

RECORD OF RESOLUTION

Resolution No. 12-93-2024

Passed 12-3, 2024

RESOLUTION DETERMINING THE SUFFICIENCY OF THE APPLICATION TO ADD CERTAIN PARCELS OF REAL PROPERTY TO THE CIRCLEVILLE NEW COMMUNITY AUTHORITY DISTRICT; TO AMEND THE PETITION FOR ESTABLISHMENT OF THE CIRCLEVILLE NEW COMMUNITY AUTHORITY AS A NEW COMMUNITY AUTHORITY UNDER CHAPTER 349 OF THE OHIO REVISED CODE; TO SET A DATE FOR A PUBLIC HEARING ON THE APPLICATION AS REQUIRED BY LAW AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ohio Revised Code (“R.C.”) Chapter 349, on January 13, 2023, a petition (the “Petition”) for the establishment of the Circleville New Community Authority (the “Authority”) was filed with the Clerk of Council of the City of Circleville, Ohio (the “Council”), as “organizational board of commissioners” within the meaning of R.C. Section 349.01(F)(3) by the City of Circleville, Ohio (the “City”) in its capacity as statutory developer of the Authority under R.C. Section 349.01(E) (the “Statutory Developer”), which Petition the Council approved on March 7, 2023, pursuant to Ordinance Number 03-19-2023; and

WHEREAS, the Petition described the boundaries of the related new community district (the “District”); and

WHEREAS, on December 2, 2024, the Developer, together with Heritage Ponds Development LLC, and its successors and assigns, including, but not limited to, Fischer Homes Columbus II, LLC (together, the “Property Owner”), filed an application (the “Application”) with this Council requesting that certain parcels of real property identified therein as the Additional Property and owned by the Property Owner be added to the District; and

WHEREAS, with respect to the Application, the City is the only City that can be defined as a “proximate city,” as that term is defined in R.C. Section 349.01(M); this Council, as the organizational board of commissioners for the District, is the legislative authority of the only “proximate city”; pursuant to R.C. Section 349.03; and, therefore, the City is not required to approve or sign the Application as a “proximate city” prior to the approval of the Application by this Council; and

WHEREAS, the Application further provides that the addition of such real property will be conducive to the public health, safety, convenience and welfare of the District, will be consistent with the development of the District, and will not jeopardize the plan of development of the District; and, because the Developer is a municipal corporation, the Developer is not required to own or control all of the Additional Property in connection with the addition of the Additional Property to the District; and

WHEREAS, pursuant to R.C. Section 349.03(A), this Council, as the organizational board of commissioners for the determination of the sufficiency of the Application, upon finding the Application sufficient and in compliance with the required statutory requirements, must fix a time and place for a public hearing on the Application; and

WHEREAS, pursuant to R.C. Section 349.03(A), if determined to be sufficient, this Council shall hold the public hearing not less than thirty (30) days nor more than forty-five (45) days from the date the Application was filed by the Developer with this Council; and

WHEREAS, pursuant to R.C. Section 349.03(A), the Clerk of Council shall give notice of the public hearing on the Application by publication once each week for three consecutive weeks in a newspaper of general circulation prior to the hearing date; and

WHEREAS, this Council has determined to approve this Resolution and dispense with the rule that this Resolution shall be read on three (3) different days pursuant to R.C. Section 731.17(A).

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

SECTION 1. Sufficiency of Application. Council finds and determines that the Application complies with the requirements of R.C. Section 349.03 as to form and substance.

SECTION 2. Fixing Date of Public Hearing. A public hearing on the Application shall be held on January 7, 2025, at or after 6:30 p.m. at the chambers of the City Council, 121 S. Court Street, Circleville, Ohio 43113. The Clerk of Council is directed to give notice of the time and place of the public hearing on the Application by publication once each week for three (3) consecutive weeks in a newspaper of general circulation in the City, provided that each publication shall appear prior to the public hearing.

SECTION 3. Open Meetings. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including R.C. Section 121.22.

SECTION 4. Effective Date. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, property, health, and safety in the City, to allow for the development of the Additional Property; therefore it shall take effect immediately upon its passage.

1st Reading: November 19, 2024
2nd Reading: November 26, 2024
3rd Reading: December 3, 2024

Barry J. Kell
PRESIDENT OF COUNCIL

ATTEST:

Adopted: 12-3-2024

Effective: 12-3-2024

Melissa J. ...
CLERK OF COUNCIL

Wendy ...
MAYOR

APPROVED AS TO FORM:


[Signature]
LAW DIRECTOR

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CERTIFICATE

The undersigned, Clerk of the Council of the City of Circleville, Ohio, hereby certifies that the foregoing is a true and correct copy of Resolution No. [12-93]-2024, passed by the Council of the City of Circleville, Ohio on the 3rd day of December, 2024.


Clerk of Council