

ORDINANCE NO. 2021.14

AN ORDINANCE APPROVING THE AMENDMENT TO PETITION FOR THE REMOVAL OF CERTAIN REAL PROPERTY TO THE NORTHGATE NCA I AND CERTAIN OTHER MATTERS.

WHEREAS, pursuant to Chapter 349 of the Revised Code, on January 21, 2015, the NorthGate Land Company I, LLC (the “Developer”) filed a petition (the “Original Petition”) for the establishment of NorthGate NCA I (the “Authority”) with this Council; and

WHEREAS, this Council, as the “organizational board of commissioners” as that term is defined in Section 349.01(F) of the Revised Code, passed its Ordinance No. 2015-03 on January 21, 2015, determining that the Original Petition complied as to form and substance with the requirements of Section 349.03 of the Revised Code and fixing the time and place for a hearing on the establishment of the Authority; and

WHEREAS, this Council, as the organizational board of commissioners, held a public hearing on the Original Petition on February 25, 2015 after public notice was duly published in accordance with Section 349.03(A) of the Revised Code; and

WHEREAS, this Council enacted Ordinance No. 2015-10 on February 25, 2015, determining that the Authority’s 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 described in Chapter 349 of the Revised Code, and declaring the Authority organized as a body corporate and politic in the State of Ohio; and

WHEREAS, Section 349.03(B) of the Revised Code authorizes the amendment of the Original Petition to delete land from the District and make other amendments to the Original Petition at any time after the creation of the Authority, and upon the filing of such an amendment this Council, as the organizational board of commissioners; and

WHEREAS, the Developer, as the “developer” within the meaning of Section 349.01(E) of the Revised Code, filed an amendment to the Petition (the “Amendment to Petition”) on January 25, 2021, with the City Clerk as required by Chapter 349.03(B) of the Revised Code for the deletion of territory to the District as shown on Exhibit A to the Amendment to Petition (the “Removed Area”) and certain other matters, which Amendment to Petition was executed by the Developer; and

WHEREAS, this Board, as the organizational board of commissioners, adopted Ordinance No. 2021-10 on February 3, 2021, determining that the Amendment to Petition complied as to form and substance with the requirements of Section 349.03 of the Revised Code and fixing the time and place for a hearing on the Amendment to Petition; and

WHEREAS, this Board, as the organizational board of commissioners, held a public hearing on the Amendment to Petition on March 3, 2021, after public notice was duly published in accordance with Section 349.03 of the Revised Code; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Sunbury, Delaware County, Ohio, that:

SECTION I: Findings. The Board finds and determines pursuant to Section 349.03 of the Revised Code that the deletion of property from the District as contemplated by the Amendment to Petition will be conducive to the public health, safety, convenience and welfare, and will be consistent with the development of the new community, will not jeopardize the plan of the new community, and is intended to result in the development of the new community.

SECTION II: Acceptance. The Amendment to the Petition is hereby accepted.

SECTION III: Boundaries. The boundaries of the District are hereby amended to exclude the Removed Area identified in the Amendment to the Petition.

SECTION IV: Open Meetings. This Council finds and determines that all formal action of this Council and any of its committees concerning and relating to the passage of this ordinance 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 Section 121.22 of the Revised Code.

SECTION V: Effective Date. This Ordinance shall be in full force and effect on the earliest date permitted by law.

VOTE ON ORDINANCE 2021.14

YEAS

NAYS

PASSED: _____, 2021.

Tommy Hatfield, Mayor

ATTEST:

Kathy Belcher, Director of Finance

CERTIFICATE

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

Director of Finance