

## ORDINANCE 2021.24

### AN ORDINANCE APPROVING AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH THE COUNTY OF DELAWARE, OHIO, AND THE VILLAGE OF SUNBURY AND DECLARING AN EMERGENCY

**WHEREAS**, the County of Delaware, Ohio has approved the annexation of certain real property owned by the Ravines at Meadow Ridge, LLC, and Frank Biancone & Sandra Biancone from the Township of Berlin to the Village, which real property is proposed for a development known as the Ravines at Meadow Ridge, consisting of multi-family residential housing and other commercial uses (which real property is referred to as the “*Development Site*” and is depicted on **EXHIBIT A** of the Intergovernmental Cooperation Agreement attached hereto and incorporated herein by reference); and

**WHEREAS**, ODOT is developing a new interchange, consisting of multiple phases, specifically Phases A through G (the “*Interchange*”) to be designed and constructed at the location identified in **EXHIBIT B** of the Intergovernmental Cooperation Agreement (which is attached hereto and incorporated herein by reference), which will facilitate traffic flow to and from the Development Site; and

**WHEREAS**, previous third-party developer commitments to provide professional design services for the initial phases of the Interchange have not materialized, jeopardizing the funding and construction timeline for the Interchange, and the County is willing to support facilitating the professional design services through an agreement with the Delaware County Transportation Improvement District; and

**WHEREAS**, other parcels of real property in the vicinity of the Interchange, both within the Village’s corporation limits and in the unincorporated area, will also directly benefit from the Interchange and will require public improvements in order to proceed with development (which additional parcels are collectively referred to herein as the “*Potential Development Sites*” and are depicted on **EXHIBIT C** of the Intergovernmental Cooperation Agreement attached hereto and incorporated herein by reference); and

**WHEREAS**, on or about April 23, 2018, the Parties entered into a Limited Access Easement Agreement to facilitate the development of real property east of Interstate 71 and provide for tax increment financing in support of the Interchange and other public improvements and mutually desire to enter into this Agreement to include additional areas that will benefit from the Interchange and can contribute toward the costs thereof; and

**WHEREAS**, the Parties agree that the Interchange and related public improvements would facilitate the eventual development of the Potential Development Sites, resulting in the creation of new jobs and employment opportunities and improving the economic welfare of the people of the Village and the County; and

**WHEREAS**, the Parties have determined to enter into this Agreement to facilitate the development of the Development Site and Potential Development Sites and provide a funding plan in support of the Interchange and other public improvements;

**NOW, THEREFORE, BE IT ORDAINED** by the Council for the Village of Sunbury, Ohio, Delaware County, State of Ohio as follows:

**SECTION I:** Council hereby approves the Intergovernmental Cooperation Agreement with County of Delaware, Ohio. A copy of said agreement is attached hereto as Exhibit "A".

**SECTION II:** The Village Administrator is hereby authorized to execute the Intergovernmental Cooperation Agreement with the County of Delaware, Ohio and any other necessary documents consistent with this legislation provided that the Intergovernmental Cooperation Agreement shall contain substantially the same terms contained in the Intergovernmental Cooperation Agreement attached hereto as Exhibit "A" and presented to this Council, with such changes not inconsistent with this Ordinance as shall be agreed to by the Mayor, the Director of Law, and Director of Finance constituting conclusive evidence of such approval.

**SECTION III:** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance 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 meetings open to the public, and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION IV:** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the citizens of the Village of Sunbury, Ohio to allow execution of said agreement to be effective prior to tax increment financing legislation contemplated by Delaware County and the Village of Sunbury and to facilitate the design and commencement of the proposed interchange to provide enhanced transportation opportunities and increased safety to Village residents at the earliest possible date.

**WHEREFORE,** this Ordinance shall be in full force and effect immediately after its passage.

**VOTE ON SUSPENSION OF THE RULES**

**YEAS**

**NAYS**

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\_\_\_\_\_

**VOTE ON EMERGENCY**

**YEAS**

**NAYS**

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**VOTE ON ORDINANCE 2021.24**

**YEAS**

**NAYS**

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\_\_\_\_\_

**PASSED:** \_\_\_\_\_

\_\_\_\_\_  
**Joseph St. John, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Kathy Belcher, Director of Finance**

**CERTIFICATION**

I hereby certify on this \_\_\_ day of \_\_\_\_\_, 2021, that the foregoing is a true and accurate copy of the Resolution passed at the meeting held on \_\_\_\_\_, 2021, of the Village of Sunbury, County of Delaware, State of Ohio.

\_\_\_\_\_  
Director of Finance