's approval incorporates by references within this Ordinance the petition, the petition's exhibits, and the declaration of covenants and restrictions publicly filed and referred to above.

Section 4. That this Ordinance shall be in effect from and after the earliest period allowed by law.