

RESOLUTION NO. 2026.04

A RESOLUTION DETERMINING THAT CONSENT TO THE EXPANSION OF THE SUNBURY NEW COMMUNITY AUTHORITY DISTRICT TO INCLUDE THE KINTNER CROSSING - PHASE I DEVELOPMENT COMPLIES WITH THE REQUIREMENTS OF SECTION 349.03 OF THE OHIO REVISED CODE AND TO FIX A DATE AND PLACE FOR A PUBLIC HEARING ON SUCH EXPANSION, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Chapter 349 of the Ohio Revised Code, on October 3, 2022, the City of Sunbury, Ohio, as the developer within the meaning of Section 349.01(E) (the “*Developer*”), submitted a petition (the “*Petition*”) to this Council, as the “organizational board of commissioners” as that term is defined in Section 349.01(F) of the Ohio Revised Code, for the organization and establishment of the Sunbury New Community Authority (the “*Authority*”); and

WHEREAS, this Council, as the organizational board of commissioners, passed Ordinance No. 2022.41 on October 5, 2022, determining that the Petition complied as to form and substance with the requirements of Section 349.03 of the Ohio Revised Code and fixing the time and place for a hearing on the establishment of the Authority; and

WHEREAS, this Council held the public hearing on the Petition on November 16, 2022, after public notice was duly published in accordance with Section 349.03 of the Ohio Revised Code; and

WHEREAS, this Council adopted Resolution No. 2023.06 on March 15, 2023, determining that the Authority and its new community district (the “*District*”) would be conducive to the public health, safety, convenience and welfare and that it was intended to result in the development of a new community as defined in Section 349.01(A) of the Ohio Revised Code Section, and declaring the Authority organized as a body corporate and politic in the State of Ohio; and

WHEREAS, Section 349.03(B) of the Ohio Revised Code authorizes this Council, as the organizational board of commissioners, to add property to the Authority’s District with the consent of the owner of the property to be added; and

WHEREAS, at the City’s request, D. R. Horton - Indiana, LLC, the owner of certain property generally known or to be known as the Kintner Crossing – Phase I development, as more specifically identified in **Exhibit A** hereto (the “*Kintner Crossing - Phase I Expansion Area*”), filed with the Clerk of Council, pursuant to Chapter 349.03(B) of the Ohio Revised Code, a consent dated January 23, 2026 (the “*Kintner Crossing - Phase I Consent*”) in order to add the Kintner Crossing - Phase I Expansion Area to the District.

NOW, THEREFORE, BE IT RESOLVED by the Council for the City of Sunbury, Delaware County, State of Ohio as follows:

SECTION I: This Council has examined the Kintner Crossing - Phase I Consent and finds and determines that it complies with the requirements of Section 349.03(B) of the Ohio Revised Code as to form and substance.

SECTION II: A public hearing on the expansion of the Sunbury New Community Authority to include the Kintner Crossing - Phase I Expansion Area shall be held on March 4, 2026, at 7:30 p.m. in the Council Chambers, Town Hall, 3rd Floor, 51 E. Cherry Street, Sunbury, Ohio 43074.

SECTION III: The Clerk of Council is directed to arrange for notice of the public hearing by publication once each week for three consecutive weeks in a newspaper of general circulation within Delaware County, Ohio, pursuant to Section 349.03(A) of the Ohio Revised Code.

SECTION IV: This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council or any of its committees, 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 Ohio Revised Code Section 121.22.

SECTION V: 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 City of Sunbury, Ohio to allow for the expansion of the Sunbury New Community Authority and to facilitate the development of additional housing within the City, all at the earliest possible date.

WHEREFORE, pursuant to Section 4.07(A) of the Charter of the City of Sunbury, this Resolution shall take effect immediately from and after its adoption.

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VOTE ON SUSPENSION OF THE RULES

YEAS

NAYS

VOTE ON RESOLUTION 2026.04

YEAS

NAYS

ADOPTED: _____, 2026

Joseph St. John, Mayor

ATTEST:

Alyssa Graziano, Clerk of Council

CERTIFICATION

I hereby certify on this _____ day of February, 2026, that the foregoing is a true and accurate copy of Resolution No. 2026.04 adopted at the meeting held on February _____, 2026, of the City of Sunbury, County of Delaware, State of Ohio.

Alyssa Graziano, Clerk of Council

Exhibit A

Consent for Kintner Crossing - Phase I Expansion Area