



## City of Powell, Ohio

ORDINANCE 2015-17

Adopted April 21, 2015

### **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A PRE-ANNEXATION AGREEMENT WITH SAWMILL SELDOM SEEN LLC AND SCHOTTENSTEIN REAL ESTATE GROUP LLC, AND DECLARING AN EMERGENCY.**

**WHEREAS,** Sawmill Seldom Seen LLC owns approximately 43.88 acres located on Sawmill Parkway and Schottenstein Real Estate Group LLC is in contract to purchase said acreage, and the two entities desire annexation to the City of Powell; and

**WHEREAS,** the parties have negotiated a written Pre-Annexation Agreement setting forth their respective rights and duties; and

**WHEREAS,** Council desires to approve the Pre-Annexation Agreement for purposes of allowing Sawmill Seldom Seen LLC and Schottenstein Real Estate Group LLC to proceed with a contemporaneous zoning process during the pendency of the annexation petition, such that the issues of potential annexation and the attendant zoning of annexation area are ultimately presented to Council in companion ordinances in accordance with the appropriate statutory timelines; and

**WHEREAS,** in conjunction with approval of the Pre-Annexation Agreement, Council desires to refer the zoning and development plan and text approval to Planning and Zoning Commission for its professional and detailed review and consideration of the application, and to obtain its recommendation as to the application of the relevant zoning code provisions and any issues and/or conditions with regard to the acceptability of the proposed zoning; and

**WHEREAS,** Council desires that it ultimately be presented with companion annexation and zoning ordinances together with a recommendation from Planning and Zoning Commission as described above, and, absent a request from the landowner and/or the purchaser to withdraw the annexation petition due to concerns about zoning requirements, that it undertake the detailed Council review of the annexation petition and zoning application at that time;

### **NOW THEREFORE BE IT ORDAINED BY THE CITY OF POWELL, DELAWARE COUNTY, OHIO AS FOLLOWS:**

**Section 1:** That, based upon the above recitals which are incorporated by reference into the body of this Ordinance, Council authorizes the City Manager to enter into a Pre-Annexation Agreement, in a form substantially similar to the Pre-annexation Agreement attached hereto as Exhibit "A" and incorporated herein by reference, to provide for annexation, zoning and development of the approximately 43.88 acre tract located on Sawmill Parkway.

**Section 2:** That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations of the Council and any of the decision making bodies of the City of Powell which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the City of Powell, Delaware County, Ohio.

**Section 3:** This ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the City and its inhabitants, such emergency arising from the reason that there exists an imperative necessity to commence the annexation and zoning process in compliance with the terms of the Pre-Annexation Agreement; WHEREFORE, this Ordinance shall take effect and be in force from and after its passage.

VOTE ON RULES SUSPENSION: Y 7 N 0

VOTE ON ORDINANCE 2015-17: Y 7 N 0

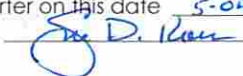
  
\_\_\_\_\_  
Jim Hrivnak  
Mayor

5-1-15  
\_\_\_\_\_  
Date

  
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Sue D. Ross  
City Clerk

5-1-2015  
\_\_\_\_\_  
Date

EFFECTIVE DATE: April 21, 2015

The legislation has been posted in accordance with the City Charter on this date 5-04-2015.  
 City Clerk



**City Council**

Jim Hrivnak, Mayor

Jon Bennehoof

Frank Bertone

Richard Cline

Tom Counts

Mike Crites

Brian Lorenz