GROVE CITY, OHIO COUNCIL
LEGISLATIVE AGENDA

June 5, 2017 | *6:30 - Caucus* | *7:00 – Reg. Meet.*

Presentations: Fr. Co. Bd. of Health

FINANCE: Mr. Davis

Ordinance C-24-17 — Authorizing the City to enter into a Loan Agreement with Franklin County, providing for a Loan to the City in the maximum principal amount of $1,000,000.00 for the purpose of paying the costs of certain Capital Improvements to the Municipal Roadway system along or near Stringtown Road and State Route 104, including but not limited to, constructing certain roadway, water improvements, together with all necessary appurtenances related thereto, and Authorizing the Execution and Delivery of any additional Documents related thereto. First reading.

Ordinance C-25-17 — Authorizing the City to enter into a Loan Agreement with Franklin County providing for a Loan to the City in the maximum principal amount of $2,000,000.00 for the purpose of paying the Communications System by installing a 10 GBPS Fiber Network, together with all necessary appurtenances related thereto, and Authorizing the Execution and Delivery of any additional documents related thereto. First reading.

Resolution CR-24-17 — Opposing the Addition of the Clean Water and Fair Pricing Amendment to Substitute House Bill 49.

SAFETY: Mr. Robinette

Ordinance C-26-17 — Authorizing the City Administrator to enter into an Agreement for Dispatching and Communication Services with Scioto Township. First reading.

LANDS: Mr. Bennett

Ordinance C-19-17 — Appropriate a 0.033 Acre Fee Simple Right-of-Way from Dencil Weethee at 1448 Stringtown Road for the Public Purpose of Constructing Roadway Improvements and to declare an emergency.

Ordinance C-20-17 — Appropriate a 0.038 Acre Fee Simple Right-of-Way from Dwayne E. Rice at 1444 Stringtown Road for the Public Purpose of Constructing Roadway Improvements and to declare an emergency.

Ordinance C-21-17 — Appropriate a 0.553 Acre Permanent Utility Easement and a 1.426 Acre Temporary Easement from Jennie H. and Ilin Huang on Jackson Pike for the Public Purpose of Locating Utilities as part of the Roadway Improvements and to declare an emergency

Ordinance C-22-17 — Approve a Special Use Permit for a Pet Store for 4 Paws & a Tail located at 3899 Grove City Road. Second reading and public hearing.

Ordinance C-23-17 — Approve the Plat of Meadow Grove Estates North, Section 2. Second reading and public hearing.

ON FILE: Minutes of: 05/15 Council Meeting

Date:	05/30/17	No.:	C-24-17
Introduced By:	Mr. Davis	First Reading:	06/05/17
Committee:	Finance	Public Notice:	06/08/17
Originated By:	Mr. Turner	2nd Reading:	06/19/17
Approved:	Mr. Boso	Passed: ____ Rejected:	
Emergency: ___ 30 Days: X		Codified: ___ Code No:	
Current Expense:		Passage Publication:	

ORDINANCE NO. C-24-17

AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO A LOAN AGREEMENT WITH FRANKLIN COUNTY, OHIO PROVIDING FOR A LOAN TO THE CITY IN THE MAXIMUM PRINCIPAL AMOUNT OF $1,000,000 FOR THE PURPOSE OF PAYING THE COSTS OF CERTAIN CAPITAL IMPROVEMENTS TO THE MUNICIPAL ROADWAY SYSTEM ALONG OR NEAR STRINGTOWN ROAD AND STATE ROUTE 104, INCLUDING BUT NOT LIMITED TO, CONSTRUCTING CERTAIN ROADWAY, WATER INFRASTRUCTURE, SANITARY SEWER AND RECREATIONAL TRAIL IMPROVEMENTS, TOGETHER WITH ALL NECESSARY APPURTENANCES RELATED THERETO, AND AUTHORIZING THE EXECUTION AND DELIVERY OF ANY ADDITIONAL DOCUMENTS RELATED THERETO

WHEREAS, by Ordinance No. C-7-71, passed by City Council on March 1, 1971 (the "*1971 Municipal Income Tax Ordinance*"), the City levied a tax at the rate of one percent (1.00%) upon certain classes of salaries, wages, commission, rents, compensation and profits for the purposes of general municipal operations, maintenance, new equipment and capital improvements of the City, all as further described and set forth in the 1971 Municipal Income Tax Ordinance; and

WHEREAS, by Ordinance No. C-35-83, passed by City Council on August 15, 1983 (the "*1983 Municipal Income Tax Ordinance*", and together with the 1971 Municipal Income Tax Ordinance, the "*Municipal Income Tax Ordinances*"), City Council proposed to levy a further tax of one percent (1.00%) upon certain classes of salaries, wages, commission, rents, compensation and profits for purposes of daily operations of the Division of Police, street maintenance and improvements, general municipal operations and maintenance and capital improvements, all as further described in the 1983 Municipal Income Tax Ordinance; and

WHEREAS, on November 1, 1983, the 1983 Municipal Income Tax Ordinance was ratified by a majority vote of the electors in the City, and the City's municipal income tax rate was increased by one percent (1.00%) to a total rate of two percent (2.00%) (the "*Municipal Income Tax*") in accordance with the Municipal Income Tax Ordinances; and

WHEREAS, the Municipal Income Tax Ordinances have been codified as Chapters 191 and 194 of the City's Codified Ordinances and the Municipal Income Tax is collected pursuant to Chapters 191 and 194 of the City's Codified Ordinances; and

WHEREAS, this Council has determined to work cooperatively with the Director of the Franklin County, Ohio Department of Economic Development and Planning, acting with the approval and on behalf of the Board of County Commissioners of Franklin County, Ohio, to provide monies for the payment of the costs of certain capital improvements to the municipal roadway system along or near Stringtown Road and State Route 104, including but not limited to, constructing certain roadway, water infrastructure, sanitary sewer and recreational trail improvements, together with all necessary appurtenances related thereto (collectively, the "*Project*"); and

WHEREAS, this City has determined to execute a loan agreement for the purpose of paying the costs of the Project which will be payable from the Municipal Income Tax Receipts (as hereinafter defined); and

WHEREAS, on or about the same date on which the loan is delivered for the Project, this Council anticipates that the City will also enter into a loan agreement and deliver a related note to provide monies for the payment of the costs of certain capital improvements to the municipal communications system by installing a 10 Gbps fiber network, together with all necessary appurtenances related thereto; and

WHEREAS, this Council has requested that the Director of Finance, as fiscal officer of this City, certify the estimated life or period of usefulness of the Project and the maximum maturity of the Note (as hereinafter defined); and

WHEREAS, the Director of Finance has certified to this Council that the estimated life or period of usefulness of the Project is at least five (5) years and that the maximum maturity of the Note is at least twenty (20) years;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE CITY, FRANKLIN COUNTY, OHIO, THAT:

Section 1. Definitions and Interpretation. In addition to the words and terms elsewhere defined in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

"*1971 Municipal Income Tax Ordinance*" means Ordinance No. C-7-71 passed by City Council on March 1, 1971.

"*1983 Municipal Income Tax Ordinance*" means Ordinance No. C-35-83 passed by City Council on August 15, 1983, and which was ratified by a majority of the electorate of the City at the general election held on November 1, 1983.

"*Act*" means, collectively, the laws of the State of Ohio, including, without limitation, Section 3, Article XVIII of the Ohio Constitution and Chapter 133 of the Ohio Revised Code, and the Charter of the City.

"Additional Note" means the note to be issued by the City to the Original Purchaser on or about the Closing Date for the purpose of providing monies for the payment of the costs of certain capital improvements to the municipal communications system by installing a 10 Gbps fiber network, together with all necessary appurtenances related thereto.

"*Additional Obligations*" means any additional bonds or other obligations of the City which may be subsequently issued and payable solely from the Municipal Income Tax Receipts on parity with the Note, including Additional Obligations in anticipation of which notes have been issued; *provided*, *however*, in no event shall general obligation notes or bonds of the City be treated as Additional Obligations.

"*Authorized Denominations*" means the denomination of $0.01.

"*City*" means the City of Grove City, Ohio.

"*City Administrator*" means the City Administrator of the City.

"*Clerk*" means the Clerk of Council of the City.

"*Closing Date*" means the date of the execution and delivery of the Loan Agreement.

"*Director of Finance*" means the Director of Finance of the City.

"*Financing Costs*" shall have the meaning given in Section 133.01 of the Ohio Revised Code.

"*Interest Payment Dates*" means the date or dates of each year that the Note is outstanding and on which interest is payable, all as set forth in the Loan Agreement.

"*Loan Agreement*" means the Economic Development Loan Agreement (Grove City Stringtown Road Project) between the City and the Original Purchaser, as it may be modified from the form on file with the Clerk and executed by the Mayor and the Director of Finance, all in accordance with Section 5 herein.

"*Loan proceedings*" means, collectively, this Ordinance, the Loan Agreement and such other proceedings of the City, including the Note, that provide collectively for, among other things, the rights of the holder of the Note.

"*Municipal Income Tax*" means the municipal income tax levied and collected by the City pursuant to Chapters 191 and 194 of the City's Codified Ordinances and in accordance with the Municipal Income Tax Ordinances at the rate of two percent (2.00%).

"*Municipal Income Tax Bond Fund*" means the Municipal Income Tax Bond Fund provided for by Section 7 of this Ordinance.

"*Municipal Income Tax Ordinances*" means, collectively, the 1971 Municipal Income Tax Ordinance and the 1983 Municipal Income Tax Ordinance.

"*Municipal Income Tax Receipts*" means the moneys received by the City from the Municipal Income Tax.

"*Note*" means the Note described in Section 2.

"*Original Purchaser*" means Director of the Franklin County, Ohio Department of Economic Development and Planning, acting with the approval and on behalf of the Board of County Commissioners of Franklin County, Ohio.

"*Principal Payment Dates*" means the date or dates of each year that the Note is outstanding and on which principal is payable; *provided* that in no case shall the final Principal Payment Date exceed the maximum maturity limitation referred to in the preambles hereto, all as set forth in the Loan Agreement.

"*Project*" means the construction of certain capital improvements to the municipal roadway system along or near Stringtown Road and State Route 104, including but not limited to, constructing certain roadway, water infrastructure, sanitary sewer and recreational trail improvements, together with all necessary appurtenances related thereto.

"*Schedule of Disbursements*" means the schedule to be attached to the Loan Agreement and on which will be recorded from time to time the disbursements made by the Original Purchaser to the City pursuant to the Loan Agreement which disbursements in the aggregate shall not exceed the maximum principal amount authorized pursuant to Section 2.

"*State*" means the State of Ohio.

The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

<u>Section 2</u>. <u>Authorized Principal Amount and Purpose; Application of Proceeds</u>. This Council determines that it is necessary and in the best interest of the City to issue a note of this City in a maximum

principal amount of $1,000,000 (the "*Note*") for the purpose of paying the costs of the Project. The Note shall be issued pursuant to the Act, this Ordinance and the Loan Agreement. The aggregate principal amount of the Note to be issued shall not exceed the maximum principal amount specified in this Section 2 and shall be recorded on the Schedule of Disbursements. The proceeds from the sale of the Note received, constructively or otherwise, by the City (or withheld by the Original Purchaser on behalf of the City) are appropriated and shall be used for the purpose for which the Note is being issued.

Section 3. Denominations; Dating; Principal and Interest Payment; and Prepayment Redemption Provisions. The Note shall be issued in one lot and only as a fully registered note, in Authorized Denominations. The Note shall be dated as of the date of the execution and delivery of the Loan Agreement.

(a) Interest Rates and Payment Dates. The aggregate principal amount of the Note outstanding, which shall be equal to the aggregate installments of the purchase price paid by the Original Purchaser for the benefit of the City, from time to time, pursuant to Section 5, shall bear interest at the rate of (i) zero (0%) per year from the Closing Date until, and including, the calendar day next preceding the first anniversary of the Closing Date; and (ii) the percent per year as set forth in the Loan Agreement (not to exceed two and twenty-six one-hundredths percent (2.26%) per year) from the first anniversary of the Closing Date until the Note is paid in full. Interest on the Note shall be computed on the basis of a 360-day year consisting of twelve 30-day months. The Note shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from the Accrual Date.

(b) Principal Payment Schedule. The Note shall mature on the Principal Payment Dates and in principal amounts as shall be determined pursuant to the Loan Agreement.

(c) Payment of Debt Charges. The debt charges on the Note shall be payable in lawful money of the United States of America. Installments of principal and interest on the Note shall be payable by check or draft mailed to the Original Purchaser; provided that the final payment of all unpaid principal and interest shall be payable when due upon presentation and surrender of the Note at the office of the Director of Finance.

(d) Redemption Provisions. The City may prepay all or any portion of the principal sum of the Note at any time; *provided that*, if prepayment is made (i) prior to or on the calendar day next preceding the second anniversary of the Closing Date, a two percent (2.00%) prepayment redemption fee shall be assessed on the amount of principal to be prepaid and (ii) on or after the second anniversary of the Closing Date, no prepayment redemption fee shall be assessed. All such prepayments shall be applied to the payment of the principal installments due on the Note in the inverse order of its maturity, and shall be accompanied by the payment of accrued interest on the amount of the prepayment to the date thereof.

The City shall give notice of any such prepayment to the Original Purchaser of the Note and such notice shall identify (i) the prepayment redemption price to be paid and (ii) the date fixed for such prepayment. Failure to receive such notice or any defect in that notice regarding the prepayment of the Note, however, shall not affect the validity of the proceedings for the prepayment of the Note.

If moneys for the prepayment of such portion of the Note to be redeemed, together with accrued interest thereon to the prepayment date, are held by the City or an escrow trustee prior to the prepayment date, so as to be available therefor on that prepayment date and, if notice of prepayment has been provided to the Original Purchaser as aforesaid, then from and after such date of deposit with the City or an escrow trustee, such portion of the Note called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the prepayment date, or that notice shall not have been provided to the Original Purchaser as aforesaid, such portion of the Note shall continue to bear interest, until it is paid, at the same rate as it would have borne had it not been called for prepayment. All moneys held by the City or an escrow trustee for the prepayment of a portion of the Note shall be held in trust for the account of the Original Purchaser and shall be paid to it upon presentation and surrender of the Note; *provided* that any interest earned on the moneys so held by the City or the escrow trustee shall be for the account of and paid to the City to the extent not required for the payment of the portion of the Note called for prepayment.

Section 4. Execution and Authentication of Note. The Note shall be signed by the Mayor and the Director of Finance, in the name of the City and in their official capacities. The Note shall be issued in the Authorized Denominations and shall express upon its face the purpose, in summary terms, for which it is issued and that it is issued pursuant to the Act, this Ordinance, and the Loan Agreement.

Section 5. Sale of the Note to the Original Purchaser. The Note is hereby awarded and sold to the Original Purchaser at a purchase price of par plus accrued interest thereon, if any, upon the terms provided for herein and in the Loan Agreement. The Original Purchaser shall pay the purchase price of the Note in one or more installments, such installment(s) being noted by the Original Purchaser on the Schedule of Disbursements.

The Mayor and the Director of Finance shall sign and deliver, in the name and on behalf of the City, the Loan Agreement between the City and the Original Purchaser, in substantially the form as is now on file with the Clerk, providing for the sale to, and the purchase by, the Original Purchaser of the Note. The Loan Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Mayor and the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Loan Agreement or amendments thereto.

The Mayor, the City Administrator, the Director of Finance, the Director of Law, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments related to the Loan proceedings and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. Any actions of the Mayor, the City Administrator, the Director of Finance, the Director of Law, the Clerk of Council or other City official, as appropriate, in doing any and all acts necessary in connection with the issuance and sale of the Note are hereby ratified and confirmed.

Section 6. Note is a Special Obligation; Provisions for the Levy and Collection of Municipal Income Tax. The Note is a special obligation of the City, and the principal of and interest (and any premium) on the Note, the Additional Note and any Additional Obligations are payable solely from the Municipal Income Tax Receipts, and such payment is secured by a pledge of Municipal Income Tax Receipts as provided by the Act and this Ordinance.

The City has heretofore levied and covenants that it shall continue to collect the Municipal Income Tax for so long as the Note, the Additional Note and any Additional Obligations are outstanding. The City hereby covenants and agrees that, so long as the Note, the Additional Note and any Additional Obligations are outstanding, it shall not suffer the repeal, amendment or any other change in this Ordinance, or the Municipal Income Tax Ordinances, that in any way materially and adversely affects or impairs (a) the sufficiency of the Municipal Income Tax levied and collected or otherwise available for the payment of the Note, the Additional Note and any Additional Obligations or (b) the pledge or the application of the Municipal Income Tax Receipts to the payment of the Note, the Additional Note and any Additional Obligations.

The Note does not constitute a general obligation debt or a pledge of the full faith or credit or property taxing power of the City. Nothing herein shall be construed as requiring the City to use or apply to the payment of principal of and interest (and any premium) on the Note any funds or revenues from any source other than Municipal Income Tax Receipts. Nothing herein, however, shall be deemed to prohibit the City, of its own volition, from using, to the extent that it is authorized by law to do so, any other resources for the fulfillment of any of the terms, conditions or obligations of this Ordinance or of the Note.

If the City shall pay or cause to be paid and discharged the Note, the covenants, agreements and other obligations of the City hereunder and in the Note shall be discharged and satisfied. The City shall be considered to have caused the Note to be paid and discharged if the City has placed in escrow, and pledged for the payment of debt charges on the Note, money or direct or guaranteed obligations of the United States, or a combination of those obligations, determined by an independent firm experienced in making such determinations to be sufficient, with the interest or other investment income accruing on those direct or guaranteed obligations, for the payment of debt charges on the Note. For purposes of this Section, "*direct obligations of or obligations guaranteed as to payment by the United States*" includes rights to receive payment or portions of payments of the principal of or interest or other investment income on those obligations, and other obligations fully secured as to payment by those obligations and the interest or other investment income on those obligations.

All of the agreements, covenants and duties under this Ordinance are hereby established as duties specifically enjoined by law or resulting from an office, trust or station upon this City within the meaning of Section 2731.01 of the Revised Code.

Section 7. Creation of Municipal Income Tax Bond Fund and Application of Municipal Income Tax Receipts. To the extent not heretofore created, the Municipal Income Tax Bond Fund is hereby created as of the date of initial delivery of the Note as a bond retirement fund or an account of a bond retirement fund established pursuant to Ohio Revised Code Sections 133.01(D) and 5705.09 for payment of debt service and financing costs related to the Note, the Additional Note and the Additional Obligations, and shall be maintained by the Director of Finance in the custody of the City. The Director of Finance is hereby authorized to maintain, or permit the maintenance of, such separate accounts in that Fund, and such separate subaccounts in any account, as is determined to be in the best interest of the City. Any moneys on deposit in the Municipal Income Tax Bond Fund shall be invested to the extent permitted by law.

To the extent other moneys have not been appropriated and made available for the purpose, the City hereby covenants, subject and pursuant to the Constitution and laws of the State, to appropriate and pay from the Municipal Income Tax Receipts into the Municipal Income Tax Bond Fund on or before the Interest Payment Date or Principal Payment Date an amount which, after giving effect to any amounts then on deposit in the Municipal Income Tax Bond Fund, including any interest earnings retained in that Fund, would result in an amount sufficient to pay the interest and principal due and payable on the outstanding Note, the Additional Note and any Additional Obligations on that next respective Interest Payment Date and Principal Payment Date. For that purpose, in each year while the Note, the Additional Note and any Additional Obligations are outstanding, to the extent other moneys have not been appropriated and made available for the purpose, this Council will appropriate Municipal Income Tax Receipts required to pay the principal of and interest (and any premium) on the Note, the Additional Note and any Additional Obligations in that year. Further, this Council will give effect to such appropriations in all ordinances it passes or resolutions it adopts thereafter in that year appropriating money for expenditure and encumbrance and limit the other appropriations of Municipal Income Tax Receipts in that year to the amount available after deducting the amount required to pay the principal of and interest (and any premium) on the Note, the Additional Note and any Additional Obligations in that year to the extent other moneys have not been appropriated and made available for those principal, interest and premium payments.

Any portion of the Municipal Income Tax Receipts not otherwise required to be deposited into the Municipal Income Tax Bond Fund in accordance with this Section shall be used to meet other obligations of the City as may be lawfully discharged from the Municipal Income Tax.

Section 8. Additional Obligations. The City shall have the right from time to time to issue Additional Obligations on a parity with the Note and the Additional Note, which Additional Obligations shall, unless paid from other sources, be payable solely from the Municipal Income Tax Receipts, and such payment shall be secured by a pledge of the Municipal Income Tax Receipts as provided by the Act and by an ordinance passed by this Council authorizing the issuance of those Additional Obligations.

Before any Additional Obligations are issued, the City shall be required to furnish a certificate of the Director of Finance showing that the aggregate amount of Municipal Income Tax Receipts received during the two fiscal years immediately preceding the issuance of those Additional Obligations was at least equal to three hundred percent (300%) of the largest amount required to be paid in any succeeding calendar year to meet interest and principal maturities of the Note, the Additional Note and any Additional Obligations to be outstanding immediately after the issuance of such Additional Obligations (the "*Coverage Test*"). For bond anticipation notes, the principal and interest on the Additional Obligations anticipated by such notes shall be used in calculating compliance with this provision.

The moneys in the Municipal Income Tax Bond Fund shall be applied to all Additional Obligations in the manner provided for in Section 7 hereof as if the Additional Obligations were the Note. The proceeds of any sale of Additional Obligations shall be allocated in the manner provided in the ordinance authorizing their issuance.

Junior lien or other subordinate obligations payable from the Municipal Income Tax Receipts may be issued without limitation.

Any Additional Obligations shall bear such designation as may be necessary to distinguish them from the Note, the Additional Note or other Additional Obligations having different provisions and shall have maturities, interest rates, Interest Payment Dates, redemption provisions, denominations and other provisions as provided in the ordinances hereafter adopted providing for the issuance of the Additional Obligations; *provided, however*, that those terms and provisions shall not be inconsistent with this Ordinance, or the then outstanding Note or the Additional Note.

Section 9. Financing Costs. The expenditure of the amounts necessary to pay any Financing Costs in connection with the Note, to the extent not paid by the Original Purchaser in accordance with the Loan Agreement, is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts and costs from the proceeds of the Note to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 10. Bond Counsel. The legal services of the law firm of Squire Patton Boggs (US) LLP are hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Note. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. The Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Note, if available, and otherwise from available moneys in the General Fund.

Section 11. Satisfaction of Conditions for Note Issuance. This Council determines that all acts and conditions necessary to be performed by the City or to have been met precedent to and in the issuing of the Note in order to make it a legal, valid and binding special obligation of the City have been performed and have been met, or will at the time of delivery of the Note have been performed and have been met, in regular and due form as required by law; that the Municipal Income Tax Receipts are pledged for the timely payment of the debt charges on the Note; that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Note; and that the Note is being authorized and issued pursuant to the Act, this Ordinance, the Loan Agreement, and other authorizing provisions of law.

Section 12. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this

Ordinance were taken in an open meeting of this Council or any of its committees and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Section 121.22 of the Ohio Revised Code and the Charter of the City.

Section 13. Effective Date. This Ordinance shall take effect at the earliest opportunity allowed by law.

____
Roby Schottke, President of Council

Passed: _______________, 2017

____
Richard L. Stage, Mayor

Effective: _____________, 2017

Attest: ________________________________
Tami K. Kelly, MMC, Clerk of Council

I certify that this Ordinance is correct as to form.

____
Stephen J. Smith, Director of Law

Date:	04/07/17	No.:	C-25-17
Introduced By:	Mr. Davis	1st Reading:	06/05/17
Committee:	Finance	Public Notice:	06/08/17
Originated By:	Mr. Turner	2nd Reading:	06/19/17
Approved:	Mr. Boso	Passed:	Rejected:
Emergency:	30 Days: X	Codified:	Code No:
Current Expense:		Passage Publication:	

ORDINANCE NO. C-25-17

AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO A LOAN AGREEMENT WITH FRANKLIN COUNTY, OHIO PROVIDING FOR A LOAN TO THE CITY IN THE MAXIMUM PRINCIPAL AMOUNT OF $2,000,000.00 FOR THE PURPOSE OF PAYING THE COSTS OF CERTAIN CAPITAL IMPROVEMENTS TO THE MUNICIPAL COMMUNICATIONS SYSTEM BY INSTALLING A 10 GBPS FIBER NETWORK, TOGETHER WITH ALL NECESSARY APPURTENANCES RELATED THERETO, AND AUTHORIZING THE EXECUTION AND DELIVERY OF ANY ADDITIONAL DOCUMENTS RELATED THERETO

WHEREAS, by Ordinance No. C-7-71, passed by City Council on March 1, 1971 (the "*1971 Municipal Income Tax Ordinance*"), the City levied a tax at the rate of one percent (1.00%) upon certain classes of salaries, wages, commission, rents, compensation and profits for the purposes of general municipal operations, maintenance, new equipment and capital improvements of the City, all as further described and set forth in the 1971 Municipal Income Tax Ordinance; and

WHEREAS, by Ordinance No. C-35-83, passed by City Council on August 15, 1983 (the "*1983 Municipal Income Tax Ordinance*", and together with the 1971 Municipal Income Tax Ordinance, the "*Municipal Income Tax Ordinances*"), City Council proposed to levy a further tax of one percent (1.00%) upon certain classes of salaries, wages, commission, rents, compensation and profits for purposes of daily operations of the Division of Police, street maintenance and improvements, general municipal operations and maintenance and capital improvements, all as further described in the 1983 Municipal Income Tax Ordinance; and

WHEREAS, on November 1, 1983, the 1983 Municipal Income Tax Ordinance was ratified by a majority vote of the electors in the City, and the City's municipal income tax rate was increased by one percent (1.00%) to a total rate of two percent (2.00%) (the "*Municipal Income Tax*") in accordance with the Municipal Income Tax Ordinances; and

WHEREAS, the Municipal Income Tax Ordinances have been codified as Chapters 191 and 194 of the City's Codified Ordinances and the Municipal Income Tax is collected pursuant to Chapters 191 and 194 of the City's Codified Ordinances; and

WHEREAS, this Council has determined to work cooperatively with the Director of the Franklin County, Ohio Department of Economic Development and Planning, acting with the approval and on behalf of the Board of County Commissioners of Franklin County, Ohio, to provide monies for the payment of the costs of certain capital improvements to the municipal communications system by installing a 10 Gbps fiber network, together with all necessary appurtenances related thereto, and authorizing the execution and delivery of any additional documents related thereto (collectively, the "*Project*"); and

WHEREAS, this City has determined to execute a loan agreement for the purpose of paying the costs of the Project which will be payable from the Municipal Income Tax Receipts (as hereinafter defined); and

WHEREAS, on or about the same date on which the loan is delivered for the Project, this Council anticipates that the City will also enter into a loan agreement and deliver a related note to provide monies for the payment of the costs of certain capital improvements to the municipal roadway system along or near Stringtown Road and State Route 104, including but not limited to, constructing certain roadway, water infrastructure, sanitary sewer and recreational trail improvements, together with all necessary appurtenances related thereto; and

WHEREAS, this Council has requested that the Director of Finance, as fiscal officer of this City, certify the estimated life or period of usefulness of the Project and the maximum maturity of the Note (as hereinafter defined); and

WHEREAS, the Director of Finance has certified to this Council that the estimated life or period of usefulness of the Project is at least five (5) years and that the maximum maturity of the Note is at least twenty (20) years;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE CITY, FRANKLIN COUNTY, OHIO, THAT:

Section 1. Definitions and Interpretation. In addition to the words and terms elsewhere defined in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

"*1971 Municipal Income Tax Ordinance*" means Ordinance No. C-7-71 passed by City Council on March 1, 1971.

"*1983 Municipal Income Tax Ordinance*" means Ordinance No. C-35-83 passed by City Council on August 15, 1983, and which was ratified by a majority of the electorate of the City at the general election held on November 1, 1983.

"*Accrual Date*" means the first anniversary of the Closing Date.

"*Act*" means, collectively, the laws of the State of Ohio, including, without limitation, Section 3, Article XVIII of the Ohio Constitution and Chapter 133 of the Ohio Revised Code, and the Charter of the City.

"Additional Note" means the note to be issued by the City to the Original Purchaser on or about the Closing Date for the purpose of providing monies for the payment of the costs of certain capital improvements to the municipal roadway system along or near Stringtown Road and State Route 104, including but not limited to, constructing certain roadway, water infrastructure, sanitary sewer and recreational trail improvements, together with all necessary appurtenances related thereto.

"*Additional Obligations*" means any additional bonds or other obligations of the City which may be subsequently issued and payable solely from the Municipal Income Tax Receipts on parity with the Note, including Additional Obligations in anticipation of which notes have been issued; *provided*, *however*, in no event shall general obligation notes or bonds of the City be treated as Additional Obligations.

"*Authorized Denominations*" means the denomination of $0.01.

"*City*" means the City of Grove City, Ohio.

"*City Administrator*" means the City Administrator of the City.

"*Clerk*" means the Clerk of Council of the City.

"*Closing Date*" means the date of the execution and delivery of the Loan Agreement.

"*Director of Finance*" means the Director of Finance of the City.

"*Financing Costs*" shall have the meaning given in Section 133.01 of the Ohio Revised Code.

"*Interest Payment Dates*" means the date or dates of each year that the Note is outstanding and on which interest is payable, all as set forth in the Loan Agreement.

"*Loan Agreement*" means the Economic Development Loan Agreement (Grove City Fiber Project) between the City and the Original Purchaser, as it may be modified from the form on file with the Clerk and executed by the Mayor and the Director of Finance, all in accordance with Section 5 herein.

"*Loan proceedings*" means, collectively, this Ordinance, the Loan Agreement and such other proceedings of the City, including the Note, that provide collectively for, among other things, the rights of the holder of the Note.

"*Municipal Income Tax*" means the municipal income tax levied and collected by the City pursuant to Chapters 191 and 194 of the City's Codified Ordinances and in accordance with the Municipal Income Tax Ordinances at the rate of two percent (2.00%).

"*Municipal Income Tax Bond Fund*" means the Municipal Income Tax Bond Fund provided for by Section 7 of this Ordinance.

"*Municipal Income Tax Ordinances*" means, collectively, the 1971 Municipal Income Tax Ordinance and the 1983 Municipal Income Tax Ordinance.

"*Municipal Income Tax Receipts*" means the moneys received by the City from the Municipal Income Tax.

"*Note*" means the Note described in Section 2.

"*Original Purchaser*" means Director of the Franklin County, Ohio Department of Economic Development and Planning, acting with the approval and on behalf of the Board of County Commissioners of Franklin County, Ohio.

"*Principal Payment Dates*" means the date or dates of each year that the Note is outstanding and on which principal is payable; *provided* that in no case shall the final Principal Payment Date exceed the maximum maturity limitation referred to in the preambles hereto, all as set forth in the Loan Agreement.

"*Project*" means the construction of certain capital improvements to the municipal communications system by installing a 10 Gbps fiber network, together with all necessary appurtenances related thereto.

"*Schedule of Disbursements*" means the schedule to be attached to the Loan Agreement and on which will be recorded from time to time the disbursements made by the Original Purchaser to the City pursuant to the Loan Agreement which disbursements in the aggregate shall not exceed the maximum principal amount authorized pursuant to Section 2.

"*State*" means the State of Ohio.

The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 2. Authorized Principal Amount and Purpose; Application of Proceeds. This Council determines that it is necessary and in the best interest of the City to issue a note of this City in a maximum principal amount of $2,000,000 (the "*Note*") for the purpose of paying the costs of the Project. The Note shall be issued pursuant to the Act, this Ordinance and the Loan Agreement. The aggregate principal amount of the Note to be issued shall not exceed the maximum principal amount specified in this Section 2 and shall be recorded on the Schedule of Disbursements. The proceeds from the sale of the Note received, constructively or otherwise, by the City (or withheld by the Original Purchaser on behalf of the City) are appropriated and shall be used for the purpose for which the Note is being issued.

Section 3. Denominations; Dating; Principal and Interest Payment; and Prepayment Redemption Provisions. The Note shall be issued in one lot and only as a fully registered note, in Authorized Denominations. The Note shall be dated as of the date of the execution and delivery of the Loan Agreement.

(a) Interest Rates and Payment Dates. The aggregate principal amount of the Note outstanding, which shall be equal to the aggregate installments of the purchase price paid by the Original Purchaser for the benefit of the City, from time to time, pursuant to Section 5, shall bear interest at the rate of (i) zero (0%) per year from the Closing Date until, and including, the calendar day next preceding the first anniversary of the Closing Date; and (ii) the percent per year as set forth in the Loan Agreement (not to exceed two and twenty-six one-hundredths percent (2.26%) per year) from the Accrual Date until the Note is paid in full. Interest on the Note shall be computed on the basis of a 360-day year consisting of twelve 30-day months. The Note shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from the Accrual Date.

(b) Principal Payment Schedule. The Note shall mature on the Principal Payment Dates and in principal amounts as shall be determined pursuant to the Loan Agreement.

(c) Payment of Debt Charges. The debt charges on the Note shall be payable in lawful money of the United States of America. Installments of principal and interest on the Note shall be payable by check or draft mailed to the Original Purchaser; provided that the final payment of all unpaid principal and interest shall be payable when due upon presentation and surrender of the Note at the office of the Director of Finance.

(d) Redemption Provisions. The City may prepay all or any portion of the principal sum of the Note at any time; *provided that*, if prepayment is made (i) prior to or on the calendar day next preceding the second anniversary of the Closing Date, a two percent (2.00%) prepayment redemption fee shall be assessed on the amount of principal to be prepaid and (ii) on or after the second anniversary of the Closing Date, no prepayment redemption fee shall be assessed. All such prepayments shall be applied to the payment of the principal installments due on the Note in the inverse order of its maturity, and shall be accompanied by the payment of accrued interest on the amount of the prepayment to the date thereof.

The City shall give notice of any such prepayment to the Original Purchaser of the Note and such notice shall identify (i) the prepayment redemption price to be paid and (ii) the date fixed for such prepayment. Failure to receive such notice or any defect in that notice regarding the prepayment of the Note, however, shall not affect the validity of the proceedings for the prepayment of the Note.

If moneys for the prepayment of such portion of the Note to be redeemed, together with accrued interest thereon to the prepayment date, are held by the City or an escrow trustee prior to the prepayment date, so as to be available therefor on that prepayment date and, if notice of prepayment has been provided to the Original

Purchaser as aforesaid, then from and after such date of deposit with the City or an escrow trustee, such portion of the Note called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the prepayment date, or that notice shall not have been provided to the Original Purchaser as aforesaid, such portion of the Note shall continue to bear interest, until it is paid, at the same rate as it would have borne had it not been called for prepayment. All moneys held by the City or an escrow trustee for the prepayment of a portion of the Note shall be held in trust for the account of the Original Purchaser and shall be paid to it upon presentation and surrender of the Note; *provided* that any interest earned on the moneys so held by the City or the escrow trustee shall be for the account of and paid to the City to the extent not required for the payment of the portion of the Note called for prepayment.

Section 4. Execution and Authentication of Note. The Note shall be signed by the Mayor and the Director of Finance, in the name of the City and in their official capacities. The Note shall be issued in the Authorized Denominations and shall express upon its face the purpose, in summary terms, for which it is issued and that it is issued pursuant to the Act, this Ordinance, and the Loan Agreement.

Section 5. Sale of the Note to the Original Purchaser. The Note is hereby awarded and sold to the Original Purchaser at a purchase price of par plus accrued interest thereon, if any, upon the terms provided for herein and in the Loan Agreement. The Original Purchaser shall pay the purchase price of the Note in one or more installments, such installment(s) being noted by the Original Purchaser on the Schedule of Disbursements.

The Mayor and the Director of Finance shall sign and deliver, in the name and on behalf of the City, the Loan Agreement between the City and the Original Purchaser, in substantially the form as is now on file with the Clerk, providing for the sale to, and the purchase by, the Original Purchaser of the Note. The Loan Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Mayor and the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Loan Agreement or amendments thereto.

The Mayor, the City Administrator, the Director of Finance, the Director of Law, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments related to the Loan proceedings and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. Any actions of the Mayor, the City Administrator, the Director of Finance, the Director of Law, the Clerk of Council or other City official, as appropriate, in doing any and all acts necessary in connection with the issuance and sale of the Note are hereby ratified and confirmed.

Section 6. Note is a Special Obligation; Provisions for the Levy and Collection of Municipal Income Tax. The Note is a special obligation of the City, and the principal of and interest (and any premium) on the Note, the Additional Note and any Additional Obligations are payable solely from the Municipal Income Tax Receipts, and such payment is secured by a pledge of Municipal Income Tax Receipts as provided by the Act and this Ordinance.

The City has heretofore levied and covenants that it shall continue to collect the Municipal Income Tax for so long as the Note, the Additional Note and any Additional Obligations are outstanding. The City hereby covenants and agrees that, so long as the Note, the Additional Note and any Additional Obligations are outstanding, it shall not suffer the repeal, amendment or any other change in this Ordinance, or the Municipal Income Tax Ordinances, that in any way materially and adversely affects or impairs (a) the sufficiency of the Municipal Income Tax levied and collected or otherwise available for the payment of the Note, the Additional Note and any Additional Obligations or (b) the pledge or the application of the Municipal Income Tax Receipts to the payment of the Note, the Additional Note and any Additional Obligations.

The Note does not constitute a general obligation debt or a pledge of the full faith or credit or property taxing power of the City. Nothing herein shall be construed as requiring the City to use or apply to the payment of principal of and interest (and any premium) on the Note any funds or revenues from any source other than Municipal Income Tax Receipts. Nothing herein, however, shall be deemed to prohibit the City, of its own volition, from using, to the extent that it is authorized by law to do so, any other resources for the fulfillment of any of the terms, conditions or obligations of this Ordinance or of the Note.

If the City shall pay or cause to be paid and discharged the Note, the covenants, agreements and other obligations of the City hereunder and in the Note shall be discharged and satisfied. The City shall be considered to have caused the Note to be paid and discharged if the City has placed in escrow, and pledged for the payment of debt charges on the Note, money or direct or guaranteed obligations of the United States, or a combination of those obligations, determined by an independent firm experienced in making such determinations to be sufficient, with the interest or other investment income accruing on those direct or guaranteed obligations, for the payment of debt charges on the Note. For purposes of this Section, "*direct obligations of or obligations guaranteed as to payment by the United States*" includes rights to receive payment or portions of payments of the principal of or interest or other investment income on those obligations, and other obligations fully secured as to payment by those obligations and the interest or other investment income on those obligations.

All of the agreements, covenants and duties under this Ordinance are hereby established as duties specifically enjoined by law or resulting from an office, trust or station upon this City within the meaning of Section 2731.01 of the Revised Code.

Section 7. Creation of Municipal Income Tax Bond Fund and Application of Municipal Income Tax Receipts. To the extent not heretofore created, the Municipal Income Tax Bond Fund is hereby created as of the date of initial delivery of the Note as a bond retirement fund or an account of a bond retirement fund established pursuant to Ohio Revised Code Sections 133.01(D) and 5705.09 for payment of debt service and financing costs related to the Note, the Additional Note and the Additional Obligations, and shall be maintained by the Director of Finance in the custody of the City. The Director of Finance is hereby authorized to maintain, or permit the maintenance of, such separate accounts in that Fund, and such separate subaccounts in any account, as is determined to be in the best interest of the City. Any moneys on deposit in the Municipal Income Tax Bond Fund shall be invested to the extent permitted by law.

To the extent other moneys have not been appropriated and made available for the purpose, the City hereby covenants, subject and pursuant to the Constitution and laws of the State, to appropriate and pay from the Municipal Income Tax Receipts into the Municipal Income Tax Bond Fund on or before the Interest Payment Date or Principal Payment Date an amount which, after giving effect to any amounts then on deposit in the Municipal Income Tax Bond Fund, including any interest earnings retained in that Fund, would result in an amount sufficient to pay the interest and principal due and payable on the outstanding Note, the Additional Note and any Additional Obligations on that next respective Interest Payment Date and Principal Payment Date. For that purpose, in each year while the Note, the Additional Note and any Additional Obligations are outstanding, to the extent other moneys have not been appropriated and made available for the purpose, this Council will appropriate Municipal Income Tax Receipts required to pay the principal of and interest (and any premium) on the Note, the Additional Note and any Additional Obligations in that year. Further, this Council will give effect to such appropriations in all ordinances it passes or resolutions it adopts thereafter in that year appropriating money for expenditure and encumbrance and limit the other appropriations of Municipal Income Tax Receipts in that year to the amount available after deducting the amount required to pay the principal of and interest (and any premium) on the Note, the Additional Note and any Additional Obligations in that year to the extent other moneys have not been appropriated and made available for those principal, interest and premium payments.

Any portion of the Municipal Income Tax Receipts not otherwise required to be deposited into the Municipal Income Tax Bond Fund in accordance with this Section shall be used to meet other obligations of the City as may be lawfully discharged from the Municipal Income Tax.

Section 8. Additional Obligations. The City shall have the right from time to time to issue Additional Obligations on a parity with the Note and the Additional Note, which Additional Obligations shall, unless paid from other sources, be payable solely from the Municipal Income Tax Receipts, and such payment shall be secured by a pledge of the Municipal Income Tax Receipts as provided by the Act and by an ordinance passed by this Council authorizing the issuance of those Additional Obligations.

Before any Additional Obligations are issued, the City shall be required to furnish a certificate of the Director of Finance showing that the aggregate amount of Municipal Income Tax Receipts received during the two fiscal years immediately preceding the issuance of those Additional Obligations was at least equal to three hundred percent (300%) of the largest amount required to be paid in any succeeding calendar year to meet interest and principal maturities of the Note, the Additional Note and any Additional Obligations to be outstanding immediately after the issuance of such Additional Obligations (the "*Coverage Test*"). For bond anticipation notes, the principal and interest on the Additional Obligations anticipated by such notes shall be used in calculating compliance with this provision.

The moneys in the Municipal Income Tax Bond Fund shall be applied to all Additional Obligations in the manner provided for in Section 7 hereof as if the Additional Obligations were the Note. The proceeds of any sale of Additional Obligations shall be allocated in the manner provided in the ordinance authorizing their issuance.

Junior lien or other subordinate obligations payable from the Municipal Income Tax Receipts may be issued without limitation.

Any Additional Obligations shall bear such designation as may be necessary to distinguish them from the Note, the Additional Note or other Additional Obligations having different provisions and shall have maturities, interest rates, Interest Payment Dates, redemption provisions, denominations and other provisions as provided in the ordinances hereafter adopted providing for the issuance of the Additional Obligations; *provided, however*, that those terms and provisions shall not be inconsistent with this Ordinance, or the then outstanding Note or the Additional Note.

Section 9. Financing Costs. The expenditure of the amounts necessary to pay any Financing Costs in connection with the Note, to the extent not paid by the Original Purchaser in accordance with the Loan Agreement, is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts and costs from the proceeds of the Note to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 10. Bond Counsel. The legal services of the law firm of Squire Patton Boggs (US) LLP are hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Note. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. The Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Note, if available, and otherwise from available moneys in the General Fund.

Section 11. Satisfaction of Conditions for Note Issuance. This Council determines that all acts and conditions necessary to be performed by the City or to have been met precedent to and in the issuing of the Note in order to make it a legal, valid and binding special obligation of the City have been performed and have been met, or will at the time of delivery of the Note have been performed and have been met, in regular and due form as required by law; that the Municipal Income Tax Receipts are pledged for the timely payment of the debt charges on the Note; that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Note; and that the Note is being authorized and issued pursuant to the Act, this Ordinance, the Loan Agreement, and other authorizing provisions of law.

Section 12. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or any of its committees and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Section 121.22 of the Ohio Revised Code and the Charter of the City.

Section 13. Effective Date. This Ordinance shall take effect at the earliest opportunity allowed by law.

____
Roby Schottke, President of Council

Passed: _______________, 2017

____
Richard L. Stage, Mayor

Effective: _____________, 2017

Attest: ______________________________
Tami K. Kelly, MMC, Clerk of Council

I certify that this Ordinance is correct as to form.

____
Stephen J. Smith, Director of Law

Date: 05/26/17	No.: CR-24-17
Introduced By: Mr. Davis	1st Reading: 06/05/17
Committee: Finance	Public Notice:
Originated By: Mr. Schottke	2nd Reading:
Approved:	Passed: Rejected:
Emergency: 30 Days:	Codified: Code No:
Current Expense:	Passage Publication:

RESOLUTION CR-24-17

A RESOLUTION OPPOSING THE ADDITION OF THE CLEAN WATER AND FAIR PRICING AMENDMENT TO SUBSTITUTE HOUSE BILL 49

WHEREAS, Ohio State Representative Mike Duffey has submitted an amendment to substitute House Bill 49 called "The Clean Water and Fair Pricing Amendment"; and

WHEREAS, this Amendment will have detrimental effects on Grove City and municipalities who contract with the City of Columbus for water and sewer services by eliminating the full services contracts and requiring master meter contracts; and

WHEREAS, a master meter contract would force communities to spend enormous amounts of capital dollars on water tanks and pump stations and pay for the maintenance of these expensive facilities; not to mention that additional staff that would need to be added to maintain lines, read meters, perform billing and provide customer service; and

WHEREAS, this Amendment would also force communities to provide services to Townships without annexation agreements and compensation for their in-place water distribution systems; and

WHEREAS, the current system works well and is a shining example of regional cooperation.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE CITY, STATE OF OHIO, THAT:

SECTION 1. The City of Grove City, Ohio declares its opposition to "The Clean Water and Fair Pricing Amendment" submitted by Representative Mike Duffey and urges the removal of same from Substitute H.B. 49.

SECTION 2. This resolution shall take effect at the earliest opportunity allowed by law.

Roby Schottke, President of Council

Passed:

Richard L. Stage, Mayor

Effective:

Attest:

Tami K. Kelly, MMC, Clerk of Council

I certify that this
resolution is correct as to form.

Stephen J. Smith, Director of Law

Date: 05/30/17	No.: C-26-17
Introduced By: Mr. Robinette	1st Reading: 06/06/17
Committee: Safety	Public Notice: 06/08/17
Originated By: Mr. Smith	2nd Reading: 06/19/17
Approved: Mr. Boso	Passed: ____ Rejected:
Emergency: ___ 30 Days: X	Codified: ___ Code No:
Current Expense: ________	Passage Publication:

ORDINANCE C-26-17

AN ORDINANCE TO AUTHORIZE THE CITY ADMINISTRATOR TO ENTER INTO AN AGREEMENT FOR DISPATCHING AND COMMUNICATION SERVICES WITH SCIOTO TOWNSHIP

WHEREAS, the City and Scioto Township have reached an agreement whereby the City will provide dispatching for the Scioto Township Fire Department; and

WHEREAS, because the Agreement exceeds twelve (12) months, it must be approved by Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE CITY, STATE OF OHIO, THAT:

SECTION 1. City Council hereby authorizes the City Administrator to execute a multi-year dispatching and communication services agreement with Scioto Township upon the terms and conditions set forth in Exhibit A.

SECTION 2. This Ordinance shall take effect at the earliest date permitted by law.

____
Roby Schottke, President of Council

Passed:

____
Richard L. Stage, Mayor

Effective:

Attest:

____
Tami K. Kelly, MMC, Clerk of Council

I certify that this
ordinance is correct as to form.

____
Stephen J. Smith, Director of Law

C-26-17 Resolution 17-052

AGREEMENT

Agreement to provide communication services ("Agreement") for the **Scioto Township** ("Township"), Fire Department by the City of Grove City ("City") is made and entered into on the 4th day of May, 2017, by and between the City, an Ohio Municipal Corporation, and the Township, an Ohio Political Subdivision.

WHEREAS, the Township desires to contract for communication services for the Township Fire Department; and

WHEREAS, the City is able to furnish to the Township such communication services and it is in the best interests of the City to do so; and

WHEREAS, the City will be providing communication services to the Township Fire Department pursuant to the terms of the Agreement; and

NOW, THEREFORE, in consideration of the foregoing and of the covenants and agreements herein contained, the parties, intending to be legally bound, agree as follows:

I. The City shall furnish the facilities, personnel and equipment for the purpose of providing communication services ("Communication Services") to the Township Fire Department. Communication Services shall include:

1) Providing the Township access to the City's computer aided dispatch ("CAD") network for the purpose of accessing CAD call reports. This access shall be available at all Township fire stations;

2) If requested, providing the Township a CAD printout to each Township fire station for each call for service received by the City;

3) Representing the Township at all Franklin County E9-1-1 PSAP Manager meetings;

4) Maintaining the E9-1-1 master street address guide for all areas located in the Township; and

5) Performing other services as may from time to time be mutually agreed by the parties.

II. Additionally, the parties agree as follows:

(1) The City shall provide the equipment and personnel necessary to provide twenty-four (24) hour a day and seven (7) day a week Communication Services for the Township Fire Department;

(2) The City shall receive all calls and communicate the message or internal requests to the Township Fire Department in accordance with generally acceptable procedures for dispatching and in accordance with such procedures as shall from time to time be prescribed by the Township Fire Department and/or the City;

(3) The City shall maintain a written and/or electronic log of all communications referred to in Section II(2) above. The Township shall have electronic access to these communication logs;

(4) Dispatching shall be performed only by qualified individuals hired by the City;

(5) Both parties recognize that the City is under no obligation to assign a dispatcher to exclusively perform dispatch duties under this Agreement and that there is no penalty upon the City for failing to meet to do so;

(6) The City will continue its policy of handling radio calls in priority order without regard to whether the call is related to police, fire or emergency medical activity;

(7) The Township, at its sole expense, shall assume all responsibility for the Township public safety radio equipment and shall pay any expenses, fees or other charges required to render it compatible with the City dispatch center and the Township shall coordinate any programming or equipment changes made or updates to programming or equipment; and the Township agrees that the programming for their public safety radios shall be consistent in their compatibility with the City and County;

(8) If any addition of mobile data computers by the Township results in an increase in software costs for the City's dispatch center, the Township agrees to reimburse the City for those costs;

(9) The City, at its expense, shall maintain the central dispatch computer and other City equipment; and

(10) The Township may submit run card assignment changes to the Grove City CIC Manager for implementation into the CAD System.

III. The Township is solely responsible for providing fire and other emergency services for the residents, public officials, business entities and other individuals in the Township. The Township, at its sole discretion, is responsible for determining the proper allocation of the equipment, personnel and all other resources for providing fire and other emergency services.

IV. The City shall have sole discretion and oversight in determining the appropriate allocation of equipment, personnel and all other resources for providing Communication Services under this Agreement.

V. As consideration for the aforementioned services to be provided by the City to the Township pursuant to this Agreement, the Township shall pay the City as follows:

1) For each year of communication services, the township shall pay to the City $28,266.03;

2) The yearly amount due by the Township, shall be paid to the City in four (4) equal payments on or before;

i. January 31,
ii. April 30,
iii. July, 31 and
iv. Oct 31.

VI. This Agreement shall be for a period of three (3) years commencing on July 1, 2017 and ending on July 1, 2020 unless otherwise terminated earlier, as provided for herein.

VII. During the original term of this Agreement, the Parties agree that they will meet and discuss the development and/or possible cost sharing of any new communications and/or technological improvements that would be beneficial to both Parties.

VIII. This Agreement may be renewed or extended for additional periods of three (3) years upon mutual agreement of the parties, pursuant to the following process:

1) If Township seeks an extension of the term of this Agreement it shall submit, in writing, a request to the City to extend this Agreement at least one hundred and eighty (180) days prior to the expiration of original term.

2) The City shall be required to approve or disapprove, in writing, any request for an extension within ninety (90) days of receipt.

IX. If this Agreement is extended for an additional three (3) year term pursuant to Section VIII hereunder, the City and Township shall mutually agree upon an updated payment amount.

X. Either party, at its sole discretion, shall have the right upon one hundred eighty (180) days written notice to terminate this Agreement without penalty.

XI. In the event of a breach of any provision of this Agreement, either party may terminate this Agreement, if following written notice to the breaching party, said breaching party fails to immediately attempt to remedy such material breach.

XII. It is understood and agreed that this Agreement may not be changed, modified, or altered except by an instrument, in writing, signed by both parties and executed in accordance with the laws of the State of Ohio.

XIII. Any controversy or claim, whether based upon contract, statute, tort, fraud, misrepresentation or other legal theory, related directly or indirectly to the Agreement, whether between the parties, or of any of the parties employees, agents, or volunteers will be resolved under the laws of the State of Ohio, in an appropriate court in Franklin County, Ohio.

IN WITNESS WHEREOF, the City of Grove City and Scioto Township have set their hands by their authorized representatives the day and year first written above.

CITY OF GROVE CITY, OHIO	SCIOTO TOWNSHIP, OHIO
Charles W. Boso, Jr. City Administrator	Terry Brill, Trustee
	John Maynard, Trustee
	Michael Struckman, Trustee
Approved as to form:	Approved as to form:
Stephen J. Smith, Law Director	

CERTIFICATION OF FUNDS

I hereby certify that the funds required to meet the Township's obligation, payment, or expenditure under this Agreement have been lawfully appropriated or authorized for such purpose and are free from any obligation now outstanding.

Vickie Fleming

Vickie Fleming, Fiscal Officer

5/4/17

Date

0127090.0607160 4814-9296-2374v1

SCIOTO TOWNSHIP, PICKAWAY COUNTY

Regular Purchase Order

Office Of	Vendor	Purchase Order	
SCIOTO TOWNSHIP 6752 State Route 762 P. O. Box 40 Commercial Point, OH 43116-0040	City of Grove City 4035 Broadway Grove City, OH 43123	**Number:** **Total:** **Issue:** **Expires:**	38-2017 $14,133.02 05/09/2017 12/31/2017

Ship To	Bill To	Miscellaneous
SCIOTO TOWNSHIP 6752 State Route 762 P. O. Box 40 Commercial Point, OH 43116-0040	SCIOTO TOWNSHIP 6752 State Route 762 P. O. Box 40 Commercial Point, OH 43116-0040	**Approval:**

Terms	
Purpose	

Quantity	Unit	Description	Unit Price	Subtotal
1.00		2017 Dispatching Contract	$14,133.02	$14,133.02

Account Code	Account Description	Amount
2191-220-319-0000	Other - Professional and Technical Services	$14,133.02

Material on this order is exempted from Ohio Sales Tax and Federal Excise Taxes.

FISCAL OFFICER CERTIFICATE	APPROVED BY
It is hereby certified that the amount of $14,133.02 required to meet the contract agreement, obligation, or expenditure for the above, has been lawfully appropriated, authorized or directed for such purpose and is in the Treasury or in the process of collection to the credit of the ------------------------------ FIRE AND EMERGENCY LEVY ------------------------------ Fund (and others as above) free from any obligation or certification now outstanding. **Certification:** Vickie L. Fleming **Date:** 05/04/2017 **Fiscal Officer:** Vickie L. Fleming	**This order is not valid unless Fiscal Officer Certificate is signed.**

Date:	05/09/17	No.:	C-19-17
Introduced By:	Mr. Bennett	1st Reading:	05/15/17
Committee:	Lands	Public Notice:	0 / /17
Originated By:	Mr. Smith	2nd Reading:	0 / /17
Approved:	Mr. Boso	Passed:____ Rejected:	
Emergency:XXX 30 Days:____		Codified:___ Code No:	
Current Expense:__________		Passage Publication:	

ORDINANCE C-19-17

AN ORDINANCE TO APPROPRIATE A 0.033 ACRE FEE SIMPLE RIGHT-OF-WAY FROM DENCIL WEETHEE AT 1448 STRINGTOWN ROAD, FOR THE PUBLIC PURPOSE OF CONSTRUCTING ROADWAY IMPROVEMENTS AND DECLARING AN EMERGENCY

WHEREAS, the City of Grove City the City is making improvements to Stringtown Road including widening of the roadway and extending water and sewer lines; and

WHEREAS, the Project requires that the City obtain a fee simple right-of-way from Dencil Weethee at 1448 Stringtown Road, as described in the attached Exhibit A and depicted in the attached Exhibit B; and

WHEREAS, an emergency exists for the health, safety and general welfare of the community in that City received and opened bids for the Project on May 11, 2017 and this appropriation in necessary to move forward with the Project.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE CITY, STATE OF OHIO, THAT:

SECTION 1. Council considers it necessary and declares its authorization to appropriate, for the appraised value of $6,600.00 for the public purpose of constructing roadway improvements to be open to the public without charge, a 0.033 acre fee simple right-of-way, as described in the attached Exhibit A and depicted in the attached Exhibit B.

SECTION 2. The City Law Director's office is hereby authorized to file a petition for appropriation and utilize its quick-take authority in the county Court of Common Pleas should it become necessary.

SECTION 3. This Council further hereby authorizes and directs the City Administrator, the Director of Law, the Director of Finance, the Clerk of Council, or other appropriate officers of the City to take any other actions as may be appropriate to implement this Ordinance.

SECTION 4. For reasons stated in the preamble, this ordinance is hereby declared an emergency measure and shall go into immediate effect.

Roby Schottke, President of Council

Passed:

Richard L. Stage, Mayor

Effective:

Attest:

Tami K. Kelly, MMC, Clerk of Council

Exhibit A
C-19-17

0.033 ACRE
Dencil Weethee
Auditors Parcel Number 160-000955

Situated in the State of Ohio, County of Franklin, Township of Jackson, Virginia Military Survey Number 469 and being out of that Original 4 acre tract conveyed to Dencil Weethee by deed of record in Deed Book 3465, Page 623 (all references are to the records of the Recorder's Office, Franklin County, Ohio, unless noted otherwise) and being more particularly described as follows:

Beginning, for reference, at a magnetic nail set at the intersection of the centerline of Stringtown Road and the centerline of Jackson Pike (S.R. 104) as shown on ODOT Plans S.H. 453 Sec. B(Pt.) & A(Pt.) and FRA – 104 – (2.73 – 7.64), and recorded in Plat Book 17, Page 363:

thence North 74° 44' 44" West, with the centerline of said Stringtown Road as shown on the 1940 Franklin County Engineer's Plans for Stringtown Road No. 135, a distance of 2226.53 feet to the southerly common corner of that 0.134 acre tract conveyed to the City of Grove City by deed of record in Instrument Number 200208300215839 and that 0.153 acre tract conveyed to the City of Grove City by deed of record in Instrument Number 200208300215806;

thence North 16° 41' 38" East, with the line common to said 0.134 and 0.153 acre tracts, a distance of 40.01 feet to an iron pin set at the northerly common corner of said 0.134 and 0.153 acre tracts, the current southerly common corner of said 4 acre tract and that Original 3.006 acre tract conveyed to Dwayne Edward Rice by deed of record in Instrument Number 200804280064572, in the northerly right-of-way line of Stringtown Road, the *True Point of Beginning;*

thence North 74° 44' 44" West, with said northerly right-of-way line, the northerly line of said 0.134 acre tract, a distance of 145.75 feet to an iron pin set at the northwesterly corner of said 0.134 acre tract, the easterly line of that 2.151 acre tract conveyed to the City of Grove City, Ohio by deed of record in Instrument Number 200209060221713, in the City of Grove City and Jackson Township Corporation line and an angle point in said northerly right-of-way line;

thence North 16° 41' 38" East, with the line common to said 2.151 and 4 acre tracts, said Corporation line and northerly right-of-way line, a distance of 10.00 feet to an iron pin set;

thence South 74° 44' 44" East, across said 4 acre tract, a distance of 145.75 feet to an iron pin set in the westerly line of said 3.006 acre tract;

thence South 16° 41' 38" West, with the line common to said 4 and 3.006 acre tracts, a distance of 10.00 feet to the *True Point of Beginning.*

Containing 0.033 acre of land, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations of Franklin County Engineering Department monuments FRANK 35, FCGS 0025, FCGS 4480 and FCGS 0024 RESET. A bearing of North 74° 44' 44" West was held for a portion of the centerline of Stringtown Road.

This description was prepared using documents of record, prior plats of survey and observed evidence located by an actual field survey performed in October, 2016.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

John C. Dodgion
Professional Surveyor No. 8069

Date

JCD:ep
0_033 ac 20161042-VS-BNDY-13.doc

Exhibit B

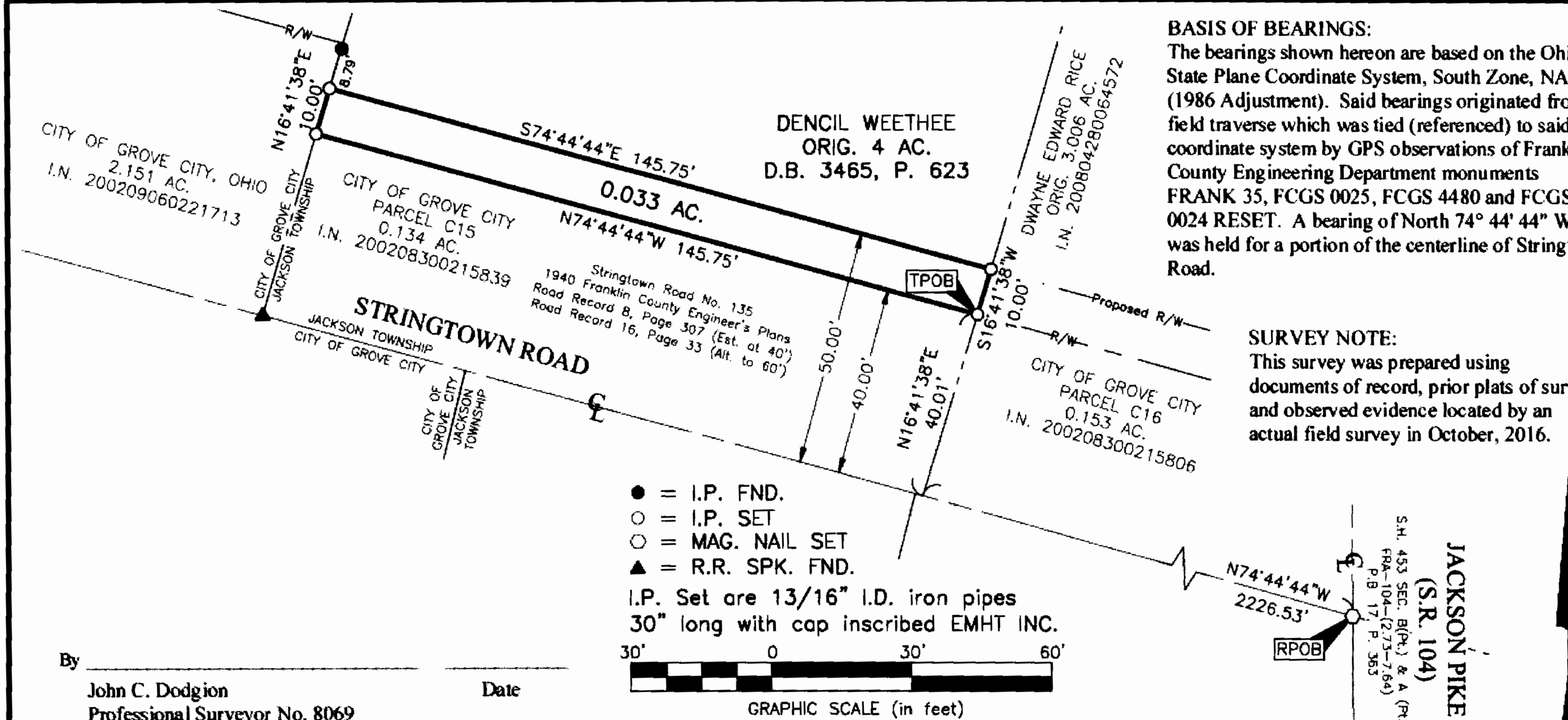
C-19-17

EMHT
Evans, Mechwart, Hambleton & Tilton, Inc.
Engineers • Surveyors • Planners • Scientists
5500 New Albany Road, Columbus, OH 43054
Phone: 614.775.4500 Toll Free: 888.775.3648
emht.com

RIGHT OF WAY ACQUISITION

VIRGINIA MILITARY SURVEY NUMBER 469
TOWNSHIP OF JACKSON, COUNTY OF FRANKLIN, STATE OF OHIO
(DENCIL WEETHEE - A.P.N. 160-000955)

Date:	February 22, 2017
Scale:	1" = 30'
Job No:	2016-1042



BASIS OF BEARINGS:
The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations of Franklin County Engineering Department monuments FRANK 35, FCGS 0025, FCGS 4480 and FCGS 0024 RESET. A bearing of North 74° 44' 44" West was held for a portion of the centerline of Stringtown Road.

SURVEY NOTE:
This survey was prepared using documents of record, prior plats of survey and observed evidence located by an actual field survey in October, 2016.

By ______________________ ______________

John C. Dodgion Date
Professional Surveyor No. 8069

J:\20161042\DWG\04SHEETS\BOUNDARY\20161042-VS-BNDY-13.DWG plotted by DODGION, JOHN on 2/24/2017 9:23:12 AM last saved by MMAGERS on 2/22/2017 1:37:44 PM
Xrefs:

Date: 05/19/17	No.: C-20-17
Introduced By: Mr. Bennett	1st Reading: 05/15/17
Committee: Lands	Public Notice: 0 / /17
Originated By: Mr. Smith	2nd Reading: 0 / /17
Approved: Mr. Boso	Passed: ____ Rejected:
Emergency: X 30 Days: ____	Codified: ___ Code No:
Current Expense: _________	Passage Publication:

ORDINANCE C-20-17

AN ORDINANCE TO APPROPRIATE A 0.038 ACRE FEE SIMPLE RIGHT-OF-WAY FROM DWAYNE E. RICE AT 1444 STRINGTOWN ROAD, FOR THE PUBLIC PURPOSE OF CONSTRUCTING ROADWAY IMPROVEMENTS AND DECLARING AN EMERGENCY

WHEREAS, the City of Grove City the City is making improvements to Stringtown Road including widening of the roadway and extending water and sewer lines; and

WHEREAS, the Project requires that the City obtain a fee simple right-of-way from Dwayne E. Rice at 1444 Stringtown Road, as described in the attached Exhibit A and depicted in the attached Exhibit B; and

WHEREAS, an emergency exists for the health, safety and general welfare of the community in that City received and opened bids for the Project on May 11, 2017 and this appropriation in necessary to move forward with the Project.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE CITY, STATE OF OHIO, THAT:

SECTION 1. Council considers it necessary and declares its authorization to appropriate, for the appraised value of $6,650.00 for the public purpose of constructing roadway improvements to be open to the public without charge, a 0.038 acre fee simple right-of-way, as described in the attached Exhibit A and depicted in the attached Exhibit B.

SECTION 2. The City Law Director's office is hereby authorized to file a petition for appropriation and utilize its quick-take authority in the county Court of Common Pleas should it become necessary.

SECTION 3. This Council further hereby authorizes and directs the City Administrator, the Director of Law, the Director of Finance, the Clerk of Council, or other appropriate officers of the City to take any other actions as may be appropriate to implement this Ordinance.

SECTION 4. For reasons stated in the preamble, this ordinance is hereby declared an emergency measure and shall go into immediate effect.

____
Roby Schottke, President of Council

Passed:

____
Richard L. Stage, Mayor

Effective:

Attest:

____
Tami K. Kelly, MMC, Clerk of Council

<u>Exhibit A</u>
C-20-17

0.038 ACRE
Dwayne Edward Rice
Auditors Parcel Number 160-000886

Situated in the State of Ohio, County of Franklin, Township of Jackson, Virginia Military Survey Number 469 and being out of that Original 3.006 acre tract conveyed to Dwayne Edward Rice by deed of record in Instrument Number 200804280064572 (all references are to the records of the Recorder's Office, Franklin County, Ohio, unless noted otherwise) and being more particularly described as follows:

Beginning, for reference, at a magnetic nail set at the intersection of the centerline of Stringtown Road and the centerline of Jackson Pike (S.R. 104) as shown on ODOT Plans S.H. 453 Sec. B(Pt.) & A(Pt.) and FRA – 104 – (2.73 – 7.64), and recorded in Plat Book 17, Page 363;

thence North 74° 44' 44" West, with the centerline of said Stringtown Road as shown on the 1940 Franklin County Engineer's Plans for Stringtown Road No. 135, a distance of 2060.83 feet to the southerly common corner of that 0.153 acre tract conveyed to the City of Grove City by deed of record in Instrument Number 200208300215806 and that tract conveyed to Manheim Services by deeds of record in Official Records 10748H14, 10748H20 and 31643I16, at a corner of the City of Grove City and Jackson Township Corporation line;

thence North 16° 42' 03" East, with the line common to said 0.153 acre and Manheim Services tracts, said Corporation line, a distance of 40.01 feet to an iron pin set at the northeasterly corner of said 0.153 acre tract, the current southeasterly corner of said 3.006 acre tract and in the northerly right-of-way line of Stringtown Road, the *True Point of Beginning;*

thence North 74° 44' 44" West, with the northerly line of said 0.153 acre tract, said northerly right-of-way line (being 40.00 feet from the centerline thereof), a distance of 165.70 feet to an iron pin set at the northerly common corner of said 0.153 acre tract and that 0.134 acre tract conveyed to the City of Grove City by deed of record in Instrument Number 200208300215839, the current southerly common corner of said 3.006 acre tract and that Original 4 acre tract conveyed to Dencil Weethee by deed of record in Deed Book 3465, Page 623;

thence North 16° 41' 38" East, with the line common to said 3.006 and 4 acre tracts, a distance of 10.00 feet to an iron pin set;

thence South 74° 44' 44" East, across said 3.006 acre tract (being 50.00 feet from the centerline thereof), a distance of 165.71 feet to an iron pin set in the westerly line of said Manheim Services tract, said Corporation line;

thence South 16° 42' 03" West, with the line common to said 3.006 acre and Manheim Services tracts, said Corporation line, a distance of 10.00 feet to the *True Point of Beginning.*

Containing 0.038 acre of land, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations of Franklin County Engineering Department monuments FRANK 35, FCGS 0025, FCGS 4480 and FCGS 0024 RESET. A bearing of North 74° 44' 44" West was held for a portion of the centerline of Stringtown Road.

This description was prepared using documents of record, prior plats of survey and observed evidence located by an actual field survey performed in October, 2016.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

John C. Dodgion
Professional Surveyor No. 8069

Date

JCD:tep
0_038 ac 20161042-VS-BNDY-14.doc

Exhibit B

C-20-17

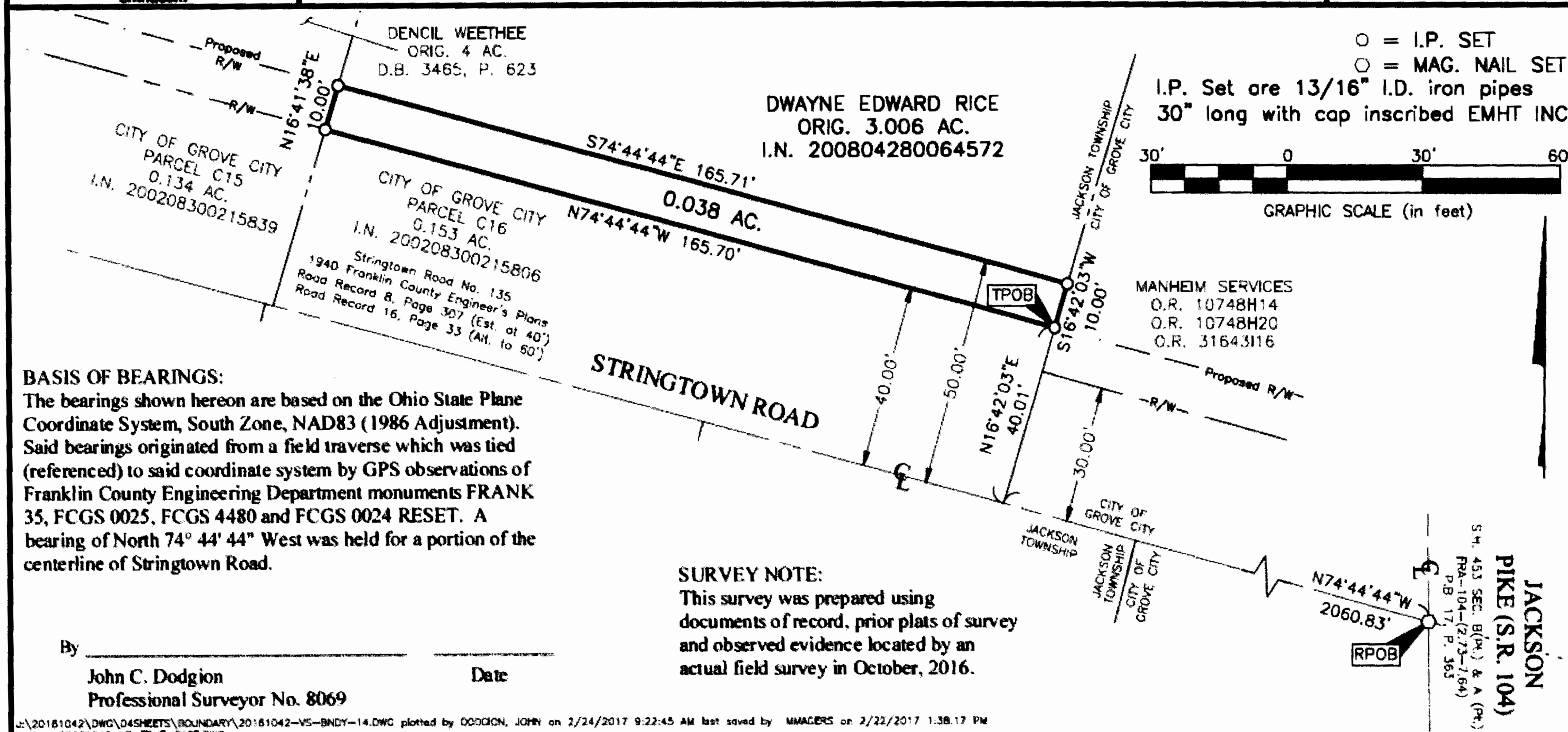
EMHT

Evans, Mechwart, Hambleton & Tilton, Inc.
Engineers • Surveyors • Planners • Scientists
5500 New Albany Road, Columbus, OH 43054
Phone: 614.775.4500 Toll Free: 888.775.3648
emht.com

RIGHT OF WAY ACQUISITION

VIRGINIA MILITARY SURVEY NUMBER 469
TOWNSHIP OF JACKSON, COUNTY OF FRANKLIN, STATE OF OHIO
(DWAYNE EDWARD RICE - A.P.N. 160-000886)

Date:	February 22, 2017
Scale:	1" = 30'
Job No:	2016-1042



BASIS OF BEARINGS:
The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations of Franklin County Engineering Department monuments FRANK 35, FCGS 0025, FCGS 4480 and FCGS 0024 RESET. A bearing of North 74° 44' 44" West was held for a portion of the centerline of Stringtown Road.

SURVEY NOTE:
This survey was prepared using documents of record, prior plats of survey and observed evidence located by an actual field survey in October, 2016.

By ______________________ ____________
John C. Dodgion Date
Professional Surveyor No. 8069

J:\20161042\DWG\04SHEETS\BOUNDARY\20161042-VS-BNDY-14.DWG plotted by DODGION, JOHN on 2/24/2017 9:22:45 AM last saved by MMAGERS on 2/22/2017 1:38:17 PM
Xrefs 20161042-VS-ESMT-BASE.DWG

Date:	05/09/17	No.:	C-21-17
Introduced By:	Mr. Bennett	1st Reading:	05/15/17
Committee:	Lands	Public Notice:	0 / /17
Originated By:	Mr. Smith	2nd Reading:	0 / /17
Approved:	Mr. Boso	Passed: ____ Rejected:	
Emergency: X 30 Days: ____		Codified: ___ Code No:	
Current Expense: ____		Passage Publication:	

ORDINANCE C-21-17

AN ORDINANCE TO APPROPRIATE A 0.553 ACRE PERMANENT UTILITY EASEMENT AND A 1.426 ACRE TEMPORARY EASEMENT FROM JENNIE H. AND ILIN HUANG ON JACKSON PIKE, FOR THE PUBLIC PURPOSE OF LOCATING UTILITIES AS PART OF THE ROADWAY IMPROVEMENTS AND DECLARING AN EMERGENCY

WHEREAS, the City of Grove City is making improvements to Stringtown Road including widening of the roadway and extending water and sewer lines; and

WHEREAS, the Project requires that the City obtain a permanent utility easement and from Jennie H. and Ilin Huang on Jackson Pike, as described in the attached Exhibit A and depicted in the attached Exhibit B; and

WHEREAS, the Project requires that the City obtain a temporary easement and from Jennie H. and Ilin Huang on Jackson Pike, as described in the attached Exhibit C and depicted in the attached Exhibit D; and

WHEREAS, an emergency exists for the health, safety and general welfare of the community in that City received and opened bids for the Project on May 11, 2017 and this appropriation in necessary to move forward with the Project.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE CITY, STATE OF OHIO, THAT:

SECTION 1. Council considers it necessary and declares its authorization to appropriate, for the appraised value of $20,750.00 for the public purpose of locating utilities as part of the roadway improvements, a 0.553 acre permanent utility easement, as described in the attached Exhibit A and depicted in the attached Exhibit B.

SECTION 2. Council considers it necessary and declares its authorization to appropriate, for the appraised value of $10,700.00 for the public purpose of locating utilities as part of the roadway improvements, a 1.426 acre temporary easement, as described in the attached Exhibit C and depicted in the attached Exhibit D.

SECTION 3. The City Law Director's office is hereby authorized to file a petition for appropriation and utilize its quick-take authority in the county Court of Common Pleas should it become necessary.

SECTION 4. This Council further hereby authorizes and directs the City Administrator, the Director of Law, the Director of Finance, the Clerk of Council, or other appropriate officers of the City to take any other actions as may be appropriate to implement this Ordinance.

Exhibit A

C-21-17

PERMANENT EASEMENT
0.553 ACRE
Jennie H. Huang and Ilin Huang
Auditors Parcel Number 160-002839

Situated in the State of Ohio, County of Franklin, Township of Jackson, Virginia Military Survey Number 469, being on, over and across that Original 7.05 acre tract conveyed to Jennie H. Huang and Ilin Huang by deed of record in Instrument Number 201310070169425 (all references are to the records of the Recorder's Office, Franklin County, Ohio, unless noted otherwise) and being more particularly described as follows:

Beginning, for reference, at the intersection of the centerline of Stringtown Road and the centerline of Jackson Pike (S.R. 104) as shown on ODOT Plans S.H. 453 Sec. B(Pt.) & A(Pt.) and FRA – 104 – (2.73 – 7.64), and recorded in Plat Book 17, Page 363, the northwesterly corner of that 0.287 acre tract conveyed to the Franklin County Commissioners by deed of record in Instrument Number 200411260270926;

thence South 00° 35' 09" East, with the centerline of said Jackson Pike, the westerly line of said 0.287 acre tract, a distance of 250.57 feet to the westerly common corner of said 0.287 acre tract and that 0.408 acre tract conveyed to the Franklin County Commissioners by deed of record in Instrument Number 200501040002068;

thence South 74° 06' 25" East, with the line common to said 0.287 and 0.408 acre tracts, a distance of 52.14 feet to the easterly common corner of said 0.287 and 0.408 acre tracts, the current westerly common corner of said 7.05 acre tract and that Original 7.25 acre tract conveyed to Kenneth A. Harwood, Trustee by deed of record in Instrument Number 201111080145151 and in the easterly right-of-way line of said Jackson Pike, the *True Point of Beginning;*

thence South 74° 06' 25" East, with the line common to said 7.05 and 7.25 acre tracts, a distance of 806.87 feet to a point;

thence South 15° 53' 35" West, across said 7.05 acre tract, a distance of 30.00 feet to a point;

thence North 74° 06' 25" West, continuing across said 7.05 acre tract, a distance of 797.99 feet to a point in said easterly right-of-way line, the easterly line of said 0.408 acre tract;

thence North 00° 35' 09" West, with said easterly right-of-way line, said easterly line, a distance of 31.29 feet to the *True Point of Beginning,* containing 0.553 acre of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

STATE OF OHIO
JOHN C. DODGION
S-8069
REGISTERED
SURVEYOR

John C. Dodgion
Professional Surveyor No. 8069

03/16/2017
Date

JCD:tam
0_553 ac 20161042-VS-ESMT-SSWR-PERM-02.doc

Exhibit B

C-21-17

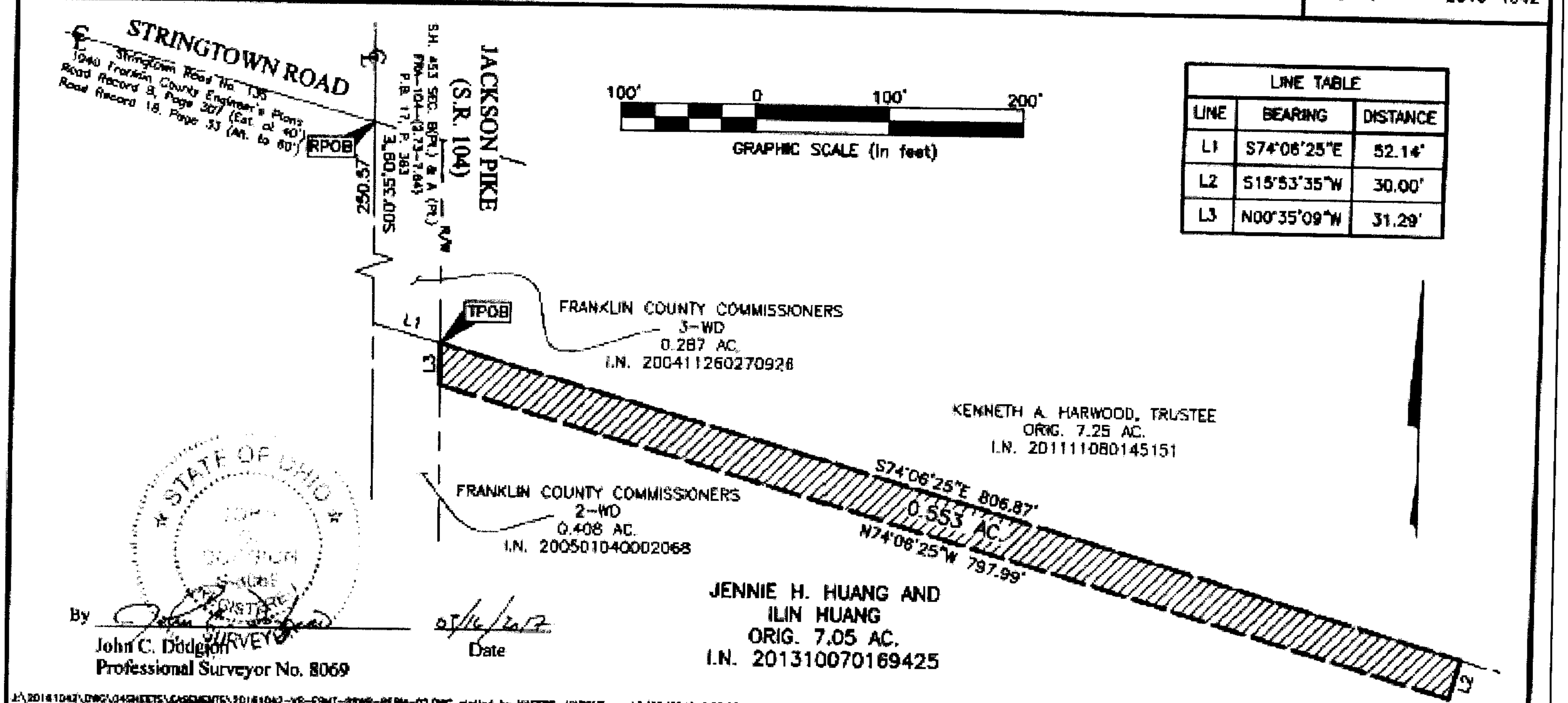
EMHT

Evans, Mechwart, Hambleton & Tilton, Inc.
Engineers • Surveyors • Planners • Scientists
5500 New Albany Road, Columbus, OH 43054
Phone: 614.775.4500 Toll Free: 888.775.3648
emht.com

PERMANENT EASEMENT

VIRGINIA MILITARY SURVEY NUMBER 469
TOWNSHIP OF JACKSON, COUNTY OF FRANKLIN, STATE OF OHIO
(JENNIE H. HAUNG AND ILIN HAUNG - A.P.N. 160-002839)

Date:	December 19, 2016
Scale:	1" = 100'
Job No:	2016-1042



LINE TABLE

LINE	BEARING	DISTANCE
L1	S74°06'25"E	52.14'
L2	S15°53'35"W	30.00'
L3	N00°35'09"W	31.29'

STATE OF OHIO
JOHN C. DODGION
S-8069
REGISTERED
SURVEYOR

By [signature] 01/16/2017

John C. Dodgion
Professional Surveyor No. 8069

Date

J:\20161042\DWG\04SHEETS\EASEMENTS\20161042-VS-ESMT-SSWR-PERM-02.DWG plotted by MAGERS, MARCUS on 12/27/2016 9:33:28 AM last saved by MAGERS on 12/27/2016 7:29:42 AM
Xrefs: 20161042-VS-ESMT-BASE.DWG

Exhibit C

C-21-17

TEMPORARY EASEMENT
1.426 ACRES
Jennie H. Huang and Ilin Huang
Auditors Parcel Number 160-002839

Situated in the State of Ohio, County of Franklin, Township of Jackson, Virginia Military Survey Number 469, being on, over and across that Original 7.05 acre tract conveyed to Jennie H. Huang and Ilin Huang by deed of record in Instrument Number 201310070169425 (all references are to the records of the Recorder's Office, Franklin County, Ohio, unless noted otherwise) and being more particularly described as follows:

Beginning, for reference, at the intersection of the centerline of Stringtown Road and the centerline of Jackson Pike (S.R. 104) as shown on ODOT Plans S.H. 453 Sec. B(Pt.) & A(Pt.) and FRA – 104 – (2.73 – 7.64), and recorded in Plat Book 17, Page 363, the northwesterly corner of that 0.287 acre tract conveyed to the Franklin County Commissioners by deed of record in Instrument Number 200411260270926;

thence South 00° 35' 09" East, with the centerline of said Jackson Pike, the westerly lines of said 0.287 acre tract and that 0.408 acre tract conveyed to the Franklin County commissioners by deed of record in Instrument Number 200501040002068, a distance of 296.65 feet to a point;

thence North 89° 24' 51" East, across said 0.408 acre tract, a distance of 50.00 feet a point in the easterly right-of-way line of said Jackson Pike, the easterly line of said 0.408 acre tract and the current westerly line of said 7.05 acre tract, the *True Point of Beginning;*

thence South 74° 06' 25" East, across said 7.05 acre tract, a distance of 797.99 feet to a point;

thence North 15° 53' 35" East, continuing across said 7.05 acre tract, a distance of 30.00 feet to a point in the southerly line of that Original 7.25 acre tract conveyed to Kenneth A. Harwood, Trustee by deed of record in Instrument Number 201111080145151;

thence South 74° 06' 25" East, with the line common to said 7.05 and 7.25 acre tracts, a distance of 70.00 feet to a point;

thence South 15° 53' 35" West, across said 7.05 acre tract, a distance of 100.00 feet to a point;

thence North 74° 06' 25" West, continuing across said 7.05 acre tract, a distance of 847.28 feet to a point in said easterly right-of-way line, being said easterly line;

thence North 00° 35' 09" West, with said easterly right-of-way line, said easterly line, a distance of 73.00 feet to the *True Point of Beginning*, containing 1.426 acres of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

John C. Dodgion 03/14/2017
Professional Surveyor No. 8069 Date

STATE OF OHIO
DODGION
8069
REGISTERED
SURVEYOR

JCD:abm
1_426 ac 20161042-VS-ESMT-TEMP-02.doc

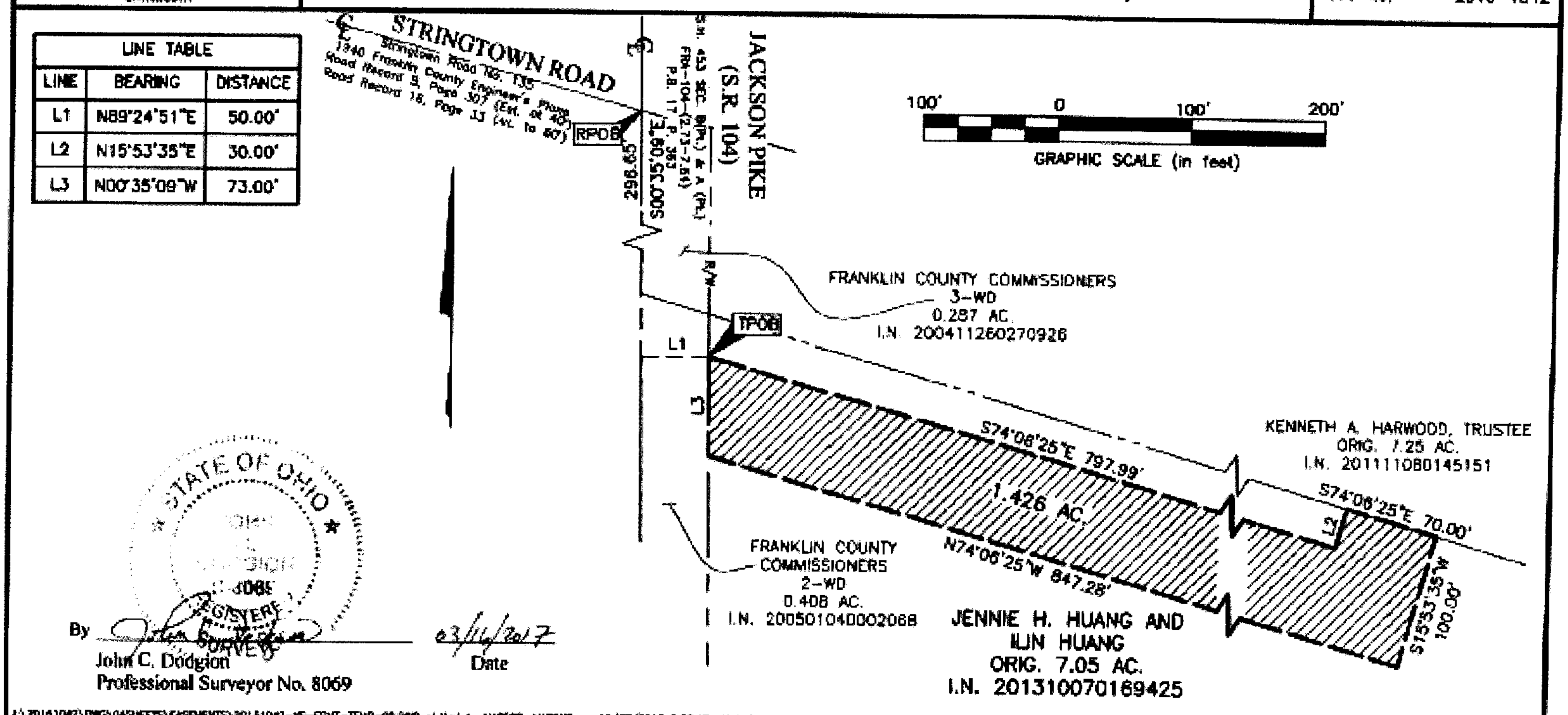
C-21-17
Exhibit D

EMHT
Evans, Mechwart, Hambleton & Tilton, Inc.
Engineers • Surveyors • Planners • Scientists
5500 New Albany Road, Columbus, OH 43054
Phone: 614.775.4500 Toll Free: 888.775.3648
emht.com

TEMPORARY EASEMENT
VIRGINIA MILITARY SURVEY NUMBER 469
TOWNSHIP OF JACKSON, COUNTY OF FRANKLIN, STATE OF OHIO
(JENNIE H. HAUNG AND ILIN HAUNG - A.P.N. 160-002839)

Date:	December 19, 2016
Scale:	1" = 100'
Job No:	2016-1042

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N89°24'51"E	50.00'
L2	N15°53'35"E	30.00'
L3	N00°35'09"W	73.00'



By [signature] 03/14/2017
John C. Dodgion Date
Professional Surveyor No. 8069

J:\20161042\DWG\04SHEETS\EASEMENTS\20161042-VS-ESMT-TEMP-02.DWG plotted by MAGERS, MARCUS on 12/27/2016 9:52:43 AM last saved by MMAGERS on 12/27/2016 7:28:27 AM
Xrefs: 20161042-VS-ESMT-BASE.DWG

Date: 05/09/17	No.: C-22-17
Introduced By: Mr. Bennett	1st Reading: 05/15/17
Committee: Lands	Public Notice: 05/18/17
Originated By: Plan. Comm.	2nd Reading: 06/05/17
Approved:	Passed: Rejected:
Emergency: 30 Days:	Codified: Code No:
Current Expense:	Passage Publication:

ORDINANCE C-22-17

AN ORDINANCE TO APPROVE A SPECIAL USE PERMIT FOR A PET STORE FOR 4 PAWS & A TAIL LOCATED AT 3899 GROVE CITY ROAD

WHEREAS, 4 Paws & A Tail, applicant, has submitted a request for a Special Use Permit for a dog grooming store located at 3899 Grove City Road; and

WHEREAS, on May 02, 2017, the Planning Commission of the City of Grove City recommended the approval of a Special Use Permit at this location, as submitted.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE CITY, STATE OF OHIO, THAT:

SECTION 1. A Special Use Permit, under Section 1135.09b(12)A1k is hereby issued to 4 Paws & A Tail located at 3899 Grove City Road, as submitted.

SECTION 2. This ordinance shall take effect at the earliest opportunity allowed by law.

Roby Schottke, President of Council

Passed:

Richard L. Stage, Mayor

Effective:

Attest:

Tami K. Kelly, MMC, Clerk of Council

I Certify that this ordinance is correct as to form.

Stephen J. Smith, Director of Law

Date: 05/10/17	No.: C-23-17
Introduced By: Mr. Bennett	1st Reading: 05/15/17
Committee: Lands	Public Notice: 5/18/17
Originated By: Plan Comm	2nd Reading: 06/05/17
Approved:	Passed: ___ Rejected: ___
Emergency: ___ 30 Days: X	Codified: ___ Code No: ___
Current Expense:	Passage Publication: ___

ORDINANCE C-23-17

AN ORDINANCE TO ACCEPT THE PLAT OF MEADOW GROVE ESTATES NORTH, SECTION 2

WHEREAS, Meadow Grove Estates North , Section 2, a subdivision containing lots 59 to 97 inclusive, and areas designated as Reserve "C" & "D", has been submitted to Council for their consideration.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE CITY, STATE OF OHIO, THAT:

SECTION 1. The Plat of Meadow Grove Estates North, Section 2, situated in the State of Ohio, County of Franklin, Township of Jackson, City of Grove City and being part of Virginia Military Survey No. 6840, containing 16.387 acres of land, more or less. Said 16.387 acres being part of those tracts of land conveyed to Rockford Homes, Inc., by deed, all being of record in the Recorder's Office, Franklin County, Ohio, is hereby accepted and this Council accepts for public use the street right of way that is within the boundaries of this subdivision.

SECTION 2. Easements, where indicated on the plat, are hereby accepted for operation and maintenance of public utility services including but not limited to water, sanitary sewers, electricity and telephone, and to companies providing cable television and cable signal transmission services and for storm water drainage systems for the construction, operation and maintenance of the facilities to provide such services and systems above and beneath the ground.

SECTION 3. This ordinance shall take effect at the earliest opportunity allowed by law.

Roby Schottke, President of Council

Passed:
Effective:

Richard L. Stage, Mayor

Attest:

Tami K. Kelly, MMC, Clerk of Council

I Certify that this ordinance is correct as to form.

Stephen J. Smith, Director of Law