



**City of Powell, Ohio**

**ORDINANCE 2016-61**

Adopted December 6, 2016

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A PRE-ANNEXATION AGREEMENT WITH ROBERT L. SMITH AND JERRY L. SMITH, INDIVIDUAL LANDOWNERS OF 70+/- ACRES, TIMOTHY SHELLY, AN INDIVIDUAL LANDOWNER OF 38 +/- ACRES, AND PULTE HOMES OF OHIO, LLC, AND DECLARING AN EMERGENCY.**

**WHEREAS,** Robert L. Smith and Jerry L. Smith, individual landowners, and Timothy Shelly, an individual landowner, who collectively own approximately 108.851 +/- acres of land located on Steitz Road and Pulte Homes of Ohio, LLC have entered into a real estate purchase contract, and the entities desire annexation to the City of Powell; and

**WHEREAS,** the parties and the City 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 Robert L. Smith and Jerry L. Smith, Timothy Shelly and Pulte Homes of Ohio, 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 the 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;

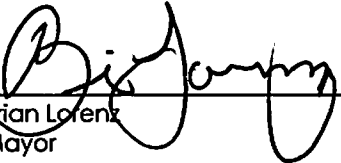
**NOW THEREFORE BE IT ORDAINED BY THE CITY OF POWELL, DELAWARE COUNTY, OHIO AS FOLLOWS:**

**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 108.851 +/- acres of land on Steitz Road.

**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 ORDINANCE 2016-61: Y 6 N 0

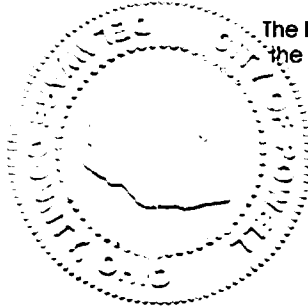
  
\_\_\_\_\_  
Brian Lorenz  
Mayor

12/20/16  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Karen J. Mitchell  
City Clerk

12/21/2016  
\_\_\_\_\_  
Date

EFFECTIVE DATE: January 5, 2017



The legislation has been posted in accordance with the City Charter on this date 12/21/2016.  
  
\_\_\_\_\_  
City Clerk