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February 28, 2019

BY HAND DELIVERY AND EMAIL

Liberty Township Board of Trustees
10104 Brewster Lane
Powell, Ohio 43065

RE: CEDA Annual Review Meeting

Dear Trustees:

On behalf of the City of Powell, this letter is intended to and shall serve as a formal request, pursuant to Article 8, Section 13 of the Cooperative Economic Development Agreement (“CEDA”), for an Annual Review Meeting. As you may be aware, this section of the CEDA provides as follows:

Section 13. Annual Review. At least annually upon the request of either party, elected representatives of the CITY and TOWNSHIP and others mutually invited to participate shall meet in order to assess the effects of this Agreement and to discuss methods of cooperation and plans for development in and for the CEDA Territory.

As set forth in more detail below, among the issues and concerns to be discussed at the Annual Review Meeting is the potential adoption by the Liberty Township Trustees of a Home Road Planned Overlay District (“Home Road POD”), which “plan for development” is inconsistent with all adopted planning documents of Liberty Township. More specifically, Liberty Township proposes to adopt a POD allowing densities far in excess of the adopted Township Comprehensive Land Use Plan (“Comprehensive Plan”), as the POD will permit development of an estimated 1300 units, rather than the approximately 500 single-family units permitted by the Comprehensive Plan in this area. Included in the planned 1300 units in the POD are 500 multi-family apartment and/or condominium units. Your attention is respectfully directed to R. C. 519.02, the Ohio Revised Code township rezoning provision, which require that any rezoning be “in accordance with a comprehensive plan.”

Further, the CEDA was and is intended to facilitate and encourage development within the City rather than in the Township, and the CEDA incorporated numerous provisions to ensure the highest quality land development. The Township's unfortunate disregard of the carefully drafted land development scheme of the CEDA allows developers to manipulate the Township by "playing one jurisdiction off against the other." Obviously, this may have happened with respect to the proposed Home Road POD.

In these circumstances, it is incumbent upon the City of Powell: (i) to object to potentially unlawful rezonings, (ii) to request that the Township Trustees forbear from taking any action to approve such an unlawful rezoning in conflict with the Township's own Comprehensive Plan, and (iii) to request an Annual Review Meeting under Article 8, Section 13 of the CEDA to discuss this significant development issue. Obviously, the elected representatives of the City of Powell request that the Annual Review Meeting occur before any vote of the Trustees on the resolution to adopt the Home Road POD. We understand that the public hearing on the Home Road POD is set for March 4, 2019. We request that the Annual Meeting be scheduled prior to any vote of the Trustees to adopt or deny the Home Road POD, which vote does not have to be undertaken at the public hearing but rather needs only occur within twenty (20) days of the public hearing. Elected representatives of the City of Powell stand ready, willing and able to attend the Annual Review Meeting on a mutually convenient date prior to March 24, 2019.

Please understand that the well-being and safety of the citizens of the City of Powell, as well as the economic vitality and prosperity of the citizenry and business community, are of the utmost importance to City Council. Accordingly, several other recent actions of the Trustees relate to "the effects of th[e CEDA] Agreement and...methods of cooperation and plans for development in and for the CEDA Territory" and therefore may also be appropriate topics for an Annual Review Meeting:

1. **Contracting Out of EMS Services**
2. **Lack of Response to Notice of Potential Violation of CEDA**
3. **Interference with Annexation and Development Discussions in Potential Violation of CEDA**
4. **Lack of Response to Public Records Requests**
5. **Trustee Meeting Proceedings Related to EMS and Development Issues**

With respect to EMS services, the CEDA contemplated that the primary benefit that would be provided by the Township to the City under the CEDA would be the highest-quality Fire and EMS service provided by the Liberty Township Fire Department. Taxpayers of the City of Powell contribute in excess of \$2,850,000 to the Liberty Township Fire and EMS fund to support the Liberty Township Fire Department, and an additional \$668,000 to other funds of Liberty Township for services provided outside the borders of the City of Powell. Suffice it to say, under the CEDA,

Liberty Township Board of Trustees

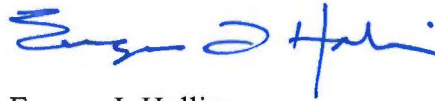
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the City of Powell should be consulted and should have a "seat at the table" when any significant change is considered with regard to Fire/EMS service.

Time is of the essence if irreparable damage to the quality of life of residents of the City of Powell is to be avoided. Please acknowledge receipt immediately and confirm your willingness to schedule an Annual Review Meeting prior to any further actions of the Trustees that may amount to a breach of the CEDA Agreement. We appreciate your anticipated attention and cooperation with regard to this matter.

Sincerely,



Eugene L Hollins

ELH/rmd