



City of Powell, Ohio

ORDINANCE 2015-15

Adopted April 21, 2015

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ANNEXATION AGREEMENT BY AND BETWEEN THE TOWNSHIP OF LIBERTY AND THE CITY OF POWELL, AND DECLARING AN EMERGENCY.

WHEREAS, Liberty Township (the "Township") and the City of Powell (the "City") are political subdivisions located adjacent and contiguous to each other and having, to a certain extent, overlapping jurisdictions within Delaware County, Ohio ("County"); and

WHEREAS, the Township and City have cooperated in numerous matters, including but not limited to, cooperation in the development, annexation and services to citizens and properties within the Township and the City in order to foster and promote harmony and development within each of the Parties respective jurisdictional areas; and

WHEREAS, a certain landowner has expressed a desire to pursue annexation of property located south of Home Road, which property consists of real property designated as Delaware County Auditor Tax Parcel Numbers 31931304002000, 31931601001000 and 31931601002000 (collectively, the "Annexation Parcel"); and

WHEREAS, if such annexation takes place, the City and its residents will benefit in numerous ways; and

WHEREAS, the Township and the City have negotiated a written Annexation Agreement setting forth their respective rights and duties; and

WHEREAS, it is in the best interests of the City and its residents to approve the Annexation Agreement (the "Agreement") in order to facilitate the annexation and promote the development of the Annexation Parcel, all for the benefit of the City and its residents.

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

Section 1: That Council hereby authorizes the City Manager to execute an Annexation Agreement in a form substantially similar to the Annexation Agreement attached hereto as Exhibit "A" and incorporated herein by reference, along with any changes thereto that are not materially adverse to the interest of the City, are consistent with this Ordinance and are approved by the City Manager. The City Manager's execution and delivery of the Agreement shall be conclusive evidence that he approved any changes in the Agreement, and that any such changes are not materially adverse to the interest of the City.

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: That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public health, safety and welfare, 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 companion 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 2015-15: Y 7 N 0



Jim Hrivnak
Mayor

5-1-15

Date




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 5-4-2015.
 City Clerk



City Council

Jim Hrivnak, Mayor

Jon Bennehoof

Frank Bertone

Richard Cline

Tom Counts

Mike Crites

Brian Lorenz