

RECORD OF LEGISLATION

No. 07-55-2025

Passed 7-15, 20 25

RESOLUTION DETERMINING THE SUFFICIENCY OF ONE OR MORE CONSENTS TO ADD CERTAIN PARCELS OF REAL PROPERTY TO THE CIRCLEVILLE NEW COMMUNITY AUTHORITY DISTRICT PURSUANT TO OHIO REVISED CODE SECTION 349.03(B)(4); SETTING A DATE FOR A PUBLIC HEARING ON SUCH ONE OR MORE CONSENTS AS REQUIRED BY OHIO REVISED CODE CHAPTER 349 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”), which such District is subject to expansion from time to time; and

WHEREAS, on July 11, 2025, TNT FL REALTY, LLC and their permitted successors and assigns, (the “Frito Lay Property Owners”) filed an NCA Joinder Agreement (the “Frito Lay Consent”) with this Council requesting that certain parcels of real property identified therein and owned by the Frito Lay Property Owners be added to the territory of the District; and

WHEREAS, on July 11, 2025, RaceTrac, Inc, and their permitted successors and assigns, (the “RaceTrac Property Owners”) filed an NCA Joinder Agreement (the “RaceTrac Consent”) with this Council requesting that certain parcels of real property identified therein and owned by the RaceTrac Property Owners be added to the District; and

WHEREAS, on July 11, 2025, Philly Petroleum LLC, and their permitted successors and assigns, including, but not limited to Takhar Investments, LLC (together, the “1185 Property Owners”) filed an NCA Joinder Agreement (the “1185 Consent”) with this Council requesting that certain parcels of real property identified therein and owned by the 1185 Property Owners be added to the District; and

WHEREAS, on July 11, 2025, SVKC LLC, and their permitted successors and assigns, (the “Clifton Property Owners”) filed an NCA Joinder Agreement (the “Clifton Consent”) with this Council requesting that certain parcels of real property identified therein and owned by the Clifton Property Owners be added to the District; and

WHEREAS, on July 11, 2025, Alto Real Estate, LLC, and their permitted successors and assigns, including but not limited to Rising Development Corporation, SHD Circleville, LLC, and 252 at the Circle, LLC (together, the “Alto Property Owners”) filed an NCA Joinder Agreement (the “Alto Consent” and together with the Frito Lay Consent, the RaceTrac Consent, the 1185 Consent, and the Clifton Consent, the “Consents”) with this Council requesting that certain parcels of real property identified therein and owned by the Alto Property Owners be added to the District; and

WHEREAS, with respect to each of the Consents, the City is the only City that can be defined as a “proximate community,” 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 community”; pursuant to R.C. Section 349.03; and, therefore, the City is not required to approve or sign the Consents as a “proximate community” prior to the approval of the Consents by this Council; and

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WHEREAS, this Council finds that pursuant to each of the Consents, 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 Statutory Developer is a municipal corporation, the Statutory Developer is not required to own or control the real property in connection with the addition of the additional property identified by each of the Consents to the District pursuant to R.C. Section 349.03(B)(3); 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 each of the Consents, upon finding each of the Consents to be sufficient and in compliance with the required statutory requirements, must fix a time and place for a public hearing on each of the Consents; and

WHEREAS, pursuant to R.C. Section 349.03(A), if determined to be sufficient, this Council shall hold a public hearing not less than thirty (30) days nor more than forty-five (45) days from the date the Consents were filed 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 each of the Consents by publication once each week for three (3) 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).

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CIRCLEVILLE, COUNTY OF PICKAWAY, OHIO AS FOLLOWS:

SECTION I. Sufficiency of Consents. This Council finds and determines that each of the Consents complies with the requirements of R.C. Section 349.03(B)(4) as to form and substance. This Council, acting as the appropriate organizational board of commissioners with respect to the District pursuant to R.C. Section 349.01(F)(3), and on behalf of the City as the Statutory Developer, does not object to the addition of the real property to the territory of the District as identified by each of the Consents.

SECTION II. Fixing Date of Public Hearing. A public hearing on each of the Consents shall be held on August 19, 2025, at or after 6:30 p.m. at the chambers of the 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 each of the Consents 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 III. 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.

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SECTION IV. 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 identified by each of the Consents; therefore, it shall take effect immediately upon its passage.

PASSED: 7-15-2025
DATE

Shari Keith Proctor
PRESIDENT OF COUNCIL

ATTEST: Melissa J. [Signature]
CLERK OF COUNCIL

APPROVED: 7-15-2025
DATE

Michael L. Benton
MAYOR

APPROVED AS FORM:

[Signature]
KENDRA C. KINNEY - LAW DIRECTOR

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. [07]-[55]-2025, passed by the Council of the City of Circleville, Ohio on the 15th day of July, 2025.



Clerk of Council