



Legislation Details (With Text)

File #: 1374-2007 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 8/28/2007 **In control:** Development Committee
On agenda: 9/10/2007 **Final action:** 9/13/2007

Title: To make a finding that the proposed new community district to be governed by The Hayden Run Community Development Authority will be conducive to the public health, safety, convenience, and welfare, and is intended to result in the development of a new community; to declare The Hayden Run Community Development Authority to be organized and a body politic and corporate; to designate the name of the new community authority; to define the boundary of the new community district; to provide the method of selecting the board of trustees of the new community authority; to appoint the three members of the board of trustees to be appointed by the city as citizen members and the one member of the board of trustees to be appointed by the City as the representative of local government; to fix the surety for the trustees' bonds; and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
9/13/2007	1	CITY CLERK	Attest	
9/12/2007	1	MAYOR	Signed	
9/10/2007	1	Columbus City Council	Approved	Pass
9/10/2007	1	COUNCIL PRESIDENT	Signed	
9/5/2007	1	Dev Drafter	Sent for Approval	
9/5/2007	1	CITY ATTORNEY	Reviewed and Approved	
9/5/2007	1	Dev Drafter	Sent to Clerk's Office for Council	
8/28/2007	1	Dev Drafter	Sent for Approval	
8/28/2007	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	

BACKGROUND: This ordinance expresses City Council's determination that the petition to create a proposed new community district to be governed by The Hayden Run Community Development Authority will be conducive to the public health, safety, convenience, and welfare, and is intended to result in the development of a new community. This ordinance also declares The Hayden Run Community Development Authority to be organized and a body politic and corporate, designates the name of the new community authority, defines the boundary of the new community district, provides the method of selecting the board of trustees of the new community authority, appoints the four members of its board of trustees to be appointed by the City, and fixes the surety for the trustees' bonds.

This ordinance is being submitted as an emergency in order to comply with the conditions set forth in Chapter 349 of the Ohio Revised Code for establishing a community authority.

FISCAL IMPACT: No funding is required for this legislation.

To make a finding that the proposed new community district to be governed by The Hayden Run Community Development Authority will be conducive to the public health, safety, convenience, and welfare, and is intended to result in the development of a new community; to declare The Hayden Run Community Development Authority to be organized and a body politic and corporate; to designate the name of the new community authority; to define the boundary of the new community district; to provide the method of selecting the board of trustees of the new community authority; to appoint the three members of the board of trustees to be appointed by the city as citizen members and the one member of the board of trustees to be appointed by the City as the representative of local government; to fix the surety for the trustees' bonds; and to declare an emergency.

WHEREAS, pursuant to Chapter 349 of the Ohio Revised Code, a petition (the "*Petition*") for the establishment of The Hayden Run Community Development Authority (the "*HRCDA*") to govern The Hayden Run Community Development District (the "*District*") was filed with the office of the Clerk of the Columbus City Council on July 27, 2007; and

WHEREAS, the Petition has been filed in the office of the clerk of the Franklin County Board of Commissioners and the City Clerk's office as required by Chapter 349 of the Ohio Revised Code; and

WHEREAS, the "organizational board of commissioners," as that term is defined in Section 349.01(F) of the Ohio Revised Code, for the proposed HRCDA is comprised solely of the Columbus City Council; and

WHEREAS, City Council enacted Ordinance No. 0943-2007 on June 18, 2007, which ordinance directed the City Clerk to execute and sign the Petition on behalf of the City of Columbus and the Columbus City Council; and

WHEREAS, City Council enacted Ordinance No. 1182-2007 on July 30, 2007, which ordinance determined that the Petition complies with the requirements of Chapter 349.03(A) of the Ohio Revised Code and fixed the time and place for a hearing on the establishment of the HRCDA; and

WHEREAS, pursuant to Section 349.03(A) of the Ohio Revised Code, the Columbus City Council, as the organizational board of commissioners, held a public hearing on the Petition on July 23, 2007 after public notice was duly published in accordance with Section 349.03 of the Ohio Revised Code; and

WHEREAS, an emergency exists in that the formation of the HRCDA must occur immediately in order to comply with the conditions set forth in Chapter 349 of the Ohio Revised Code and to facilitate the development of the City's northwest quadrant and to affirm financing commitments for infrastructure improvements and public services based upon the Pay As We Grow initiative, said immediate action being in the interest of the City in order to preserve, enhance and protect public health, peace, property and safety;

NOW THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That City Council finds and determines that the District will be conducive to the public health, safety, convenience and welfare, and is intended to result in the development of a new community as defined in Section 349.01(A) of the Ohio Revised Code.

Section 2. That the Petition is hereby accepted and shall be recorded, along with this resolution, in the journal of the Columbus City Council, as the organizational board of commissioners, and in the journal of the Board of County Commissioners of Franklin County, pursuant to Section 349.03(A) of the Ohio Revised Code.

Section 3. That the HRCDA is hereby organized and a body politic and corporate.

Section 4. That the corporate name of the HRCDA shall be "The Hayden Run Community Development Authority".

Section 5. That the HRCDD shall be defined to have the boundary set forth in the Petition.

Section 6. That the Board of Trustees of the HRCDA shall be composed of seven members selected as provided in the Petition.

Section 7. That the City appoints the following four members to serve on the Board of Trustees of the HRCDA, each in the position and for the term indicated beside such member's respective name:

David Gobel	Citizen Member	2 year term
Christopher W. Clucus	Citizen Member	1 year term

John Sweeney	Citizen Member	1 year term
David Hull	Local Government Representative	2 year term

Section 8. That MI Homes of Central Ohio, LLC, Dominion Homes, Inc. and Lifestyle Communities Ltd. (the " *Developers* ") shall appoint the remaining three members to serve on the Board of Trustees of the HRCDA as representatives of the Developers, and shall designate one of those members to serve an initial two year term. Those appointments and designations shall be in writing filed with the City Clerk within ten days after the passage of this Ordinance.

Section 9. That pursuant to Section 349.04 of the Ohio Revised Code, there shall be posted for each member of the Board of Trustees of the HRCDA a bond in the amount of \$10,000 for the faithful performance of his or her duties. The bond shall be with a company authorized to conduct business within the State of Ohio as a surety and shall be deposited with and preserved by the City Clerk.

Section 10. That the Director of Development and other appropriate officers of the City are hereby authorized and directed to take such actions and make such arrangements that are consistent with the purpose of this Ordinance and necessary and proper for the establishment, operation and future growth of the HRCDA, including executing those supplements to the Amended and Restated Declaration of Covenants for the HRCDA necessary to add property to the territory covered by that Declaration.

Section 11. For the reasons stated in the preamble hereto, which is hereby made a part hereof, this Ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes this Ordinance.