CITY OF DELAWARE
CITY COUNCIL
CITY COUNCIL CHAMBERS
1 SOUTH SANDUSKY STREET
7:00 P.M. REGULAR MEETING

AGENDA

6:30 P.M. EXECUTIVE SESSION: pursuant to Ohio Revised Code Section 121.22 (G) (3) pending or imminent court action, Section 121.22 (G) (1) personnel, Section 121.22 (G) (5) matters required to be kept confidential by State statute, Section 121.22 (G) (2) acquisition of property for public purpose and 121.22(G) (8) consideration of confidential information related to a request for economic development assistance.

7:00 P.M. REGULAR MEETING October 8, 2018

1. ROLL CALL

2. INVOCATION – Chaplain Jonathan Smith, City of Delaware Fire Department

3. PLEDGE OF ALLEGIANCE

4. APPROVAL of the Motion Summary of the Regular Meeting of Council held on September 24, 2018, as recorded and transcribed.

5. CONSENT AGENDA
   - A. Acceptance of the Motion Summary of the Historic Preservation Commission meeting held on August 22, 2018, as recorded and transcribed.
   - B. Acceptance of the Motion Summary of the Civil Service Commission meeting held on September 5, 2018, as recorded and transcribed.
   - C. Resolution No. 18-53, a resolution authorizing the City Manager to enter into a partial assignment and assumption of Community Investment Area Agreement and School Compensation Agreement for 759 Pittsburgh Drive, Delaware.
   - D. Resolution No. 18-54, a resolution authorizing the City Manager to enter into a partial assignment and assumption of Community Investment Area Agreement and School Compensation Agreement for Symmetry One, LLC, 2097 London Road, Delaware.

6. LETTERS, PETITIONS, AND PUBLIC COMMENTS

7. PRESENTATION
   A. Proclamation recognizing Fire Safety Week presented to Chief John Donahue
   B. Central Ohio Symphony Update - Warren Hyer, Executive Director

8. COMMITTEE REPORTS

9. CONSIDERATION of Ordinance No. 18-90, an ordinance finding that the creation of the Terra Alta Community Authority will be conducive to the public health, safety, convenience and welfare and is intended to result in the development of a New Community; declaring that Authority to be organized and a body politic and corporate; defining the boundary of that Authority's new community district; providing the method of appointing members to that the Authority's Board of Trustees and fixing the surety for those trustee's bonds.

10. 7:30 P.M. PUBLIC HEARING pursuant to its Ordinance No. 18-77 duly enacted on September 10, 2018 (the "Ordinance of Sufficiency"), at 7:30 p.m. on Monday, October 8, 2018, in the Council Chambers at Delaware City Hall, One South Sandusky Street, Delaware, Ohio 43015 on the petition (the "Petition") to establish Terra Alta New Community Authority as a new community authority pursuant to Ohio Revised Code Chapter 349.

11. 8:00 PUBLIC HEARING AND SECOND READING of Ordinance No. 18-88, an ordinance amending Section 549.08 of the City of Delaware's Codified Ordinances, relating to pointing and discharging firearms.

12. SECOND READING of Ordinance No. 18-87, an ordinance supplementing the 2018 Appropriations Ordinance to provide additional funding for Land Development Engineering Professional Services, and declaring and emergency.

13. SECOND READING of Ordinance No. 18-89, an ordinance amending Section 917.14 of the Sanitary Sewer Regulations of the Streets, Utilities, and Public Services Code to add a fifty percent (50%) surcharge for non-city customers.

14. THIRD READING of Ordinance No. 18-80, an ordinance accepting the annexation of 221.341 ± acres of land more or less, description and map are attached hereto as exhibits "A" and "B" for the annexation known as the Central Ohio Boy Scouts of America – Camp Lazarus Annexation by

Michael R. Shade, Agent for the Petitioners.

15. SIXTH READING of Resolution No. 18-50, a resolution adopting the 2019-2023 Five-Year Capital Improvement Program (CIP).

16. CITY MANAGER'S REPORT

17. COUNCIL COMMENTS

18. ADJOURNMENT

The regular meeting of Council held September 24, 2018 was called to order at 7:00 p.m., in the City Council Chambers. The following members of Council were present: First Ward Chris Jones, Second Ward Lisa Keller, Third Ward Jim Browning, Fourth Ward Kyle Rohrer, At-Large George Hellinger, and Vice-Mayor Kent Shafer, and Mayor Carolyn Kay Riggle who presided. The invocation was given by Pastor Dave Carter, New Beginnings United Methodist Church, followed by the Pledge of Allegiance.

Staff Present: Chris Ballard, Assistant City Attorney, Darren Shulman, City Attorney, Blake Jordan, Public Utilities Director, Dean Stelzer, Finance Director, Bill Ferrigno, Public Works Director/City Engineer, Dave Efland, Planning and Community Development Director, Bruce Pijanowski, Police Chief, Jackie Walker, Assistant City Manager and Tom Homan, City Manager

ITEM 4: APPROVAL OF MINUTES

APPROVAL of the Motion Summary of the regular meeting of Council held on September 10, 2018, as recorded and transcribed.
APPROVAL of the Motion Summary of the work session meeting of Council held on September 6, 2018, as recorded and transcribed.

Motion: Mrs. Keller motioned to approve the Motion Summary of the regular meeting of Council held September 10, 2018, as recorded and transcribed, seconded by Vice-Mayor Shafer. Motion approved by a 6-0-1 (Riggle) vote.

Motion: Mrs. Keller motioned to approve the Motion Summary of the work session meeting of Council held September 6, 2018, as recorded and transcribed, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

ITEM 5: CONSENT AGENDA

A. Establish October 8, 2018 at 8:00 p.m. as a date and time for a public hearing and second reading of Ordinance No. 18-88, an ordinance amending Section 549.08 of the City of Delaware's Codified Ordinances, relating to pointing and discharging firearms.
B. Establish October 22, 2018 at 7:30 p.m. as a date and time for a public hearing and third reading of Ordinance No. 18-89, an ordinance amending Section 917.14 of the Sanitary Sewer Regulations of the Streets, Utilities, and Public Services Code to add a fifty percent (50%) surcharge for non-city customers.

Motion: Vice-Mayor Shafer motioned to approve the Consent Agenda, seconded by Mr. Hellinger. Motion approved by a 7-0 vote.

ITEM 6: LETTERS, PETITIONS, AND PUBLIC COMMENTS

PUBLIC COMMENT:
Amber Hudson
MASH Pantry and Resource Center
2735 Columbus Street
Grove City, Ohio

Ms. Hudson discussed her goal to set up a food pantry for to serve military veterans, active duty military and families in the City of Delaware. She

discussed the need to find a space of at a minimum 500 square feet for the operation and provided information on funding for the pantry.

Joel Schaefer
242 West Lincoln Avenue
Delaware, Ohio

Mr. Schaefer provided a copy of a Letter to the Editor regarding increasing income taxes for road maintenance. He recommended the option to enforce trucking regulations by adopting the Code of Federal Regulations Title 49, Parts 100-199.

Christopher Kirk
15 West Maple Street
Delaware, Ohio

Mr. Kirk voiced his concerns over the increasing use of illegal drugs and the need for additional police canines to help with the issue.

ITEM 7: COMMITTEE REPORT
Mrs. Keller provided an update of her recent visit to Baumholder as a representative to the City of Delaware.

Vice-Mayor Shafer provided information from the recent MORPC meeting regarding Small Cell Wireless Towers.

ITEM 8: CONSIDERATION OF A LIQUOR PERMIT TREX
A. RMPF Enterprises, LLC, 26 North Sandusky Street, Delaware, Ohio 43015. Permit Classes: D5, D6

APPLICANT:
Nick Miller
4550 Olentangy River Road
Columbus, Ohio

Motion: Mr. Rohrer motioned to approve the TREX and not request a hearing, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

ITEM 9: CONSIDERATION OF A LIQUOR PERMIT
A. Four Fat BS LLC DBA Restoration Brew Worx, 25 North Sandusky Street & Patio, Delaware, Ohio 43015; Permit Classes: A1A, A1C

Motion: Vice-Mayor Shafer motioned to accept the liquor permit without objection, seconded by Mr. Browning. Motion approved by a 7-0 vote.

ITEM 10: ORDINANCE NO. 18-86 [First Reading]
AN ORDINANCE SUPPLEMENTING THE 2018 APPROPRIATIONS ORDINANCE TO INCREASE FUNDING FOR THE PURCHASE OF JET FUEL AND 100 LL FUEL FOR THE AIRPORT, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 18-86, seconded by Mr. Hellinger. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to enact the emergency clause for Ordinance No. 18-86, seconded by Mr. Hellinger. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 18-86, seconded by Mr. Hellinger. Motion approved by a 7-0 vote.

ITEM 11: ORDINANCE NO. 18-87 [First Reading]
AN ORDINANCE SUPPLEMENTING THE 2018 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR LAND DEVELOPMENT ENGINEERING PROFESSIONAL SERVICES, AND DECLARING AND EMERGENCY.

The Clerk read the ordinance for the first time. Ordinance No. 1-87 will be taken to a second reading.

ITEM 12: ORDINANCE NO. 18-88 [First Reading]
AN ORDINANCE AMENDING SECTION 549.08 OF THE CITY OF DELAWARE'S CODIFIED ORDINANCES, RELATING TO POINTING AND DISCHARGING FIREARMS.

The Clerk read the ordinance for the first time. A public hearing and second reading for Ordinance No. 18-88 has been scheduled for October 8, 2018 at 8:00 p.m.

ITEM 13: ORDINANCE NO. 18-89 [First Reading]
AN ORDINANCE AMENDING SECTION 917.14 OF THE SANITARY SEWER REGULATIONS OF THE STREETS, UTILITIES, AND PUBLIC SERVICES CODE TO ADD A FIFTY PERCENT (50%) SURCHARGE FOR NON-CITY CUSTOMERS.

The Clerk read the ordinance for the first time. A public hearing and third reading for Ordinance No. 18-88 has been scheduled for October 22, 2018 at 7:30 p.m.

ITEM 14: ORDINANCE NO. 18-81 [Public Hearing and Second Reading]
AN ORDINANCE AMENDING SECTION 917.05 OF THE DELAWARE CODIFIED ORDINANCES MODIFYING INDUSTRIAL PRE-TREATMENT LIMITS FOR SILVER AND MERCURY.

The Clerk read the ordinance for the second time.

There was no public comment.

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 18-81, seconded by Mr. Hellinger. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 18-81, seconded by Mr. Hellinger. Motion approved by a 7-0 vote.

ITEM 15: ORDINANCE NO. 18-84 [Public Hearing and Second Reading]
AN ORDINANCE FOR MYSTIC GOLF AND GAMES LLC FOR APPROVAL OF A CONDITIONAL USE PERMIT REQUEST FOR MYSTIC GOLF AND GAMES AT 1159 COLUMBUS PIKE WITHIN THE DELAWARE SQUARE

SHOPPING CENTER AND ZONED B-3 (COMMUNITY BUSINESS DISTRICT).

The Clerk read the ordinance for the first time.
APPLICANT:
David Sturman
328 Linwood Street
Delaware, Ohio

Scott Ritter
333 North Liberty Street
Delaware, Ohio

PUBLIC COMMENT:
Joel Schaefer
242 West Lincoln Avenue
Delaware, Ohio

Mr. Schaefer questioned the targeted age group for the business.

Motion: Mrs. Keller motioned to suspend the rules for Ordinance No. 18-84, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

Motion: Mrs. Keller motioned to adopt Ordinance No. 18-84, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

ITEM 16: ORDINANCE NO. 18-80 [Second Reading]
AN ORDINANCE ACCEPTING THE ANNEXATION OF 221.341 ± ACRES OF LAND MORE OR LESS, DESCRIPTION AND MAP ARE ATTACHED HERETO AS EXHIBITS "A" AND "B" FOR THE ANNEXATION KNOWN AS THE CENTRAL OHIO BOY SCOUTS OF AMERICA – CAMP LAZARUS ANNEXATION BY MICHAEL R. SHADE, AGENT FOR THE PETITIONERS.

The Clerk read the ordinance for the first time. Council to take Ordinance No. 18-80 to a third reading.

APPLICANT:
Michael R. Shade
P.O. Box 438
Delaware, Ohio

Jeffrey Moe
Boy Scouts of America/Simon Kenton Council, CEO
807 Kinnear Road
Columbus, Ohio

ITEM 17: ORDINANCE NO. 18-85 [Second Reading]
AN ORDINANCE AMENDING THE MANAGEMENT, PROFESSIONAL, TECHNICAL, CONFIDENTIAL, AND SUPERVISORY EMPLOYEES PAY PLAN.

The Clerk read the ordinance for the second time.

Motion: Vice-Mayor Shafer motioned to suspend the rules for Ordinance No. 18-85, seconded by Mr. Browning. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer motioned to adopt Ordinance No. 18-85, seconded by Mr. Browning. Motion approved by a 7-0 vote.

ITEM 18: RESOLUTION NO. 18-50 [Fourth Reading]
A RESOLUTION ADOPTING THE 2019-2023 FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM (CIP).

The Clerk read the resolution for the fourth time.

ITEM 19: ORDINANCE NO. 18-70 [Fourth Reading]
AN ORDINANCE FOR METRO DEVELOPMENT LLC, FOR APPROVAL OF A REZONING AMENDMENT FOR THE SEATTLE HOUSE APARTMENTS (240 UNITS) ON APPROXIMATELY 24.212 ACRES (PARCEL 519-444-01-001-001) FROM R-6 (MULTI-FAMILY RESIDENTIAL DISTRICT) AND B-3 COMMUNITY BUSINESS DISTRICT) TO R-6 AND B-3 PMU (PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON THE NORTH SIDE OF US 36/37 AND THE SOUTH SIDE OF BOWTOWN ROAD JUST EAST OF THE CHESROWN AUTO STORAGE LOT.

The Clerk read the ordinance for the fourth time.

APPLICANT:
Steve Cuckler
94 North Sandusky Street
Delaware, Ohio

Tre Giller
Metro Development
470 Olde Worthington Road
Westerville, Ohio

A discussion was held regarding utilities cost to tenants. Mr. Giller discussed that they use a sub-metered company and follow PUCO guidelines. He informed Council that there is no mark up on the water utility.

Motion: Mr. Browning motioned to adopt Ordinance No. 18-70, seconded by Mr. Rohrer. Motion approved by a 4-3 (Jones, Keller, Hellinger) vote.

ITEM 20: ORDINANCE NO. 18-71 [Fourth Reading]
AN ORDINANCE FOR METRO DEVELOPMENT LLC, FOR APPROVAL OF A CONDITIONAL USE PERMIT ALLOWING THE PLACEMENT OF A PMU (PLANNED MIXED USE OVERLAY DISTRICT) TO BE ESTABLISHED FOR THE SEATTLE HOUSE APARTMENTS (240 UNITS) ON APPROXIMATELY 24.212 ACRES (PARCELS 519-444-01-001-001) AND LOCATED ON THE NORTH SIDE OF US 36/37 AND THE SOUTH SIDE OF BOWTOWN ROAD JUST EAST OF THE CHESROWN AUTO STORAGE LOT.

The Clerk read the ordinance for the fourth time.

Motion: Mr. Browning motioned to adopt Ordinance No. 18-71, seconded by Mr. Rohrer. Motion approved by a 4-3 (Jones, Keller, Hellinger) vote.

ITEM 21: ORDINANCE NO. 18-72 [Fourth Reading]
AN ORDINANCE FOR METRO DEVELOPMENT LLC, FOR APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN FOR THE SEATTLE HOUSE

APARTMENTS 9240 UNITS) ON APPROXIMATELY 24.212 ACRES (PARCEL 519-444-01-001-001) ZONED R-6 AND B-3 PMU (MULTI-FAMILY RESIDENTIAL DISTRICT AND COMMUNITY BUSINESS DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON THE NORTH SIDE OF US 36/37 AND THE SOUTH SIDE OF BOWTOWN ROAD JUST EAST OF THE CHESROWN AUTO STORAGE LOT.

The Clerk read the ordinance for the fourth time.

Motion: Mr. Browning motioned to adopt Ordinance No. 18-72, seconded by Mr. Rohrer. Motion approved by a 4-3 (Jones, Keller, Hellinger) vote.

ITEM 22: ORDINANCE NO. 18-73 [Fourth Reading]
AN ORDINANCE FOR METRO DEVELOPMENT LLC, FOR APPROVAL OF A REZONING AMENDMENT FOR THE HIGHPOINT PLACE APARTMENTS (160 UNITS) ON APPROXIMATELY 16.70 ACRES (PARCELS 519-442-10-020-000 AND 519-442-10-021-000) FROM R-6 (MULTI-FAMILY RESIDENTIAL DISTRICT) TO R-6 PMU (MULTI-FAMILY RESIDENTIAL WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON THE NORTH SIDE OF BOWTOWN ROAD JUST WEST OF VILLAGE GATE APARTMENTS.

The Clerk read the ordinance for the fourth time.

APPLICANT:
Steve Cuckler
94 North Sandusky Street
Delaware, Ohio

Tre Giller
Metro Development
470 Olde Worthington Road
Westerville, Ohio

Mrs. Keller voiced her concerns regarding the various requested variances. She voiced her concern over the density request, height variance, and materials for the building.

PUBLIC PARTICIPATION:
David Gordon
82 North Franklin St.
Delaware, Ohio

Mr. Gordon voiced concerns regarding to the Thoroughfare and Transportation Improvement Plan relating to the location of Ferguson Avenue.

Jeff Cutler
591 Carle Avenue
Lewis Center, Ohio

Mr. Cutler discussed the increased need for housing and the desire for apartments.

Michael R. Shade
95 Elizabeth Street

Delaware, Ohio

Mr. Shade discussed the need for apartments in the City and that current road conditions are not the issue of the developer.

Joel Schaefer
242 West Lincoln Avenue
Delaware, Ohio

Mr. Schaefer discussed the need to improve the east side of Delaware, but voiced concerns if existing infrastructure could handle the increase in population.

Dr. John McGrail
268 Silvan Drive
Delaware, Ohio

Dr. McGrail voiced concerns over the ingress and egress of the development.

Mr. Cuckler discussed the point of access and the designated fire access to the development site. He requested that Council table the Highpoint Place Apartments until October 22, 2018.

Motion: Mr. Jones motioned to table Ordinance No, 18-73, Ordinance 18-74, and Ordinance 18-75 until October 22, 2018, seconded by Mr. Browning. Motion approved by a 7-0 vote.

ITEM 23: ORDINANCE NO. 18-74 [Fourth Reading]
AN ORDINANCE FOR METRO DEVELOPMENT LLC, FOR APPROVAL OF A CONDITIONAL USE PERMIT ALLOWING THE PLACEMENT OF A PMU (PLANNED MIXED USE OVERLAY DISTRICT) TO BE ESTABLISHED FOR THE HIGHPOINT PLACE APARTMENTS (160 UNITS) ON APPROXIMATELY 16.70 ACRES (PARCELS 519-442-10-020-000 AND 519-442-10-021-000) AND LOCATED ON THE NORTH SIDE OF BOWTOWN ROAD JUST WEST OF VILLAGE GATE APARTMENTS.

The Clerk read the ordinance for the fourth time.

Motion: Mr. Jones motioned to table Ordinance No, 18-73, Ordinance 18-74, and Ordinance 18-75 until October 22, 2018, seconded by Mr. Browning. Motion approved by a 7-0 vote.

ITEM 24: ORDINANCE NO. 18-75 [Fourth Reading]
AN ORDINANCE FOR METRO DEVELOPMENT LLC, FOR APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN FOR THE HIGHPOINT PLACE APARTMENTS (160 UNITS) ON APPROXIMATELY 16.70 ACRES (PARCELS 519-442-10-020-000 AND 519-442-10-021-000) ZONED R-6 PMU (MULTI-FAMILY RESIDENTIAL WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON THE NORTH SIDE OF BOWTOWN ROAD JUST WEST OF VILLAGE GATE APARTMENTS.

The Clerk read the ordinance for the fourth time.

Motion: Mr. Jones motioned to table Ordinance No, 18-73, Ordinance 18-74, and Ordinance 18-75 until October 22, 2018, seconded by Mr.

Browning. Motion approved by a 7-0 vote.

ITEM 25: DISCUSSION of Report Regarding Regulation of Massage Establishments

A discussion was held with Council over current practices for investigations and human trafficking. Mr. Ballard discussed the option to change massage use in zoning code to a permitted use to a conditional use. Council requested draft legislation to allow for further discussion.

ITEM 26: CITY MANAGER'S REPORT

City Clerk, Elaine McCloskey, provided an update on the upcoming itinerary for the Baumholder Sister City visit.

Mrs. Walker provided an update on the use of the Nextdoor app to provide information to the community.

Information was provided regarding upcoming Comprehensive Planning meetings.

ITEM 27: COUNCIL COMMENTS

Vice-Mayor Kent Shafer requested more information regarding the non-school TIF in regards to the Highpoint Place Apartments.

ITEM 28: ADJOURNMENT

Motion: Vice-Mayor Shafer motioned to adjourn the meeting. The meeting adjourned at 9:02 p.m.

Mayor Carolyn Kay Riggle

Elaine McCloskey, Council Clerk

HISTORIC PRESERVATION COMMISSION
MOTION SUMMARY
August 22, 2018

ITEM 1. Roll Call

Chairman Hatten called the Historic Preservation Commission meeting to order at 7:00 p.m.

Members Present: Joe Coleman, Cara Hering, Erinn Nicley, Sherry Riviera, Councilman Kyle Rohrer and Chairman Mark Hatten

Members Absent: Stephanie Van Gundy

Staff Present: Dave Efland, Planning and Community Development Director

Motion to Excuse: Mr. Nicley motioned to excuse Ms. Van Gundy, seconded by Mr. Coleman. Motion approved by a 6-0 vote.

ITEM 2. ELECTION OF OFFICERS
A. Chairperson
B. Vice-Chairperson

The Commission requested to wait for election of officers until the next meeting to allow for all members to be present for the vote. The Commission was in agreement to have the election of officers remain tabled.

ITEM 3. APPROVAL OF MOTION SUMMARY of the Historic Preservation Commission meeting held on July 25, 2018 as recorded and transcribed.

Motion: Mr. Coleman motioned to approve the Motion Summary of the Historic Preservation Commission meeting held on July 25, 2018, as recorded and transcribed, seconded by Ms. Riviera. Motion approved by a 5-0-1 (Rohrer) vote.

ITEM 4. REGULAR BUSINESS

A. 2018-1727: A request by Indus Hotels for an Informal Review for the proposed demolition and construction of a hotel at 7 and 27 Spring Street which are zoned B-3 (Community Business District) and located in the Transitional Sub-District of the Downtown Historic District Overlay.

APPLICANT:
Warren Bath
OHM Advisors
580 North 4th St., Suite 610
Columbus, Ohio

Dave Kozar
Indus Hotels
2700 Camden Road
Columbus, Ohio

Mr. Efland reviewed the updated site plan. He discussed the zoning requirements and the process that would need to be brought before the Planning Commission and City Council. He discussed the location of the property and potential zoning changes and possible changes to historic sub-district overlay. Mr. Efland informed that there was an applicant and staff meeting earlier in the week and provided an update on the meeting. He discussed the hillside behind the building in which part of the retaining wall is falling down and the grading of the property. He reviewed the changes to the site plan. He discussed recess panels for ghost windows on the east elevation. He discussed changes to the porte cochere and the roof line. The Commission is aware that the plan is to have a 6 story building and how the grade changes will affect the visual effects of the building. He discussed the proposed materials for the building.

A discussion was held regarding the streetscape on Spring Street and the type of street trees to use. Mr. Coleman recommended the use of brick throughout the façade of the building and did not prefer the metal siding. He discussed adding ghost windows on the west elevation. He discussed the practicality of having a setback for a drop off.

Mr. Nicley discussed the current color palette and also prefers brick in the middle section. He recommended that the plan have symmetry with the east and west elevation.

Ms. Riviera was in agreement to the ghost windows and brick in the middle section.

Ms. Hering recommended brick also over the metal panels and recommended that there be no additional changes to the ghost windows as it may be too much in the design.

Chairman Hatten discussed the signage on the east elevation and preferred a black and white sign to give more of a ghost sign appearance. Mr. Nicley recommended at the final submission more information regarding the lighting.

B. 2018-2071: A request by Sandusky Brothers LLC., for an Informal Review for the proposed building renovation of 17 North Sandusky Street which is zoned B-2 (Central Business District) and located in the Downtown Core of the Downtown Historic District Overlay.

Mr. Efland discussed the location of the property and the current zoning. He discussed that the property last façade grant that was received in the past five year.

APPLICANT:
Zach Price
Triad Architect
328 North Liberty Street
Delaware, Ohio

Mr. Price discussed the restoration project. He discussed Federal and State Historic Tax Credits and needing to look back approximately 50 years. He discussed difficulty finding historic photos of the building. He discussed plans to restore the brick and remove the brick on the east elevation. The plan is to use aluminum clad wood windows. He discussed the plans to remove the cornice, which does not appear to have been present over 50 years ago and the current conditions of the cornice. He presented the changes to the first floor and with changes to the door and color scheme. The new entrance would be at the north side of the store front, which would allow for acceptable ADA access. A discussion was held regarding the tile base and that there is no current plans to change the tile at this time. Mr. Price discussed the three additions on the back of the building. He discussed the need to restore the brick and some roof repairs that are needed. He discussed taking the bump out in the back and making it an area for a dumpster enclosure. He discussed having an enclosed outside patio in the back of the building. Mr. Nicley reviewed the criteria for demolition and how that could pertain to this property.

ITEM 5. STAFF COMMENTS

Mr. Efland discussed the procedure for Administrative Approval and that once a decision is made administratively that staff can provide an update to the board.

Mr. Efland provided an update on the Comprehensive Plan.

ITEM 6. COMMISSION MEMBER COMMENTS AND DISCUSSION

Mr. Coleman notified the Commission that he will be out of town for the October meeting.

ITEM 7. NEXT REGULAR MEETING: September 26, 2018

ITEM 8. ADJOURNMENT

Motion: Mr. Nicley moved to adjourn the meeting, seconded by Mr. Coleman. The Historic Preservation Commission meeting adjourned at 9:05 p.m.

Chairperson

Elaine McCloskey, Clerk

CIVIL SERVICE COMMISSION
Motion Summary
September 5, 2018

ITEM 1. ROLL CALL

Chairman Rybka called the meeting to order at 3:00 p.m.

Members Present: Councilman Jim Browning, City Council Liaison, Frank Hickman, Vice-Chairman Eric Coss and Chairman John Rybka

Staff Present: Jessica Feller, Human Resource Manager, Lorrie Diaz, Human Resource Coordinator, Darren Shulman, City Attorney

ITEM 2. PLEDGE OF ALLEGIANCE

ITEM 3. APPROVAL of the Motion Summary for the Civil Service Commission meeting held June 6, 2018, a recorded and transcribed.

Motion: Vice-Chairman Coss moved to approve the Motion Summary for the June 6, 2018 Civil Service Commission meeting, seconded by Mr. Hickman. Motion approved by a 3-0 vote.

ITEM 4 UPDATE of Police Officer Certified List

Motion: Vice-Chairman Coss moved to accept the Police Officer Certified List as presented, seconded by Mr. Hickman. Motion approved by a 3-0 vote.

ITEM 5. PUBLIC COMMENTS

There was no public comment.

ITEM 6. COMMITTEE COMMENTS

Chairman Rybka discussed the progress of the construction of Fire Station 304.

Mr. Browning invited the Commission to participate in the Comprehensive Plan meetings.

ITEM 7. ADJOURNMENT

Motion: Chairman Rybka moved to adjourn the Civil Service Commission meeting, seconded by Mr. Hickman. The Civil Service Commission meeting was adjourned at 3:12 p.m.

John M. Rybka, Chairman

Elaine McCloskey, Clerk

EST 1808
CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEM NO: CONSENT ITEM C | DATE: 10/08/2018

ORDINANCE NO: | RESOLUTION NO: 18-53

READING: FIRST | PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Sean Hughes, Economic Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:
A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PARTIAL ASSIGNMENT AND ASSUMPTION OF COMMUNITY INVESTMENT AREA AGREEMENT AND SCHOOL COMPENSATION AGREEMENT FOR 759 PITTSBURGH DR., DELAWARE.

BACKGROUND:
The City of Delaware entered into a Community Reinvestment Area (CRA) agreement and School Compensation Agreement in 2016 to incentivize the construction of the expansion of 759 Pittsburgh Dr. for tenant Midwest Acoust-A-Fiber. The developer and Midwest Acoust-A-Fiber had agreed to create 14 new FTEs with a payroll of $420,000 for the 100%/10 year CRA property tax abatement. They also had agree to retain 162 existing FTEs with payroll of $5,860,000. They are currently in the 3-year grace period for job and payroll creation as statutorily established by the Ohio Revised Code.

Later, the City of Delaware entered into a Community Reinvestment Area (CRA) agreement and School Compensation Agreement in 2018 to incentivize the construction of a second expansion of 759 Pittsburgh Dr. for tenant Midwest Acoust-A-Fiber. The developer and Midwest Acoust-A-Fiber had agreed to create 9 new FTEs with a payroll of $324,000 for the 100%/10 year CRA property tax abatement. They also had agree to retain 14 new FTEs with payroll of $324,000 from the 2016 expansion. They are currently in the 3-year grace period for job and payroll creation as statutorily established by the Ohio Revised Code.

The owner of the building, Metal Stars II, LLC, has sold the building to OHCOLI01 GOOD 759 PITTSBURGH LLC with a September 19, 2018 closing date. They are requesting benefits and obligation of the two CRAs and two School Compensation Agreements that were done for the 2016 and 2018 expansion to be assigned to the new owner, OHCOLI01 GOOD 759 PITTSBURGH LLC. An Assignment and Assumption is the preferred way of assigning all or a portion of a CRA as allowed for by the Ohio Development Services Agency.

This CRAs and School Compensation Agreements will expire on Dec. 31, 2026 and Dec. 31, 2028. Until that time, the new owners of 759 Pittsburgh Dr. will be obligated to assist in maintaining the minimum of job and payroll creation and retention criteria as set forth in the original agreements.

COMMITTEE RECOMMENDATION:
N/A

FISCAL IMPACT(S):
COST: N/A
FUND SOURCES: N/A
BUDGETED: NO

DEPARTMENTS IMPACTED: Economic Development

POLICY CHANGES:
N/A

PRESENTER(S):
Sean Hughes, Economic Development Director

RECOMMENDATION:
Approval

ATTACHMENT(S)
Original CRA Agreements
Original School Compensation Agreements
Map Exhibit of Building Location

RESOLUTION NO. 18-53

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PARTIAL ASSIGNMENT AND ASSUMPTION OF COMMUNITY INVESTMENT AREA AGREEMENT AND SCHOOL COMPENSATION AGREEMENT FOR 759 PITTSBURGH DR., DELAWARE.

WHEREAS, the City of Delaware entered into Community Reinvestment Area Agreements and School Compensation Agreements dated May 9, 2016 for an initial expansion and May 9, 2018 for a second expansion with Metal Stars II, LLC and Midwest Acoust-A-Fiber to incentive expansions for the economic development purposes of allowing 14 new FTEs with $420,000 in new payroll for the 2016 expansion and 11 FTEs with $324,000 in new payroll to be created within the City of Delaware; and

WHEREAS, the Community Reinvestment Agreements are both within their statutory three year grace periods for the creation of jobs and payroll; and

WHEREAS, Symmetry One, LLC has transferred fee simple title to the real property identified as 759 Pittsburgh Dr. (Tax Parcel #41921006004000) on September 19, 2018 to OHCOLI01 GOOD 759 PITTSBURGH LLC; and

WHEREAS, Metal Stars II, LLC wishes to assign the benefits, burdens and obligations of the Community Reinvestment Area Agreements and School Compensation Agreements for 759 Pittsburgh Dr. (Tax Parcel # 41921006004000) to OHCOLI01 GOOD 759 PITTSBURGH LLC; and

WHEREAS, the Community Reinvestment Area Agreement and School Compensation Agreement will continue to remain in place until the expiration dates established by their original agreements; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF DELAWARE, DELAWARE COUNTY, STATE OF OHIO as follows:

SECTION 1. That the City Manager is authorized to enter into a Partial Assignment and Assumption of Community Reinvestment Area Agreements and School Compensation Agreements for 759 Pittsburgh Dr. (Tax Parcel #41921006004000).

SECTION 2. That this resolution shall take effect and be in force immediately after the passage.

PASSED: _____, 2018 YEAS____ NAYS____
ABSTAIN ____

ATTEST: _____ _____
CITY CLERK MAYOR

PARTIAL ASSIGNMENT AND ASSUMPTION OF COMMUNITY REINVESTMENT AREA AGREEMENT AND SCHOOL COMPENSATION AGREEMENT METAL STARS II, LLC, 759 PITTSBRUGH DR.

This Partial Assignment and Assumption of Community Reinvestment Area Agreement and School Compensation Agreement (hereinafter referred to as "Assignment") is made as of this ____ day of October, 2018 by and among the City of Delaware, an Ohio municipal corporation (hereinafter referred to as the "City"), METAL STARS II, LLC, an Illinois limited liability company, (hereinafter referred to as "Assignor"), and OHCOLI01 GOOD 759 PITTSBURGH LLC, a Delaware limited liability company (hereinafter referred to as "Assignee").

WITNESSETH:

A. The City and Assignor entered into two Community Reinvestment Area Agreements, one dated as of May 9, 2016 and one dated as May 9, 2018 (collectively, hereinafter referred to as the "Reinvestment Agreements") and School Compensation Agreements, one dated as of May 9, 2016 and one dated as May 9, 2018 (collectively, hereinafter referred to as the "School Agreements") relating to a certain parcel of real property described in the Reinvestment Agreement and located at 759 Pittsburgh Dr., Delaware, Ohio.

B. Metal Stars II, LLC transferred fee simple title to the real property identified as 759 Pittsburgh Dr. (Tax Parcel # 41921006004000) London Road (hereinafter referred to as the "Conveyed Property") on September 19, 2018 (hereinafter referred to as the "Date of Closing") to OHCOLI01 GOOD 759 PITTSBURGH LLC.

C. In connection with the foregoing, Assignor desires to assign to Assignee, and Assignee desires to assume, Assignor's benefits, burdens and obligations under the Reinvestment Agreements and School Agreements, solely with respect to the Conveyed Property.

D. Midwest Acoust-A-Fiber, party to the original Reinvestment Agreements and School Agreements as the job creator, will maintain their role and obligations under the original Reinvestment Agreements and School Agreements.

NOW, THEREFORE, in consideration of the mutual covenants in this Assignment and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by all parties, the parties hereby agree as follows:

1. Assignor does hereby assign, sell, transfer and convey unto Assignee, its successor and assigns until the expiration of said Reinvestment Agreements and School Agreements, all of Assignor's right, title, and interest in and to the Reinvestment Agreements and School Agreements, solely with respect to the Conveyed Property. Assignee hereby assumes Assignor's obligations, covenants and liability under the Reinvestment Agreements and School Agreements, solely with respect to the Conveyed Property, from the Date of Closing forward, and agrees that Assignee has taken title to the Conveyed Property subject to the Reinvestment Agreements and School Agreements.

2. The City hereby consents to this Assignment.

3. This Assignment shall be binding upon and shall inure to the benefit of Assignor and Assignee and their respective successors and assigns. This Assignment may be executed in multiple counterparts which when combined shall constitute one fully executed agreement.

[signatures appear next page]

IN WITNESS WHEREOF, the parties have executed this Assignment as of the date first written above.

CITY OF DELAWARE, OHIO

Signature: _____
Print Name: R. Thomas Homan
Title: City Manager

DELAWARE CITY SCHOOL DISTRICT

Signature: _____
Print Name: Paul Craft
Title: Superintendent

DELAWARE AREA CAREER CENTER

Signature: _____
Print Name: Mary Beth Freeman
Title: Superintendent

Metal Stars II, LLC

Signature: _____
Print Name: R. Dean Bingham
Title: President

OHCOLI01 GOOD 759 PITTSBURGH LLC

Signature: _____
Print Name: _____
Title: _____

School Compensation Agreement
MIDWEST ACOUST-A-FIBER and METAL STARS II, LLC
Community Reinvestment Area #141-1135-01

This agreement between the **City of Delaware**, a municipal corporation, with its offices at 1 South Sandusky Street, Delaware, Ohio 43015; **Delaware City School District Board of Education**, a public school district, with its principal offices at 248 North Washington Street, Delaware, Ohio 43015; **Delaware Area Career Center Board of Education**, a public school district with its principal offices at 4565 Columbus Pike, Delaware, OH 43015, **Midwest Acoust-A-Fiber**, 759 Pittsburgh Drive, Delaware, OH 43015, and **METAL STARS II, LLC**, 2201 N. Willenborg St., Ste. #2, Effingham, IL 62401 specifies the manner in which and procedures to be used pursuant to Ohio Revised Code 3735 authorizing general compensation relating to the Community Reinvestment Area tax abatement for the construction of an expansion to their headquarters and manufacturing facility at 759 Pittsburgh Dr., Delaware, Ohio 43015 in Delaware's Community Reinvestment Area #141-1135-01.

WHEREAS, the Community Reinvestment Program, pursuant to Chapter 3735 of the Ohio Revised Code authorizes cities and counties to grant real property tax exemptions on eligible new investments; and

WHEREAS, the Council of the City Council of Delaware, Ohio, by Resolution No. 01-52, adopted July 23, 2001, designated the area as a "Community Reinvestment Area" pursuant to Chapter 3735 of the Ohio Revised Code; and

WHEREAS, effective September 4, 2001, the Director of Development of the State of Ohio determined that the aforementioned area designated in said Resolution No. 01-52 contains the characteristics set forth in Section 3735.66 of the Ohio Revised Code and confirmed said area as Community Reinvestment Area #141-1135-01 under said Chapter 3735; and

Whereas, effective November 26, 2001, a Delaware City School District Board of Education resolution authorized the Superintendent to act on its behalf to negotiate, approve, and define terms and conditions on any Tax Incentive Agreement; the minutes of the October 13, 2015 Tax Incentive Negotiating Committee document the Superintendent's approval; and

Whereas, effective April 15, 2004, a Delaware Area Career Center Board of Education resolution authorized the Superintendent to act on its behalf to negotiate, approve, and define terms and conditions on any Tax Incentive Agreement; the minutes of the October 13, 2015 Tax Incentive Negotiating Committee document the Superintendent's approval; and

Whereas, the City of Delaware within ~~Resolution~~ Ordinance **Number** 16-16 adopted on April 11, 2016, has acted pursuant to ORC 3735 to grant a tax exemption

to **Midwest Acoust-A-Fiber and METAL STARS II, LLC** and entered into a formal Community Reinvestment Area abatement agreement on _____, **2016**; and

Whereas, Item 6a of the Community Reinvestment Area Agreement relating to the aforementioned project requires compensation to the Delaware City School District and Delaware Area Career Center for the sole benefit of educational initiatives.

Now therefore, in consideration of the foregoing and of the mutual promises, covenants, and agreements hereinafter set forth by the City of Delaware, Delaware City School District, Delaware Area Career Center, **Midwest Acoust-A-Fiber, and METAL STARS II, LLC**, agree as follows:

Section 1. **Midwest Acoust-A-Fiber OR METAL STARS II, LLC** shall pay NINE THOUSAND FIVE HUNDRED FORTY FIVE DOLLARS AND TWENTY THREE CENTS ($9,545.23) per year for ten (10) years to the Delaware City School District AND FOUR HUNDRED FOUR AND EIGHTY SEVEN CENTS ($404.87) per year for ten (10) years to the Delaware Area Career Center in accordance with the terms and conditions set forth in Item 6a of the Community Reinvestment Area Agreement for the referenced project. This payment shall be made upon receipt of invoices per the instructions set forth in Item 6a of the Community Reinvestment Area Agreement relating to the aforementioned project, and the first payment shall be due September 30, 2018 and dispersed per Section 2 of this agreement.

Section 2. The cash payment made by **Midwest Acoust-A-Fiber OR METAL STARS II, LLC** to the Delaware City School District **satisfies ORC Section 5709.82C(2) (School Compensation Agreement is mutually acceptable)** and shall be used for educational initiatives for the sole benefit of the Delaware City Schools and the Delaware Area Career Center, as follows:

a.	Delaware City School District	$9,545.23
b.	Delaware Area Career Center	$404.87
c.	Total	$9,950.10

Section 3. This agreement may be amended or modified by the parties, only in writing, signed by all parties to the agreement or by applicable law changes.

Note: All parties agree that if Ohio tax reform results in no net tax incentive benefits (if the sum of tax incentives offered through the Community Reinvestment Area Agreement minus the school compensation payment is negative), Midwest Acoust-A-Fiber AND METAL STARS II, LLC may request that the City of Delaware Tax Incentive Review Council recommend agreement modification or termination. No

School Compensation payment is required if there is no net tax benefit to Midwest Acoust-A-Fiber and METAL STARS II, LLC

Section 4. This agreement sets forth the entire agreement and understanding between the parties as to the subject matter contained herein and merges and supersedes all prior discussions, agreements, and undertakings of every kind between the parties with respect to the subject matter of this agreement.

Section 5. All payments, certificates, reports, and notices which are required to or may be given pursuant to the provisions of this agreement shall be sent by regular mail, postage prepaid, and shall be deemed to have been given or delivered when so mailed to the following addresses:

R. Thomas Homan, City Manager
City of Delaware
1 South Sandusky Street
Delaware, Ohio 43015

Paul A. Craft, PhD, Superintendent
Delaware City School District
248 N. Washington Street
Delaware, Ohio 43015

Mary Beth Freeman, Superintendent
Delaware Area Career Center
4565 Columbus Pike
Delaware, Ohio 43015

Hans Bscher, President
Midwest Acoust-A-Fiber
759 Pittsburgh Drive
Delaware, OH 43015

_____, President
METAL STARS II, LLC
c/o Agracel, Inc., Manager
R. Dean Bingham, President
2201 N. Willenborg St., Ste. #2
Effingham, IL 62401

Any party may change its contact or mailing address for receiving notices and reports by giving written notice of such change to the other parties.

Section 6. The invalidity of any provision of this agreement shall not affect the other provisions of this agreement, and this agreement shall be construed in all respects as if any invalid portions were omitted.

In witness whereof, the parties have caused this Agreement to be executed as of this 1 **day of** May **2016**.

CITY OF DELAWARE

R. Thomas Homan

DELAWARE CITY SCHOOL DISTRICT

Paul A. Craft, Superintendent

DELAWARE AREA CAREER CENTER

Mary Beth Freeman, Superintendent

MIDWEST ACOUST-A-FIBER

Hervé Bracker, President

METAL STARS II, LLC, by AGRACEL, INC., Manager

R. Dean Bingham, President

Approved as to form:

By: _____

Darren Shulman, Delaware City Attorney

EST 1808
CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEM NO: CONSENT ITEM D DATE: 10/08/2018

ORDINANCE NO: RESOLUTION NO: 18-54

READING: FIRST PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Sean Hughes, Economic Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:
A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PARTIAL ASSIGNMENT AND ASSUMPTION OF COMMUNITY INVESTMENT AREA AGREEMENT AND SCHOOL COMPENSATION AGREEMENT FOR SYMMETRY ONE, LLC, 2097 LONDON RD. DELAWARE.

BACKGROUND:
The City of Delaware entered into a Community Reinvestment Area (CRA) agreement and School Compensation Agreement in 2009 to incentivize the construction of the Symmetry I building at 2097 London Rd. The developer had agreed to create 15 new FTEs with a payroll of $450,000 for the 100%/15 year CRA property tax abatement. They have since created 39 FTEs with a payroll of $2,334,310 as reported to our 2018 Tax Incentive Review Council.

The owner of the building has condominiumized the building to allow for the split of parcels and sale of individual suites in the building. S2A2 Equities, LLC has purchased Suites A and I. They are requesting benefits and obligation of the original CRA and School Compensation Agreements that were done for the entire building. An Assignment and Assumption is the preferred way of assigning all or a portion of a CRA as allowed for by the Ohio Development Services Agency.

This CRA and School Compensation Agreement will expire on Dec. 31, 2020. Until that time, the new owners of Suite A and I will be obligated to assist in maintaining the minimum of 15 FTEs in the build with a minimum of $450,000 in the entire building.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):
COST: N/A
FUND SOURCES: N/A
BUDGETED: NO

DEPARTMENTS IMPACTED: Economic Development

POLICY CHANGES:
N/A

PRESENTER(S):
Sean Hughes, Economic Development Director

RECOMMENDATION:
Approval

ATTACHMENT(S)
Original CRA Agreement
Original School Compensation Agreement
Map Exhibit of Building Location

RESOLUTION NO. 18-54

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PARTIAL ASSIGNMENT AND ASSUMPTION OF COMMUNITY INVESTMENT AREA AGREEMENT AND SCHOOL COMPENSATION AGREEMENT FOR SYMMETRY ONE, LLC, 2097 LONDON RD. DELAWARE.

WHEREAS, the City of Delaware entered into a Community Reinvestment Area Agreement and School Compensation Agreement both dated September 24, 2009 with Symmetry One, LLC to incentive the building for the economic development purposes of allowing 15 new FTEs with $450,000 in new payroll to be created within the City of Delaware; and

WHEREAS, the Community Reinvestment Agreement has resulted in the creation of 39 new FTEs with a payroll of $2,334,310 in new payroll per the 2018 Tax Incentive Review Council's annual reporting; and

WHEREAS, Symmetry One, LLC has condominiumized the building and transferred fee simple title to the real property identified as 2097 Suite A (Tax Parcel #41921001011500) and 2097 Suite I (Tax Parcel #41921001011508) on September 9, 2018 to S2A2 Equities, LLC; and

WHEREAS, Symmetry One, LLC wishes to assign the benefits, burdens and obligations of the Community Reinvestment Area Agreement and School Compensation Agreement for just 2097 London Rd. Suite A (Tax Parcel #41921001011500) and 2097 London Rd. Suite I (Tax Parcel #41921001011508) to S2A2 Equities, LLC; and

WHEREAS, the Community Reinvestment Area Agreement and School Compensation Agreement will continue to remain in place for the entire building until the expiration date of December 31, 2020 per the original agreements; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF DELAWARE, DELAWARE COUNTY, STATE OF OHIO as follows:

SECTION 1. That the City Manager is authorized to enter into a Partial Assignment and Assumption of Community Reinvestment Area Agreement and School Compensation Agreement for 2097 London Rd. Suite A (Tax Parcel #41921001011500) and 2097 Suite I (Tax Parcel #41921001011508) at the Symmetry One building located at 2097 London Rd.

SECTION 2. That this resolution shall take effect and be in force immediately after the passage.

PASSED: _____, 2018 YEAS____ NAYS____
ABSTAIN ____

ATTEST: _____ _____
CITY CLERK MAYOR

City of Delaware Ohio

Office of the City Manager

740.368.1640
Fax 740.368.1525

October 4, 2004

Honorable Bruce Johnson, Director
Ohio Department of Development
Attn: Carrie Mannos, Office of Tax Incentives
P.O. Box 1001
Columbus, OH 43216-1001

RE: Community Reinvestment Area Agreement between
Symmetry One, LLC., and City of Delaware
2097 London Road on Parcel 41921001011000
Area Number 141-1135-01
$2,225,000 Real Property Investment

Dear Mr. Johnson:

I am enclosing documentation certifying the CRA Agreement between the city and Symmetry One, LLC., as follows:

1. Community Reinvestment Area Application
2. Community Reinvestment Area Agreement
3. School Compensation Agreement
4. Delaware City School Board and Delaware Area Career Center Board Resolutions
5. $750.00 check from Symmetry One, LLC., to the State of Ohio
6. City Ordinance 04-145 authorizing the city manager to enter into an agreement
7. Tax Analysis

For further information, please contact Gus Comstock, Economic Development Coordinator, at 740 363 8965 or gcomstock@delawareohio.net .

Yours Sincerely,

R. Thomas Homan
City Manager

Attachments

xc: William W. Wilkins, Tax Commissioner, Ohio Department of Taxation
Dean Stelzer, Finance Director
Gus Comstock, Economic Development Coordinator
Todd Hanks, Delaware County Auditor
Steve Castle, PhD, Superintendent, Delaware City School District
Pat Foor, Superintendent, Delaware Area Career Center
Tim Boland, Delaware County Economic Development Director
Jerry Warner, Chief Building Official
John Lewis, Managing Partner, Symmetry One, LLC
CRA File

Parcel Logical Investments
4192100100800 1 3.88A
4192100101100 0 4.83A
419 2100101 1000

OHIO DEPARTMENT OF DEVELOPMENT
OHIO COMMUNITY REINVESTMENT AREA (CRA) PROGRAM

COMMERCIAL AND INDUSTRIAL PROJECTS

FOR

CITY OF DELAWARE CRA PROJECTS, per Resolution 01-52
CRA AREA #141-1135-01

$750.00 ODOD application fee payable when submitted to the State of Ohio

Call Gus Comstock at 740 363 8965 or 740 272 0687 or gcomstock@delawareohio.net for assistance.

PROPOSED AGREEMENT for Community Reinvestment Area Tax incentives between the City of Delaware and

Property Owner

1. a. Name of property owner, home or main office address, contact person and telephone number (attach additional pages if multiple enterprise participants).

SYMMETRY ONE, LLC — Enterprise name
JOHN LEWIS — Contact person
499 N. LIBERTY ST. — Address
740-815-0454 — Telephone number
DELAWARE, O 43015

b. Project site:

SYMMETRY ONE, LLC — Enterprise name
JOHN LEWIS — Contact person
NE CORNER OF LONDON ROAD, U.S. RT 42 DELAWARE, OHIO — Address
740-815-0454 — Telephone number

2. a. Nature of commercial/industrial activity (manufacturing, warehousing, wholesale or retail store, or other) to be conducted at the site):

DEVELOPMENT OF 40,000 SF OFFICE/WAREHOUSE BUILDING

b. List primary 4 digit Standard Industrial Code (SIC) # _____
Business may list other relevant SIC numbers.

c. If a consolidation, what are the components of the consolidation? (must itemize the location, assets, and employment positions to be transferred) _____

d. Form of business enterprise (corporation, partnership, proprietorship, or other): _____

LIMITED LIABILITY CORPORATION -

3. Name of principal owner(s) or officers of business (attach list if necessary). JOHN T. LEWIS, ROBERT J. BIONDI, DOUGLAS J. SHULL

4. a. State the enterprise's current employment level at the proposed project site: 0

b. Will the project involve the relocation of employment positions or assets from one Ohio location to another? Yes____ No X

c. If yes, state the locations from which employment positions or assets will be relocated and the location to where the employment positions or assets will be located: _____

d. State the enterprise's current employment level in Ohio (itemized for full and part time and permanent and temporary employees): 0

e. State the enterprise's current employment level for each facility to be affected by the relocation of employment positions or assets: 0

f. What is the projected impact of the relocation, detailing the number and type of employees and/or assets to be relocated? N/A

5. Does the Property Owner owe:

a. Any delinquent taxes to the State of Ohio or a political subdivision of the state?

Yes____ No X

b. Any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State?

Yes____ No X

c. Any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not?

Yes____ No X

d. If yes to any of the above, please provide details of each instance including but not limited to the location, amounts and/or case identification numbers (add additional sheets if necessary).

6. Project Description (attach additional pages if necessary): CONSTRUCT 40,000 SF OF FLEX OFFICE/WAREHOUSE SPACE. SPACE WILL BE DIVISIBLE INTO UNITS OF 3,000 TO 4,000 SQUARE FEET WHICH WILL AVAILABLE FOR EITHER LEASE OR PURCHASE.

7. Project will begin SEPT, 20 04 and will be completed SEPTEMBER, 20 05 provided tax exemption is provided.

8. a. Estimate number of new employees the property owner will cause to be created at the facility that is the project site (job creation projection must be itemized by the name of the employer, full and part-time and permanent and temporary):

REQUEST TO NEGOTIATE

b. State the timeframe of this projected hiring: _____ yrs.

c. State proposed schedule for hiring (itemize by full and part-time and permanent and temporary employee):

9. a. Estimate the amount of annual payroll such new employees will add $_____ (new annual payroll must be itemized by full and part-time and permanent and temporary new employees) _____

b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project $_____

10. An estimate of the amount to be invested by the enterprise to establish, expand, renovate or occupy a facility:

A.	Acquisition of Buildings:	$
B.	Additions/New Construction:	$ 2,250,000
C.	Improvements to existing buildings:	$
D.	Machinery & Equipment:	$
E.	Furniture & Fixtures:	$
F.	Inventory:	$
	Total New Project Investment:	$ 2,250,000

11. a. Business requests the following tax exemption incentives: 100 % for 10 years covering real property as described above. Be specific as to the rate, and term.

b. Business's reasons for requesting tax incentives (be quantitatively specific as possible):

SPECULATIVE INVEST REQUIRES INCENTIVES TO MAKE PROJECT COMPETITIVE IN CENTRAL OHIO MARKET.

Submission of this application expressly authorizes the City of Delaware to contact the Ohio Environmental Protection Agency to confirm statements contained within this application including item #5 and to review applicable confidential records. As part of this application, the property owner may also be required to directly request from the Ohio Department of Taxation, or complete a waiver form allowing the Ohio Department of Taxation to release specific tax records to the local jurisdiction considering the request.

Applicant agrees to supply additional information upon request.

The applicant affirmatively covenants that the information contained in and submitted with this application is complete and correct and is aware of the ORC Sections 9.66(C)(1) and 2921.13 (D)(1) penalties for falsification which could result in the forfeiture of all current and future economic development assistance benefits as well as a fine of not more than $1,000 and/or a term of imprisonment of not more than six months.

Symmetry One, LLC
Name of Property Owner

8/23/04
Date

Lewis Managing Member
Signature

John T. Lewis Managing Member
Typed Name and Title

* A copy of this proposal must be forwarded by the local governments to the affected Board of Education along with notice of the meeting date on which the local government will review the proposal. Notice must be given a minimum of fourteen (14) days prior to the scheduled meeting to permit the Board of Education to appear and/or comment before the legislative authorities considering the request.

** Attach to Final Community Reinvestment Area Agreement as Exhibit A

Please note that copies of this proposal must be included in the finalized Community Reinvestment Area Agreement and be forwarded to the Ohio Department of Taxation and the Ohio Department of Development within fifteen (15) days of final approval.

COMMUNITY REINVESTMENT AREA AGREEMENT
CITY OF DELAWARE and SYMMETRY ONE, LLC.

This agreement made and entered into by and between the City of Delaware, Ohio, a municipal government, with its main offices located at 1 South Sandusky Street, Delaware, Ohio 43015, and SYMMETRY ONE, LLC. (John T. Lewis, Managing Partner), 499 NORTH LIBERTY STREET, DELAWARE, OH 43015, WITNESSETH;

WHEREAS, the City of Delaware has encouraged the development of real property and the acquisition of personal property located in the area designated as Community Reinvestment Area 141-1135-01; and

WHEREAS, SYMMETRY ONE, LLC. desires to construct a new flex-office building at the uncertified at time of agreement address 2097 London Road, at the northeast corner of US42 and London Road (see Site Map below; hereinafter referred to as the "PROJECT"), within the boundaries of the aforementioned Community Reinvestment Area, provided that the appropriate development incentives are available to support the economic viability of said PROJECT; and

WHEREAS, the Council of the City of Delaware, Ohio, by Resolution No. 01-52 adopted July 23, 2001, as amended by Resolution 04-39 on July 12, 2004, designated the area as a "Community Reinvestment Area" pursuant to Chapter 3735 of the Ohio Revised Code; and

WHEREAS, effective September 4, 2001, the Director of Development of the State of Ohio determined that the aforementioned area designated in said Resolution No. 01-52 contains the characteristics set forth in Section 3735.66 of the Ohio Revised Code and confirmed said area as Community Reinvestment Area #141-1135-01 under said Chapter 3735; and

WHEREAS, the City of Delaware, having the appropriate authority for the stated type of project desires to provide SYMMETRY ONE, LLC. with incentives available for the development of the PROJECT in said Community Reinvestment Area under Chapter 3735 of the Ohio Revised Code; and

WHEREAS, SYMMETRY ONE, LLC. has submitted a proposed agreement application (herein attached as Exhibit A) to the City of Delaware (hereinafter referred to as "APPLICATION"); and

WHEREAS, SYMMETRY ONE, LLC. has remitted the required state application fee of $750.00 made payable to the Ohio Department of Development with the APPLICATION to be forwarded to said department with a copy of the final agreement; and

WHEREAS, the Tax Incentive Negotiating Committee of the City of Delaware investigated the APPLICATION of SYMMETRY ONE, LLC. on September 8, 2004, and recommended approval to the Council of the City of Delaware on the basis that SYMMETRY ONE, LLC. is qualified by financial responsibility and business experience to create and preserve employment opportunities in said Community Reinvestment Area and improve the economic climate of the City of Delaware; and

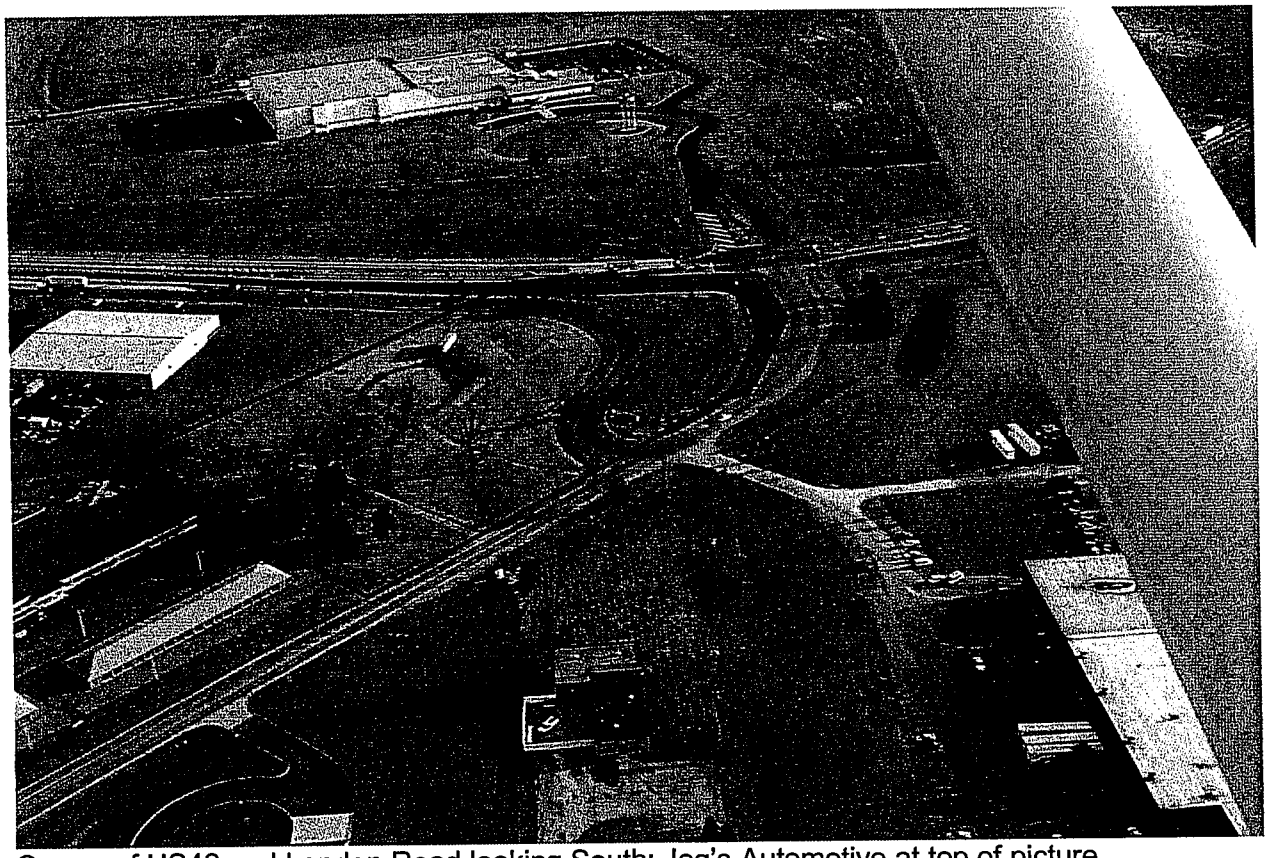
WHEREAS, the project site as proposed by SYMMETRY ONE, LLC. is located in the Delaware City School District and the Delaware Area Career Center. Per the attached resolutions authorizing the superintendents to act on behalf of their boards and noted in the minutes of the September 8, 2004, meeting of the Tax Incentive Negotiating Committee meeting, the boards of

education have been notified in accordance with Section 5709.83 and been given a copy of the APPLICATION; and

WHEREAS, pursuant to Section 3735.67(A) and in conformance with the format required under Section 3735.671(B) of the Ohio Revised Code, the parties hereto desire to set forth their agreement with respect to matters hereinafter contained;

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the parties herein agree as follows:

1. SYMMETRY ONE, LLC. shall construct a 48,000 square foot flex-office (25% office/75% warehouse) building approximately 5.7 acres at the northeast corner of US42 and London Road (at time of agreement, uncertified address is 2097 London Road) on Parcel 41921001011000, as the same is known and designated on the Auditor's revised list of lots in Delaware, Ohio. Planning Commission project PC04-074 was approved on August 18, 2004; City Council approved the Final Development Plan on September 13, 2004; Ordinance 04-145.

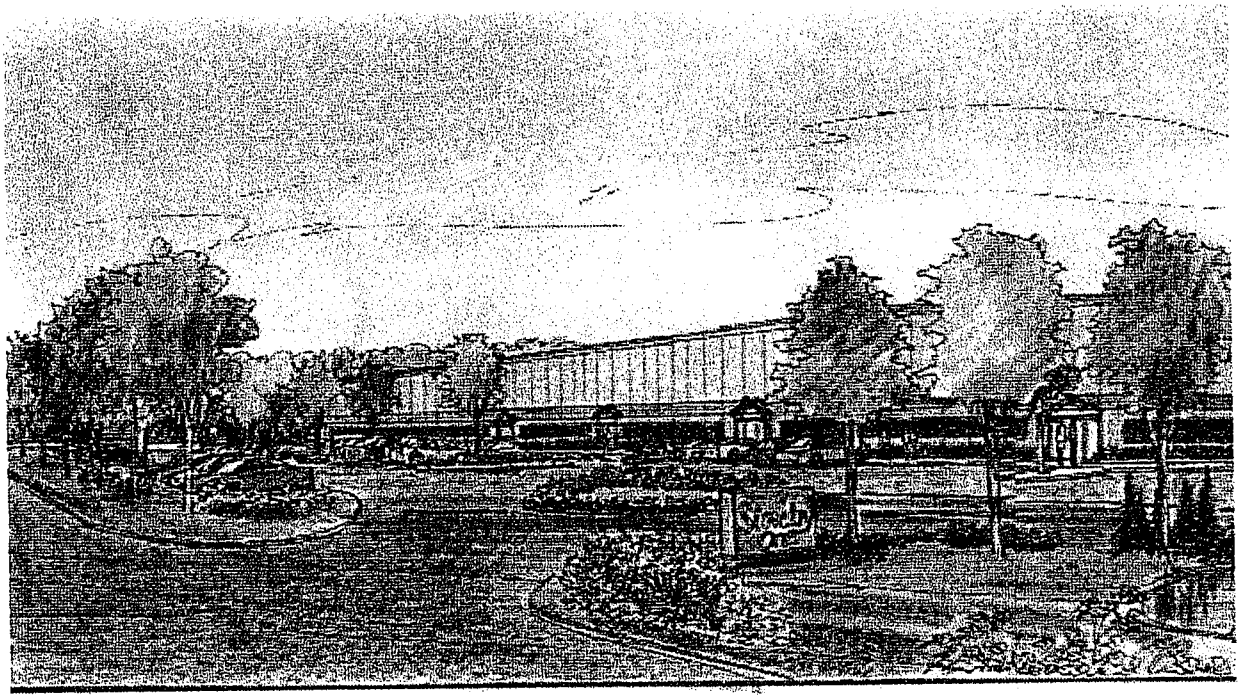


Corner of US42 and London Road looking South; Jeg's Automotive at top of picture.

Parcel 41921001011000.

The PROJECT will involve a total on-site new building construction investment by SYMMETRY ONE, LLC. of TWO MILLION TWO HUNDRED TWENTY FIVE THOUSAND DOLLARS ($2,225,000), plus or minus 10%, at the PROJECT site according to the following:

Real Property	
New Building Construction	$2,225,0000
On-Site Infrastructure	$0
Sub Total Real Property	**$2,225,000**
Building Acquisition	$0
Total Real Property	**$2,225,000**
Personal Property	
Equipment	$0
F&F	$0
Inventory	$0
Total Investment	**$2,225,000**



Artists rendering of completed site. Please see PC04-074 for more information.

The value of machinery, equipment, furniture and fixtures and inventory at the PROJECT site is zero. No tax incentives are available for the Personal Property.

The PROJECT will begin by December 15, 2004 and all acquisition, construction and construction will be completed by August 31, 2005.

2. SYMMETRY ONE, LLC. shall create or cause to be hired within a time period not exceeding 36 months after the completion of construction and subsequent occupancy of the aforesaid facility, the equivalent of 15 new full-time permanent job opportunities, 0 new part-time permanent job opportunities, 0 full-time temporary job opportunities, and 0 part-time temporary job opportunities, for a total of 15 full-time equivalent (FTE) job opportunities to be created by the PROJECT.

   SYMMETRY ONE, LLC. schedule for creating or causing to be hired 15 full-time permanent employees is as follows: create 5 new jobs in year one; create 5 new jobs in year two; and create 5 new jobs in year three.

   SYMMETRY ONE, LLC. currently has 0 full-time temporary employees, and 0 part-time temporary employees at the project site.

   SYMMETRY ONE, LLC. has 0 employees at other sites in Ohio or the US.

   In summary:

New Job Creation Period	New FTE Employment Level	Jobs Retained	**Total FTE Employment**
By December 31, 2005	+5 (Year 1)		**5**
By December 31, 2006	+5 (Year 2)		**10**
By December 31, 2007	+5 (Year 3)		**15**

This increase in the number of employees shall result in at least FOUR HUNDRED FIFTY THOUSAND DOLLARS ($450,000) in total annual payroll generated at the PROJECT site by December 31, 2007.

Based on new job and payroll creation levels, the City of Delaware estimates an annual new employee income tax revenue amount of $6,300 ($450,000 payroll times the current income tax rate of 1.4%) for the PROJECT. If in any year following Year 3 of this Agreement the level of new payroll does not reach or falls below levels established by this Agreement, SYMMETRY ONE, LLC. agrees to reimburse the City of Delaware for lost employee income taxes. The City of Delaware and SYMMETRY ONE, LLC. agree to add a 3% inflation factor per year. Should the City's income tax rates change, these figures are adjusted accordingly.

3. SYMMETRY ONE, LLC. shall provide to the proper Tax Incentive Review Council any information reasonably required by the council to evaluate the property owner's compliance with the agreement, including returns filed pursuant to section 5711.02 of the Ohio Revised Code if requested by the council (ORC3735.671C7).

ADDITIONAL REQUIREMENTS:

a. SYMMETRY ONE, LLC. shall maintain a corporate membership in the Delaware Area Chamber of Commerce.
b. SYMMETRY ONE, LLC. shall maintain a Structure Membership ($125) or another arrangement with Mainstreet Delaware, Inc.
c. SYMMETRY ONE, LLC. shall contact the Superintendent, Delaware Area Career Center, 4565 Columbus Pike, Delaware, OH 43015, 740 548 0708, for information on adult education and training services.

4. City of Delaware hereby grants SYMMETRY ONE, LLC. a tax exemption for real property improvements made to the PROJECT site pursuant to Section 3735.67 of the Ohio Revised Code and shall be for ten (10) years in the following amounts:

Year of Tax Exemption	Tax Exemption Amount
Year 1	100%
Year 2	100%
Year 3	100%
Year 4	100%
Year 5	100%
Year 6	0%
Year 7	0%
Year 8	0%
Year 9	0%
Year 10	0%

The exemption commences the first full taxable year the facility is 100% complete. No exemption shall commence after December 31, 2005, nor extend beyond December 31, 2012. Said exemption shall be based on the increase on the assessed value of real property attributed to the real property improvements at the PROJECT site. SYMMETRY ONE, LLC. must file the appropriate tax forms (DTE 23) with the County Auditor to effect and maintain the exemptions covered in the agreement.

5. A. The City of Delaware **waives** the annual fee equal to the greater of one percent of the dollar value of incentives offered under the agreement or five hundred dollars (ORC3735.671D).

B. SYMMETRY ONE, LLC. shall make the following payments totaling $49,910 to the Community Foundation of Delaware County that benefits Delaware City School District educational initiatives. This payment shall be subject to the terms and conditions of a separate School Compensation Agreement between SYMMETRY ONE, LLC. and the City of Delaware.

School Compensation Payment #	Payment Due Date	Amount
Payment #1	9/30/05	$9,982
Payment #2	9/30/06	$9,982
Payment #3	9/30/07	$9,982
Payment #4	9/30/08	$9,982
Payment #5	9/30/09	$9,982
Payment #6	9/30/10	$0
Payment #7	9/30/11	$0
Payment #8	9/30/12	$0
Payment #9	9/30/13	$0
Payment #10	9/30/14	$0

6. SYMMETRY ONE, LLC. shall pay such real and tangible personal property taxes as are not exempted under this agreement and are charged against such property and shall file all tax reports and returns as required by law. If SYMMETRY ONE, LLC. fails to pay such taxes or file such returns and reports after written notification, all incentives granted under this agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and thereafter (ORC3735.671C2).

7. City of Delaware shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions (ORC3735.671C4).

8. If for any reason the Community Reinvestment Area designation expires, the Director of the Ohio Department of Development revokes certification of the area, or the City of Delaware revokes the designation of the area, entitlements granted under this agreement shall continue for the number of years specified under this agreement, unless SYMMETRY ONE, LLC. materially fails to fulfill its obligations under this agreement and the City of Delaware terminates or modifies the exemptions from taxation granted under this agreement (ORC3735.671C5).

9. If SYMMETRY ONE, LLC. materially fails to fulfill its obligations under this agreement, or if the City of Delaware determines that the certification as to delinquent taxes required by this agreement is fraudulent, the City of Delaware may terminate or modify the exemptions from taxation granted under this agreement and may require the repayment

of the amount of taxes that would have been payable had the property not been exempted from taxation under this agreement (ORC3735.671C6).

10. SYMMETRY ONE, LLC. hereby certifies that at the time this agreement is executed, SYMMETRY ONE, LLC. does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio, and does not owe delinquent taxes for which SYMMETRY ONE, LLC., is liable under Chapter 5733., 5735., 5739., 5741., 5743., 5747., or 5753. of the Ohio Revised Code, or, if such delinquent taxes are owed, SYMMETRY ONE, LLC., currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against SYMMETRY ONE, LLC. For the purposes of the certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Revised Code governing payment of those taxes (ORC3735.671C3).

11. SYMMETRY ONE, LLC. affirmatively covenants that SYMMETRY ONE, LLC. does not owe: (1) any delinquent taxes to the State of Ohio or a political subdivision of the State; (2) any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State; and (3) any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not.

12. SYMMETRY ONE, LLC. and the City of Delaware acknowledge that this agreement must be approved by formal action of the legislative authority of the City of Delaware and approval and execution of this agreement by SYMMETRY ONE, LLC. as a condition for the agreement to take effect (ORC3735.671C10).

13. The City of Delaware has developed a policy to ensure recipients of a Community Reinvestment Area tax benefits practice non-discriminating hiring in its operations. By executing this agreement, SYMMETRY ONE, LLC. is committing to following non-discriminating hiring practices acknowledging that no individual may be denied employment solely on the basis of race, religion, sex, disability, color, national origin, or ancestry.

14. Exemptions from taxation granted under this agreement shall be revoked if it is determined that SYMMETRY ONE, LLC. any successor property owner, or any related member (as those terms are defined in Division (E) of Section 3735.671 of the Ohio Revised Code) has violated the prohibition against entering into this agreement under Division (E) of Section 3735.671 or Section 5709.62 or 5709.63 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections (ORC3735.671C9).

15. SYMMETRY ONE, LLC. affirmatively covenants that it has made no false statements to the State or local political subdivisions in the process of obtaining approval of the Community Reinvestment Area incentives. If any representative of SYMMETRY ONE, LLC. has knowingly made a false statement to the State or local political subdivision to obtain the Community Reinvestment Area incentives, SYMMETRY ONE, LLC. shall be required to immediately return all benefits received under the Community Reinvestment Area Agreement pursuant ORC Section 9.66 (C)(2) and shall be ineligible for any future economic development assistance from the State, any state agency or a political

subdivision pursuant to ORC Section 9.66(C)(1). Any person who provides a false statement to secure economic development assistance may be guilty of falsification, a misdemeanor of the first degree, pursuant to ORC Section 2921.13(D)(1), which is punishable by a fine of not more than $100 and/or a term of imprisonment of not more than six months.

16. SYMMETRY ONE, LLC. acknowledges that this agreement is not transferable or assignable without the express, written approval of the City of Delaware (ORC3735.671C8).

17. SYMMETRY ONE, LLC. acknowledges that if any person that is party to an agreement granting an exemption from taxation discontinues operations at the structure to which that exemption applies prior to the expiration of the term of the agreement, that person, any successor to that person, and any related member shall not enter into an agreement under this section or sections 5709.62, 5709.63, or 5709.632 of the Ohio Revised Code, and no legislative authority shall enter into such an agreement with such a person, successor, or related member, prior to the expiration of five years after the discontinuation of operations. As used in this division, 'successor' means a person to which the assets or equity of another person has been transferred, which transfer resulted in the full or partial non-recognition of gain or loss, or resulted in a carryover basis, both as determined by rule adopted by the tax commissioner. 'Related member' has the same meaning as defined in section 5733.042 of the Ohio Revised Code without regard to Division (B) of that section (ORC3735.671E).

18. SYMMETRY ONE, LLC. hereby represents that it has full authority to act, negotiate, and execute this agreement.

IN WITNESS WHEREOF, the City of Delaware, Ohio, by R. Thomas Homan, its City Manager, and pursuant to Ordinance 04-144 adopted on September 13, 2004, has caused this instrument to be executed this 24 day of September 2004, and SYMMETRY ONE, LLC. has caused this instrument to be executed on this 29 day of September 2004.

CITY OF DELAWARE

By: _____
R. Thomas Homan, City Manager

SYMMETRY ONE, LLC.

_____
John T. Lewis, Managing Partner

Approved as to form:

By: _____
Daniel B. Bennington, Delaware City Attorney

School Compensation Agreement
SYMMETRY ONE, LLC.
Community Reinvestment Area

This agreement between the City of Delaware, a municipal corporation, with its offices at 1 South Sandusky Street, Delaware, Ohio 43015; Delaware City School District Board of Education, a public school district, with its principal offices at 248 North Washington Street, Delaware, Ohio 43015; the Community Foundation of Delaware County, an Ohio not-for-profit corporation with its principal offices at 40 North Sandusky Street, Delaware, Ohio 43015; and Symmetry One, LLC., 499 North Liberty Street, Delaware, OH 43015, specifies the manner in which and procedures to be used pursuant to Ohio Revised Code 3735 authorizing general compensation relating to the construction of a new flex-office building at the northeast corner of US42 and London Road in Delaware's Community Reinvestment Area # 141-1135-01.

Whereas, the Ohio Community Reinvestment Area (CRA) Program, pursuant to ORC Section 3735.67 authorizes cities to grant real property tax exemptions on eligible new investments; and

Whereas, the Delaware City Council, by Resolution Number 01-52 adopted on July 23, 2001, as amended by Resolution 04-39 on July 12, 2004, designated an area in the City of Delaware as a CRA; and

Whereas, effective September 4, 2001, the Director of the Ohio Department of Development determined that the aforementioned area designated in said Resolution Number 01-52 contains the characteristics set forth in ORC 3735 and thereby certified the area as Delaware City CRA #141-1135-01; and

Whereas, effective November 26, 2001, a Delaware City School District Board of Education resolution authorized the Superintendent to act on its behalf to negotiate, approve, and define terms and conditions on any Tax Incentive Agreement; the minutes of the July 21, 2004 Tax Incentive Negotiating Committee document the Superintendent's approval; and

Whereas, the City of Delaware within Ordinance Number 04-144 adopted on September 13, 2004, has acted pursuant to ORC 3735 to grant a tax exemption to Symmetry One, LLC., and entered into a formal CRA Agreement on September 14, 2004; and

Whereas, Item 5 of the CRA Agreement relating to the aforementioned project requires compensation to the Community Foundation of Delaware County for the sole benefit of educational initiatives on behalf of the Delaware City School District.

Now therefore, in consideration of the foregoing and of the mutual promises, covenants, and agreements hereinafter set forth by the City of Delaware, Delaware City School District and Symmetry One, LLC. agree as follows:

Section 1. Symmetry One, LLC. shall pay NINE THOUSAND NINE HUNDRED EIGHTY TWO DOLLARS ($9,982) per year for FIVE (5) years to the Community Foundation of Delaware County in accordance with the terms and conditions set forth in Item 5 of the CRA Agreement for the referenced project. This payment shall be made upon receipt of an invoice from the City of Delaware, and the first payment shall be due September 30, 2005.

Section 2. The cash payment made by Symmetry One, LLC.. to the Community Foundation of Delaware County shall be used for educational initiatives for the sole benefit of the Delaware City Schools.

Section 3. The Community Foundation of Delaware County agrees to administer all moneys paid to the Delaware City School District by Symmetry One, LLC.

Section 4. This agreement may be amended or modified by the parties, only in writing, signed by all parties to the agreement or by applicable law changes.

Section 5. This agreement sets forth the entire agreement and understanding between the parties as to the subject matter contained herein and merges and supersedes all prior discussions, agreements, and undertakings of every kind between the parties with respect to the subject matter of this agreement.

Section 6. All payments, certificates, reports, and notices which are required to or may be given pursuant to the provisions of this agreement shall be sent by regular mail, postage prepaid, and shall be deemed to have been given or delivered when so mailed to the following addresses:

R. Thomas Homan, City Manager
City of Delaware
1 South Sandusky Street
Delaware, Ohio 43015

Robert A. Holm, Director
Community Foundation of Delaware County
40 North Sandusky Street, Suite 202
P.O. Box 261
Delaware, Ohio 43015

Steve D. Castle, PhD, Superintendent
Delaware City Schools
248 N. Washington Street
Delaware, Ohio 43015

John T. Lewis, Managing Partner
Symmetry One, LLC.
499 North Liberty Street
Delaware, OH 43015

Any party may change its contact or mailing address for receiving notices and reports by giving written notice of such change to the other parties.

Section 7. The invalidity of any provision of this agreement shall not affect the other provisions of this agreement, and this agreement shall be construed in all respects as if any invalid portions were omitted.

In witness whereof, the parties have caused this Agreement to be executed as of this 14th day of September, 2004.

CITY OF DELAWARE

R. Thomas Homan

DELAWARE CITY SCHOOL DISTRICT

Steve D. Castle, PhD, Superintendent

COMMUNITY FOUNDATION OF DELAWARE COUNTY

Robert A. Holm, Director

SYMMETRY ONE, LLC.

John T. Lewis, Managing Partner

Approved as to form:

By:

Dan Bennington, Delaware City Attorney

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE DELAWARE CITY SCHOOL DISTRICT, DELAWARE COUNTY, OHIO:

Section 1. This Board hereby authorizes and directs the Superintendent as its representative for negotiating, approving, and defining the terms and conditions of any Tax Incentive Agreements entered into by the School District. The Superintendent shall execute, acknowledge and deliver in the name and on behalf of the School District any Tax Incentive Agreements, which Tax Incentive Agreements shall be in such form as the Superintendent may approve; such officer's execution of any Tax Incentive Agreements shall be conclusive evidence of such approval.

Section 2. The Superintendent is hereby authorized and directed, on behalf of the Board, to waive any notice requirements for exemptions entered into by the County or the City, pursuant to Sections 3735.671, 5709.40, 5709.41, 5709.62, 5709.63, 5709.82 and 5709.83 of the Code.

Section 3. All formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and all deliberations of this Board and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

M Dr. Grote seconded the motion and, after discussion, a roll call vote was taken and the results were:

Voting Aye: Mrs. Tin, Dr. Grote, Ms. Gabel, Mrs. Tarpy, Mr. Wright, Mr. Coulter

Voting Nay: _____

The Resolution passed.

Passed: Nov. 26, 2001

BOARD OF EDUCATION
DELAWARE CITY SCHOOL DISTRICT
DELAWARE COUNTY, OHIO

Board President

Attest: Christine A. Klein
Treasurer

Patricia A. Foor, Superintendent
Christopher Bell, Treasurer
www.delawareareacc.org

Delaware Area Career Center

The DELAWARE AREA CAREER CENTER BOARD OF EDUCATION met in regular session on the 15th day of April, 2004, with the following members present:

M. Brad Reynolds
Jack Emrich
Tom Andrews
Ed Bischoff
Tom Sheppard

Mr. Emrich moved to adopt the following resolution:

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE DELAWARE AREA CAREER CENTER, DELAWARE COUNTY, OHIO:

Section 1: This Board hereby authorizes and directs the Superintendent **or appointed designee** as its representative for negotiating, approving, and defining the terms and conditions of any Tax Incentive Agreements entered into by the Career Center. The Superintendent/**designee** shall execute, acknowledge and deliver in the name and on behalf of the Career Center any Tax Incentive Agreements, which Tax Incentive Agreements shall be in such form as the Superintendent/**designee** may approve; such officer's execution of any Tax Incentive Agreements shall be conclusive evidence of such approval.

Section 2: The Superintendent/**designee** is hereby authorized and directed, on behalf of the Board, to waive any notice requirements for exemptions entered into by the County or the City, pursuant to Sections 3735.671, 5709.40, 5709.41, 5709.62, 5709.63, 5709.82, and 5709.83 of the Code.

Section 3: All formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and all deliberations of this Board and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Mr. Andrews seconded the motion.

Upon roll call, the vote resulted as follows:

M.B. Reynolds	**Aye**
J. Emrich	**Aye**
T. Andrews	**Aye**
E. Bischoff	**Aye**
T. Sheppard	**Aye**

ADOPTED: **April 15, 2004 – Res. #04-028(10)**

ATTEST: _____
Treasurer

ADMINISTRATIVE OFFICES: 4565 Columbus Pike * Delaware OH 43015-8969 * Phone: (740) 548-0708 * Fax: (740) 549-1397
NORTH CAMPUS: 1610 State Route 521 * Delaware OH 43015-9001 * Phone: (740) 363-1993 * Fax: (740) 362-6461
SOUTH CAMPUS: 4565 Columbus Pike * Delaware OH 43015-8969 * Phone: (740) 548-0708 * Fax: (740) 548-0710

SYMMETRY ONE LLC
PH. 614-873-0662
8400 INDUSTRIAL PKWY
PLAIN CITY, OH 43064

102

56-8053/2441

9/24/04
DATE

PAY TO THE ORDER OF State of Ohio $ 750.00

Seven Hundred Fifty and no/100 DOLLARS

Security Features Details on Back.

CES Credit Union, Inc.
P.O. Box 631
Mount Vernon, Ohio 43050
(740) 397-1136

FOR tax abatement account

MP

⑆244180 53

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Z-NOTES®

ORDINANCE NO. 04-144

AN ORDINANCE APPROVING A COMMUNITY REINVESTMENT AREA AGREEMENT WITH SYMMETRY ONE, LLC, FOR INVESTMENT IN REAL PROPERTY IMPROVEMENTS AT THE NORTHEAST CORNER OF US42 AND LONDON ROAD, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Delaware has encouraged development of and investment in real property in the area designated as Community Reinvestment Area 141-1135-1 pursuant to ORC 3735; and

WHEREAS, the City of Delaware by Resolution Number 01-52, as amended by Resolution 04-39, resolved to review and approve all Community Reinvestment Area Agreements which meet the statutory guidelines;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF DELAWARE, DELAWARE COUNTY, OHIO, that:

SECTION 1. The Community Reinvestment Area Agreement by and between the City of Delaware and Symmetry One, LLC, meets all of the guidelines established by the State of Ohio and the City of Delaware, and the same is hereby approved.

SECTION 2. The School Compensation Agreement by and between the City of Delaware, Symmetry One, LLC, and The Community Foundation of Delaware County meets all of the school compensation guidelines established by the State of Ohio and the City of Delaware, and the same is hereby approved.

SECTION 3. That the City Council of the City of Delaware hereby authorizes the execution of said agreements by the City Manager to implement the Community Reinvestment Area Program and required School Compensation Agreement for this project.

SECTION 4. 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, 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 Revised Code.

SECTION 5. EMERGENCY CLAUSE. That this ordinance is hereby declared to be an emergency measure necessary to provide for the public

peace, safety, health and welfare of the City, and is necessary to finalize negotiations, and as such will be in full force and effect immediately upon its passage.

VOTE ON RULE SUSPENSION: YEAS 7 NAYS 0 ABSTAIN 0

VOTE ON EMERGENCY CLAUSE: YEAS 7 NAYS 0 ABSTAIN 0

PASSED: September 13, 2004 YEAS 7 NAYS 0 ABSTAIN 0

ATTEST: Roby Mahin
CITY CLERK

Windell Whaley
MAYOR

DELAWARE CITY COUNCIL FACT SHEET

ITEM NO.: 15

DATE: 09/13/04

PUBLIC HEARING: NO

READING: FIRST

ORDINANCE NO.: 04-144

RESOLUTION NO.:

DESCRIPTION: AN ORDINANCE APPROVING A COMMUNITY REINVESTMENT AREA AGREEMENT WITH SYMMETRY ONE, LLC, FOR INVESTMENT IN REAL PROPERTY IMPROVEMENTS AT THE NORTHEAST CORNER OF US42 AND LONDON ROAD, AND DECLARING AN EMERGENCY.

DEPARTMENT AFFECTED:
Economic Development Department

GROUP AFFECTED:

FINANCIAL INFORMATION

COST:

FUND SOURCES:

BUDGETED:

RECOMMENDATIONS

COMMITTEE:
Tax Incentive Negotiating Committee

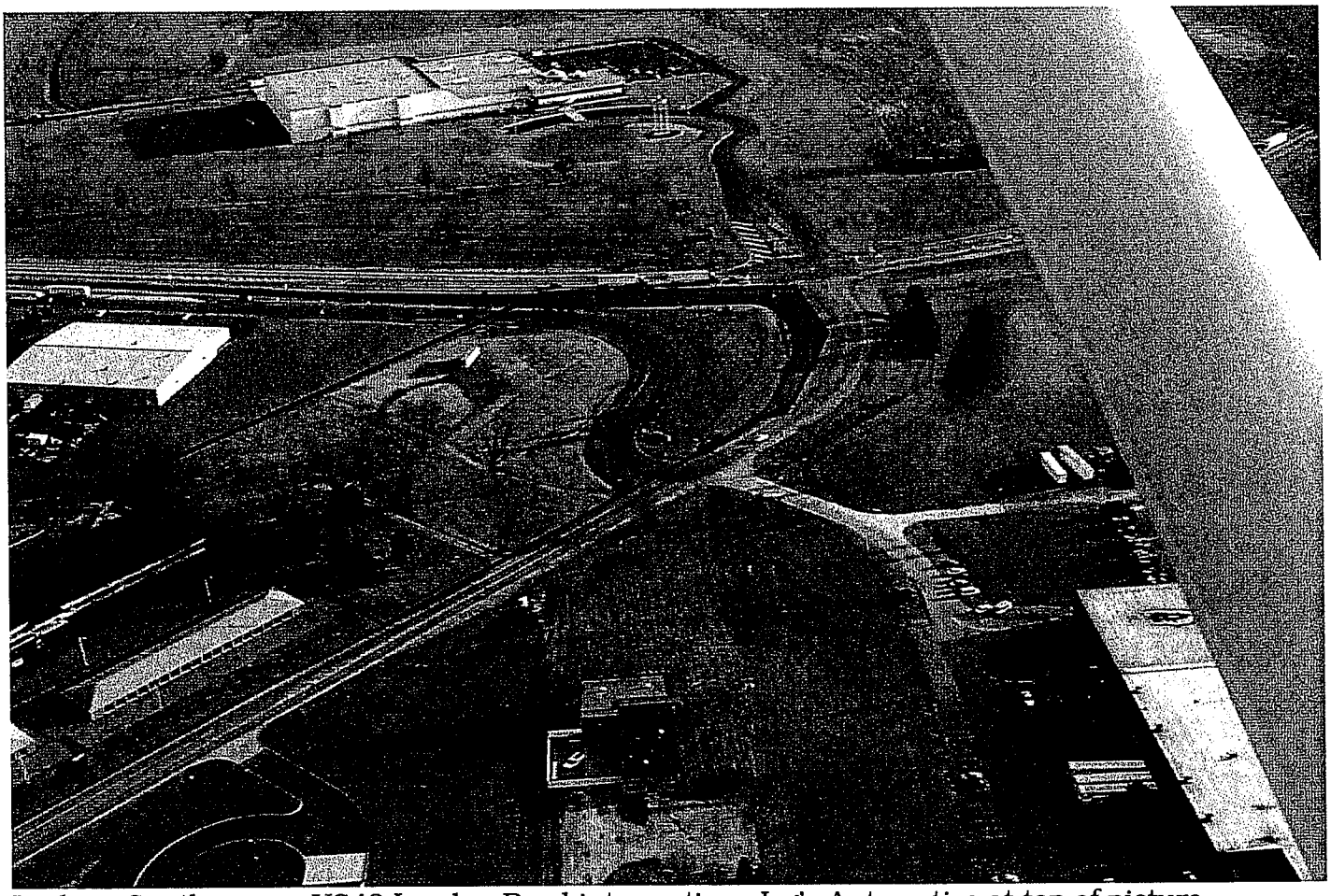
RECOMMENDATION:
Approval

VOTE:
4-0
MEETING DATE: 9/8/04

STAFF RECOMMENDATION:
Approval

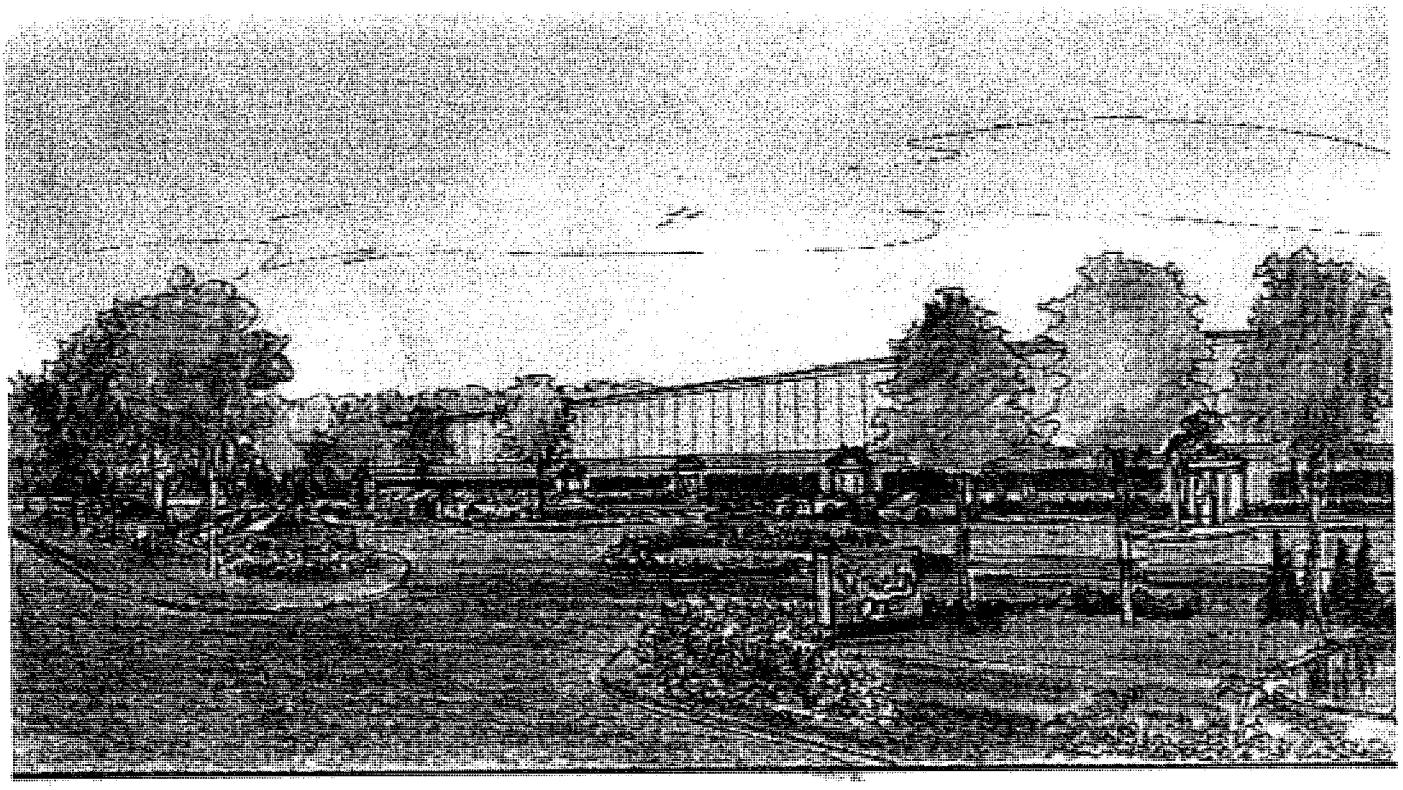
PRESENTER: Gus Comstock, Economic Development Coordinator

SUMMARY OF ITEM: City Council's approval for the City Manager to enter into a 5 year, 100% Community Reinvestment Area Real Property tax incentive agreement with Symmetry One, LLC, is requested. A 48k sqft flex-office complex with approximately $2.5m in new real property improvements is planned for the site, located at the northeast intersection of US42 and London Road. The office complex will be located at a strategic entrance (uncertified address is 2097 London Road) to the Delaware Industrial Park, Johnson Industrial Park and the new Delaware Business Park. Additionally, Sawmill Parkway should cross US42 south of the site. The Planning Commission approved the Symmetry One plans (PC04-074) on August 18, 2004, with conditions.



Looking South across US42 London Road intersection; Jeg's Automotive at top of picture.

Comprehensive Plan Economic Development Element Objectives ED16 and ED17 strongly encourage office development in the City with special consideration for tax incentives.



The City of Delaware Tax Incentive Negotiating Committee (TINC) met on Wednesday, September 8, 2004 with Symmetry One, LLC, partners John Lewis and Doug Shull. The TINC investigated the tax incentive/abatement application and found Symmetry One, LLC is qualified by financial responsibility and business experience and able to create employment opportunities. The TINC (City, County, City School and Delaware Area Career Center representatives) recommends that City Council authorize the proposed agreement. Of note, Doug Shull is a partner with South Houk Partners that constructed the buildings on the east side of South Houk Road north of Pittsburgh Drive and south of the RR tracks. North American Bus Industries and Kroger Maintenance occupy the 120,000 square foot building at the corner of South Houk and Pittsburgh. The building has over 35 employees and over a $1.5m payroll.

The TINC recommends an agreement with Symmetry One, LLC, that allows Symmetry One, LLC, to establish the office complex with a five year, 100% Real Property tax incentive with minimal job creation requirements. A proposal requiring Symmetry One, LLC, to generate a payroll at the site of $1.5m or $.45 per square foot of building space, per the Comprehensive Plan guidelines, was discussed, but not recommended. The City would have extended the abatement to ten years after a five year review in exchange for a guarantee that a payroll of $1.5m was generated.

The public investment/abatement is approximately $207,904 over the five year term of the incentive.

Summary of <u>5 Year, 100% Tax Incentive</u>:

Taxing Authority Incentive/Abatement Distribution

	Incentive/Abatement
Delaware City SD	$166,361

City of Delaware	$10,631
Delaware County	$13,895
Other	$17,017
Total	**$207,904**

The Delaware County Auditor currently has the land appraised at $71,600. The existing land taxes of $1,191 per year are not affected by any tax incentive.

Symmetry One, LLC, will pay Delaware City School District $9,982 each of the five years of the proposed agreement.

ATTACHMENTS:

COUNCIL NOTES:

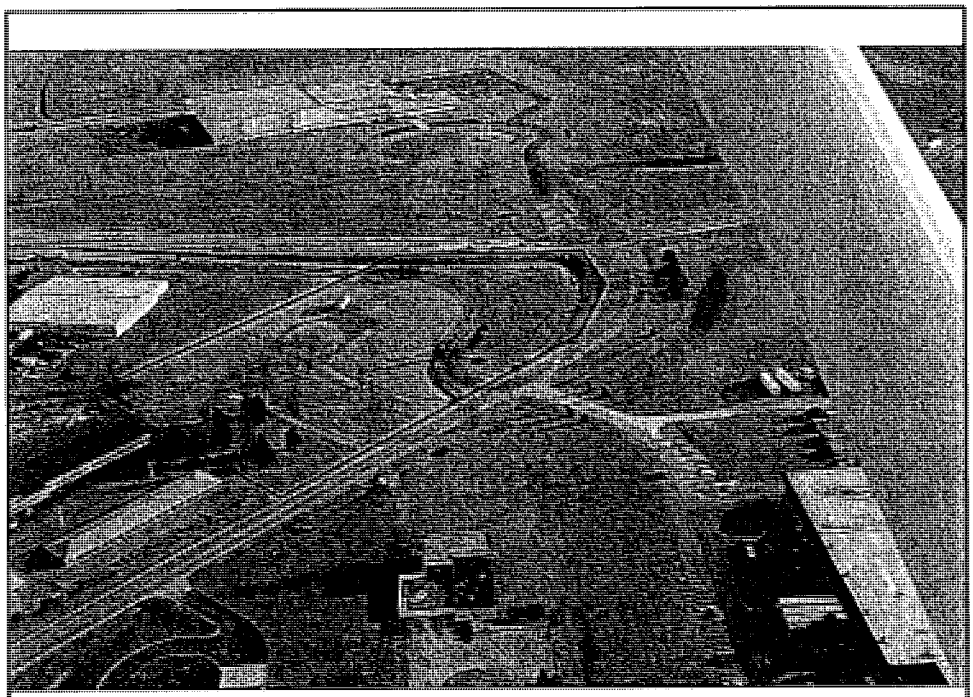
Community Reinvestment Area Agreement with Symmetry One, LLC 2097 London Road

(corner of US42 and London Road)

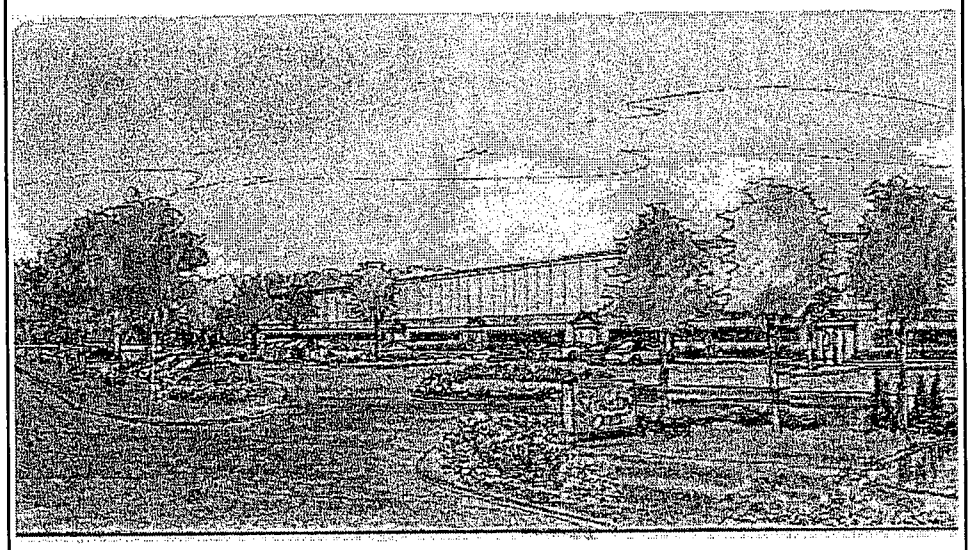
Item 15

Ordinance 04-144

September 13, 2004



Looking south across site; Jeg's Automotive at top of screen



48k sqft, flex-office building

Tax Incentive Negotiating Committee

- TINC met on September 8, 2004, and recommends approval of a five year, 100% incentive on $2.5m real (building) property new investment.
- Comprehensive Plan Economic Development Element Objectives ED16 and ED17 strongly encourage office development in the City with special consideration for tax incentives.

Tax Incentive Negotiating Committee

- According to Comprehensive Plan, the project should generate a payroll at the site of $1.5m or $.45 per square foot of building space (48k sqft).
- TINC recommendation requires 15 jobs and $450,000 payroll, due to:

Tax Incentive Negotiating Committee

1. Speculative development; high risk. Partners have two highly successful buildings on South Houk Road (NABI, Kroger Engineering, Grief Bros Research and Optimum Plastics; $4m payroll and 50 jobs).
2. Strategic location and high quality visibility at entrance to industrial parks.
3. $9,982/yr in School Compensation.

New Investment and Taxes based on 5 yr 100% Real Property Incentive

Taxing Authority Incentive/Abatement Distribution based on $2.5m in improvements to vacant land valued at $71,600 (no abatement on existing taxes).

	Incentive/Abatement
Delaware City SD	$166,361
City of Delaware	$10,631
Delaware County	$13,895
Other	$17,017
Total	$207,904

City of Delaware, Ohio

Symmetry One, LLC; London and US42

Summary Tax Analysis for CRA Agreement

CRA Information:

First Year of Incentive	2006	
Period of Incentive	5	years
New Investment in Real Property	$2,250,000	
Proposed Real Property Abatement	100%	

Property Tax Information (Effective - 2003 Comm./Ind. Rate, District 14):

	Millage			
	Real (effective)	**Personal (full)**	**2003 Taxes**	**%**
Delaware City SD	42.25041	64.73000	**$16,636**	80%
City of Delaware	2.70000	2.70000	**$1,063**	5%
Delaware County	3.52893	5.61000	**$1,390**	7%
Other	4.32186	4.02000	**$1,702**	8%
Total	**52.80119**	**77.06000**	**$20,790**	100%

Estimated Amount of 10 Yr Tax Incentive:	**Real**	**Personal**		
		M&E	F&F	Inventory
Percentage Abated	100%	0%	0%	0%
Total	**$207,905**	**$0**	**$0**	**$0**

Amount Reimbursed to School District:

Years 1 - 5	**$9,982**	**per year**
	$49,908	**total**

Employment:

Number of FTE jobs	**0**	
Payroll	**$1,542,857**	
Employee Income tax	**$21,600**	per Comp Plan
	48k sqft X $.45/sqft of building	

CRA					Symmetry One, LLC: London and US42						
	8/25/2004										
	Year										
	1	2	3	4	5	6	7	8	9	10	
Real Estate	$2,250,000.00	$2,250,000.00	$2,250,000.00	$2,250,000.00	$2,250,000.00	$2,250,000.00	$2,250,000.00	$2,250,000.00	$2,250,000.00	$2,250,000.00	
x35%	$787,500.00	$787,500.00	$787,500.00	$787,500.00	$787,500.00	$787,500.00	$787,500.00	$787,500.00	$787,500.00	$787,500.00	
0.052801193	$41,580.94	$41,580.94	$41,580.94	$41,580.94	$41,580.94	$41,580.94	$41,580.94	$41,580.94	$41,580.94	$41,580.94	
Incentive	100.00%	100.00%	100.00%	100.00%	100.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
Taxes Generated	$41,580.94	$41,580.94	$41,580.94	$41,580.94	$41,580.94	$0.00	$0.00	$0.00	$0.00	$0.00	
Taxes Received	$0.00	$0.00	$0.00	$0.00	$0.00	$41,580.94	$41,580.94	$41,580.94	$41,580.94	$41,580.94	$207,904.70
Taxes Abated	$41,580.94	$41,580.94	$41,580.94	$41,580.94	$41,580.94	$0.00	$0.00	$0.00	$0.00	$0.00	$207,904.70
Personal Property	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
Equipment	0.92	0.763	0.606	0.461	0.379	0.298	0.216	0.2	0.2	0.2	
CLASS II	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
0.07706	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
Incentive	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
Taxes Generated	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
Taxes Received	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Taxes Abated	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Personal Property	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
F&F	0.932	0.828	0.724	0.62	0.515	0.422	0.363	0.305	0.246	0.188	
CLASS III	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
0.07706	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
Incentive	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
Taxes Generated	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
Taxes Received	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Taxes Abated	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Personal Property	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
Inventory	1	1	1	1	1	1	1	1	1	1	
CLASS III	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
	($10,000.00)	($10,000.00)	($10,000.00)	($10,000.00)	($10,000.00)	($10,000.00)	($10,000.00)	($10,000.00)	($10,000.00)	($10,000.00)	
0.07706	($770.60)	($770.60)	($770.60)	($770.60)	($770.60)	($770.60)	($770.60)	($770.60)	($770.60)	($770.60)	
Incentive	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
Taxes Generated	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
Taxes Received	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Taxes Abated	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00

		Real Estate	Personal Property Equipment	Personal Property F&F	Personal Property Inventory	Total					
Total	Investment	$2,250,000	$0	$0	$0	$2,250,000					
Total	Taxes Received	$207,904.70	$0.00	$0.00	$0.00	$207,904.70	50.00%				
Total	Taxes Abated	$207,904.70	$0.00	$0.00	$0.00	$207,904.70	50.00%				
		$415,809.39	$0.00	$0.00	$0.00	$415,809.39					
	Tax %	County	City	Schools	Other	Total					
Delaware City SD	Personal (Full Rate)	5.61	2.7	64.73	4.02	77.06					
2003		7.28%	3.50%	84.00%	5.22%	100%					
	Real (Effective Rate)	3.528926	2.7	42.250408	4.321859	52.801193					
		6.68%	5.11%	80.02%	8.19%	100%					
Total	Taxes Received	$13,895.15	$10,631.25	$166,360.98	$17,017.32	$207,904.70					
Total	Taxes Abated	$13,895.15	$10,631.25	$166,360.98	$17,017.32	$207,904.70					
CLASS IV	0.939	0.863	0.787	0.711	0.635	0.558	0.482	0.406	0.354	0.311	
	0.943	0.881	0.818	0.756	0.693	0.631	0.569	0.506	0.444	0.382	
CLASS IV	0.939	0.863	0.787	0.711	0.635	0.558	0.482	0.406	0.354	0.311	
CLASS III	0.932	0.828	0.724	0.62	0.515	0.422	0.363	0.305	0.246	0.188	
CLASS II	0.92	0.763	0.606	0.461	0.379	0.298	0.216	0.2	0.2	0.2	
	$49,908.29	School Compensation: 30% of abated taxes									
School Notification Decision per ORC 3735.671(A)(2)											
ORC 3735.671(A)(1) requires a 45 working day School Board notification unless the following calculation exceeds 50% of the the taxes on the project if it w											
(a) Unabated taxes (from Property Card)						$22,000					
(b) Tangible Personal Property Taxes						$0					
(c) School Compensation						$49,908					
Total						$71,908	Over ten year term of agreement				
Estimated taxes on unimproved property						$22,000	Over ten year term of agreement; Information from Property Card				
Estimated taxes on improvements w/o abatement						$415,809	Over ten year term of agreement				
Total w/o exemption						$437,809					
Percentage		Total/Total w/o exemption				16%					
Is School Board notification required?						Yes					

FIRST AMENDMENT TO SYMMETRY ONE
COMMUNITY REINVESTMENT AREA
AND
SCHOOL COMPENSATION AGREEMENTS
ODOD Reference: CRA 041-01135-1 04-004

This First Amendment to the Symmetry One Community Reinvestment Area and School Compensation Agreements ("FIRST AMENDMENT") is made and entered into to be effective this 29th day of September 2009 by and between the City of Delaware, a municipal corporation of the State of Ohio (hereinafter "CITY"), SYMMETRY ONE, LLC (hereinafter "OWNER"), Delaware City School District and Community Foundation of Delaware County.

WHEREAS, OWNER has satisfied the terms of the CRA Agreement effective September 29, 2004; and

WHEREAS, the CITY and OWNER entered into a Community Reinvestment Area Agreement (hereinafter the "CRA AGREEMENT") effective September 29, 2004, which CRA Agreement was approved pursuant to Ordinance Number 04-144, passed by City Council on September 13, 2004; and

WHEREAS, the CRA AGREEMENT provided OWNER with a one-hundred percent (100%), five (5) year tax exemption on the assessed value of a new 48,000 square foot flex-office building constructed on approximately 5.7 acres of real property located at 2097 London Road (the "PROPERTY"); and

WHEREAS, OWNER committed in the CRA AGREEMENT to develop the PROPERTY and to create fifteen new full-time jobs; and OWNER has complied with those commitments; and

WHEREAS, Delaware City Council, by Ordinance Number 09-61 passed on August 10, 2009, authorized the Director of Development to amend the CRA AGREEMENT to reflect an increase in the real property incentive to:

Existing Agreement:
Year 1 - 5 100%

Amendment:
Year 6 - 11 100%
Year 12 80%

Year 13	60%
Year 14	40%
Year 15	20%; and

WHEREAS, the PROPERTY is located within CRA 041-1135-1;

NOW THEREFORE, in consideration of the promises and mutual obligations of the parties contained in this FIRST AMENDMENT, the parties hereby covenant and agree as follows:

DELETE Section 4 of the CRA Agreement:

4. City of Delaware hereby grants SYMMETRY ONE, LLC. a tax exemption for real property improvements made to the PROJECT site pursuant to Section 3735.67 of the Ohio Revised Code and shall be for ten (10) years in the following amounts:

Year of Tax Exemption	Tax Exemption Amount
Year 1	100%
Year 2	100%
Year 3	100%
Year 4	100%
Year 5	100%
Year 6	0%
Year 7	0%
Year 8	0%
Year 9	0%
Year 10	0%

The exemption commences the first full taxable year the facility is 100% complete. No exemption shall commence after December 31, 2005, nor extend beyond December 31, 2012. Said exemption shall be based on the increase on the assessed value of real property attributed to the real property improvements at the PROJECT site. SYMMETRY ONE, LLC. must file the appropriate tax forms (DTE 23) with the County Auditor to effect and maintain the exemptions covered in the agreement.

REPLACE WITH:

4. City of Delaware hereby grants SYMMETRY ONE, LLC. a tax exemption for real property improvements made to the PROJECT site pursuant to Section 3735.67 of the Ohio Revised Code and shall be for fifteen (15) years in the following amounts:

Year of Tax Exemption	Tax Exemption Amount
Year 1	100%
Year 2	100%
Year 3	100%
Year 4	100%
Year 5	100%
Year 6	100%
Year 7	100%
Year 8	100%
Year 9	100%
Year 10	100%
Year 11	100%
Year 12	80%
Year 13	60%
Year 14	40%
Year 15	20%

The exemption commences the first full taxable year the facility is 100% complete. No exemption shall commence after December 31, 2005, nor extend beyond December 31, 2022. Said exemption shall be based on the increase on the assessed value of real property attributed to the real property improvements at the PROJECT site. SYMMETRY ONE, LLC. must file the appropriate tax forms (DTE 23) with the County Auditor to effect and maintain the exemptions covered in the agreement.

DELETE Section 5B of the CRA Agreement:

B. SYMMETRY ONE, LLC. shall make the following payments totaling $49,910 to the Community Foundation of Delaware County that benefits Delaware City School District educational initiatives. This payment shall be subject to the terms and conditions of a separate School Compensation Agreement between SYMMETRY ONE, LLC. and the City of Delaware.

School Compensation Payment #	Payment Due Date	Amount

Payment #1	9/30/05	$9,982
Payment #2	9/30/06	$9,982
Payment #3	9/30/07	$9,982
Payment #4	9/30/08	$9,982
Payment #5	9/30/09	$9,982
Payment #6	9/30/10	$0
Payment #7	9/30/11	$0
Payment #8	9/30/12	$0
Payment #9	9/30/13	$0
Payment #10	9/30/14	$0

REPLACE WITH:

B. SYMMETRY ONE, LLC. shall make the following payments totaling $129,766 to the Community Foundation of Delaware County that benefits Delaware City School District educational initiatives. This payment shall be subject to the terms and conditions of a separate School Compensation Agreement between SYMMETRY ONE, LLC. and the City of Delaware.

School Compensation Payment #	Payment Due Date	Amount
Payment #1	9/30/05	$9,982
Payment #2	9/30/06	$9,982
Payment #3	9/30/07	$9,982
Payment #4	9/30/08	$9,982
Payment #5	9/30/09	$9,982
Payment #6	9/30/10	$9,982
Payment #7	9/30/11	$9,982
Payment #8	9/30/12	$9,982
Payment #9	9/30/13	$9,982
Payment #10	9/30/14	$9,982
Payment #11	9/30/15	$9,982
Payment #12	9/30/16	$7,985.60
Payment #13	9/30/17	$5,989.20
Payment #14	9/30/18	$3,992.80
Payment #15	9/30/19	$1,996.40

DELETE Section 1 of the School Compensation Agreement:

Section 1. Symmetry One, LLC. shall pay NINE THOUSAND NINE HUNDRED EIGHTY TWO DOLLARS ($9,982) per year for FIVE (5) years to the Community Foundation of Delaware County in accordance with the terms and conditions

set forth in Item 5 of the CRA Agreement for the referenced project. This payment shall be made upon receipt of an invoice from the City of Delaware, and the first payment shall be due September 30, 2005.

REPLACE WITH:

Section 1. Symmetry One, LLC. shall pay NINE THOUSAND NINE HUNDRED EIGHTY TWO DOLLARS ($9,982) per year for ELEVEN (11) YEARS, SEVEN THOUSAND NINE HUNDRED EIGHTY FIVE DOLLARS AND SIXTY CENTS ($7,985.60) IN YEAR 12, FIVE THOUSAND NINE HUNDRED EIGHTY NINE DOLLARS AND TWENTY CENTS ($5,989.20) IN YEAR 13, THREE THOUSAND NINE HUNDRED NINTY TWO DOLLARS AND EIGHTY CENTS ($3,992.80) IN YEAR 14 AND ONE THOUSAND NINE HUNDRED NINTY SIX DOLLARS AND FORTY CENTS ($1,996.40) IN YEAR 15 to the Community Foundation of Delaware County in accordance with the terms and conditions set forth in Item 5 of the CRA Agreement for the referenced project. This payment shall be made upon receipt of an invoice from the City of Delaware, and the first payment shall be due September 30, 2005.

Except as modified and amended by this FIRST AMENDMENT, the AGREEMENT shall remain in full force and effect as amended.

IN WITNESS WHEREOF, the parties have caused this FIRST AMENDEMENT to be executed by their duly-authorized representative to be effective as of the date and year first above written.

CITY OF DELAWARE

R. Thomas Homan

DELAWARE CITY SCHOOL DISTRICT

Mary Ann Ashworth, PhD, Superintendent

COMMUNITY FOUNDATION OF DELAWARE COUNTY

Marlene A. Casini, President

SYMMETRY ONE, LLC.

9/4/09

John T. Lewis, Managing Partner

Approved as to form:

By: _____

Dan Bennington, Delaware City Attorney

Symmetry I Suites A & I

Delaware County Auditor
George Kaitsa

Information contained within this map may be used to generally locate, identify and inventory land parcels within Delaware County.
Delaware County cannot warrant or guarantee the information contained herein, including, but not limited to its accuracy
or completeness. The map parcel lines shown are approximate and this information cannot be constructed or used as a "legal description" of a parcel.
Flood Plain information is obtained from FEMA and is administered by the Delaware County Building Department (740-833-2201).
Please report any errors or omissions to the Delaware County Auditor's office at delcogis@co.delaware.oh.us.
Prepared by: Delaware County Auditor's GIS Office

Printed on 9/24/2018

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EST 1808
CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEMS NO: 9 & 10 DATE: 10/08/2018

ORDINANCE NO: 18-90 RESOLUTION NO:

READING: FIRST PUBLIC HEARING: YES
(Public Hearing held pursuant to Ordinance 18-77 on October 8, 2018 at 7:30 p.m.)

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Darren Shulman, City Attorney

TITLE OF PROPOSED ORDINANCE/RESOLUTION:
AN ORDINANCE FINDING THAT THE CREATION OF THE TERRA ALTA COMMUNITY AUTHORITY WILL BE CONDUCIVE TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE AND WELFARE AND IS INTENDED TO RESULT IN THE DEVELOPMENT OF A NEW COMMUNITY; DECLARING THAT AUTHORITY TO BE ORGANIZED AND A BODY POLITIC AND CORPORATE; DEFINING THE BOUNDARY OF THAT AUTHORITY'S NEW COMMUNITY DISTRICT; PROVIDING THE METHOD OF APPOINTING MEMBERS TO THAT THE AUTHORITY'S BOARD OF TRUSTEES AND FIXING THE SURETY FOR THOSE TRUSTEES' BONDS.

BACKGROUND:
A New Community Authority (NCA) is a charge put on residents' property tax bill to help pay for infrastructure in the authority area. The charge is usually used as a tool to facilitate future development.

The City has two existing NCAs, which were created to help finance infrastructure put in by the City after the formation of the NCA. When the infrastructure is paid off, the charges will be removed from the taxes in the existing NCAs.

The City has experienced some issues with residents in the current NCAs. For example, the charge is often a source of confusion for residents who do not understand what the charge pays for. Some residents feel the charge is too

high. Because it is based on millage (property tax value), owners of new houses are often surprised by the charge even though it was disclosed, because the tax rate on the auditor's website is based on the value of the land when it was vacant. Finally, during the levy campaign, residents in the NCA indicated they felt their NCA charge should already cover roads and were therefore reluctant to approve additional taxes.

These agenda items are being placed together to track the public hearing (set by Ord. 18-77 as part of the NCA approval process) with the ordinance it is related to. It is possible this ordinance will change prior to adoption as it is being reviewed by bond counsel. If Council adopts guidelines for approving an NCA, a reference to those guidelines would also be added. Prior to adoption of the ordinance, the applicant would need to amend the petition to reflect any changes Council may require regarding the amount and length of the NCA charge.

A draft set of guidelines for future NCA charges is included in this packet for discussion purposes.

REASON WHY LEGISLATION IS NEEDED:

Council previously passed legislation declaring the NCA Petition was sufficient. The next step is consideration of whether to approve the NCA on policy grounds. The public hearing was set by the prior legislation and this legislation is the vehicle for Council to decide to approve or deny the request.

COMMITTEE RECOMMENDATION:

FISCAL IMPACT(S):

The petition anticipates 2250 new residents will reside in the district at full build out. The requested NCA would add a 7.5 mills charge to each parcel of property in the district. This would result in a $.75 charge for each $1,000 of assessed valuation, which would appear on the residents' property tax bill.

POLICY CHANGES:

The present request being brought forward by the developer differs from our existing NCAs in the following ways. First, it would reimburse the developer as opposed to the City. Second, the developer has indicated that it is intended to help finance amenities, but the majority of the items the developer would be reimbursed for through the charge are infrastructure items that traditionally are a developer's responsibility to install. Third, part of the charge would go towards reimbursing the developer for infrastructure that has already been built, which does not fit with the City's prior use of an NCA to finance future development. Finally, the proposed NCA has no set end date.

PRESENTER(S):

R. Thomas Homan

RECOMMENDATION:

Staff is concerned that by adding a significant cost to the property tax bill of 2250 new residents of the city, it will make it more difficult for city and school levies to pass. In addition, based on the volume of calls generated by the existing NCAs, staff anticipates additional staff time will be required to help these new residents understand the charge. Finally, staff believes approving this NCA will set a precedent for future NCA requests. To the extent these expenses are related to amenities, they could be financed by a homeowners association (HOA) charge, which would make it clear what the charge is paying for and eliminate any confusion over perceived increased taxes.

Since the filing of the petition, the developer has submitted a letter indicating they would accept a reduction to a 5.5 mil charge. Staff will present recommendations regarding the charge amount and term at the meeting. The developer would have to amend the petition to effectuate any change.

ATTACHMENT(S)

Draft NCA Guidelines
Petition

ORDINANCE NO. 18-90

AN ORDINANCE FINDING THAT THE CREATION OF THE TERRA ALTA COMMUNITY AUTHORITY WILL BE CONDUCIVE TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE AND WELFARE AND IS INTENDED TO RESULT IN THE DEVELOPMENT OF A NEW COMMUNITY; DECLARING THAT AUTHORITY TO BE ORGANIZED AND A BODY POLITIC AND CORPORATE; DEFINING THE BOUNDARY OF THAT AUTHORITY'S NEW COMMUNITY DISTRICT; PROVIDING THE METHOD OF APPOINTING MEMBERS TO THAT THE AUTHORITY'S BOARD OF TRUSTEES AND FIXING THE SURETY FOR THOSE TRUSTEES' BONDS.

WHEREAS, pursuant to Chapter 349 of the Ohio Revised Code, Terra Alta, LLC (the "Developer") filed a petition (the "Petition") with the Council Clerk for the City of Delaware as provided in Section 349.03(A) of the Ohio Revised Code, with that Petition being for the establishment of The Terra Alta Community Authority (the "Authority") and its proposed new community district (the "District"); and

WHEREAS, this Council comprises the "organizational board of commissioners" for the proposed Authority, as that term is defined in Section 349.01(F) of the Ohio Revised Code; and

WHEREAS, by its Ordinance No. 18-77 adopted on September 10, 2018, this Council determined that the Petition complies with the requirements of Section 349.03 of the Ohio Revised Code and fixed the time and place for a public hearing on the establishment of the Authority pursuant to Section 349.03(A) of the Ohio Revised Code, and that public hearing was held by this Council on October 8, 2018, after notice of that public hearing was published as required by law; and

WHEREAS, pursuant to Section 349.04 of the Ohio Revised Code, this Council is responsible for establishing the method for selection of members of the Authority's Board of Trustees and fixing their sureties.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. This Council finds and determines that the District will be conducive to the public health, safety, convenience and welfare and is intended

to result in the development of a new community as defined in Section 349.01(A) of the Ohio Revised Code.

SECTION 2. The Petition, as revised and on file with the Council Clerk, is hereby accepted and shall be recorded, along with this Ordinance, in the journal of this Council, as the organizational board of commissioners, pursuant to Section 349.03 of the Ohio Revised Code.

SECTION 3. The Authority is hereby organized and a body politic and corporate.

SECTION 4. The corporate name of the Authority shall be "The Terra Alta Community Authority."

SECTION 5. The District shall have the boundaries set forth in the Petition.

SECTION 6. The Board of Trustees of the Authority shall be composed of seven members. This Council shall appoint four members to the Board of Trustees (the "Citizen Members"), one of whom shall be appointed to represent local government (the "Local Government Representative"). The Developer shall appoint the remaining three members of the Board of Trustees to serve as representatives of the Developer (the "Developer Members"). Of its initial four appointments, Council shall designate two of those Citizen Members to serve initial one year terms and two of those Citizen Members to serve initial two year terms; and of its initial three appointments, the Developer shall designate two of those Developer Members to serve initial one year terms and one of those Developer Members to serve an initial two-year term. These initial appointments to the Board of Trustees of the Authority and all successor Members appointed or reappointed thereafter shall be appointed pursuant to and as provided by this Ordinance and Section 349.04 of the Ohio Revised Code. This Council shall appoint or reappoint, as appropriate, Citizen Members; and the Developer shall appoint or reappoint, as appropriate, Developer Members. Except as otherwise provided in this Section, all members of the Authority's Board of Trustees shall be appointed to two year overlapping terms; provided that, notwithstanding any other provision of this Ordinance, the term of any Member shall not end until the due qualification for and assumption of office by a successor member duly appointed or reappointed, as applicable, all as provided herein and in Section 349.04 of the Ohio Revised Code. The oath of each member shall be filed with the Clerk of this Council. The appointments of Developer Members, including any necessary designations of terms, shall be in writing and filed with the Clerk of Council within ten (10) days after they are made. No Citizen Member shall be an employee of or have a financial interest in the Developer. Except as otherwise provided in this Section, at such time as this Council receives written notice from the Developer that the Developer no longer desires to appoint members to the Board of

Trustees, arrangements shall be made by this Council and the Board of Trustees of the Authority for all members of the Board of Trustees to be elected as provided in Section 349.04 of the Revised Code with said election being conducted in the manner provided or customary for the election of a board of directors under Chapter 5312 of the Ohio Revised Code.

SECTION 7. The following individuals are appointed by this Council to the following terms on the Board of Trustees of the Authority:

Appointee	Term Ending	Member Designation
Name: Address:		
Name: Address:		
Name: Address:		
Name: Address:		

SECTION 8. Pursuant to Section 349.04 of the Ohio Revised Code, each member of the Board of Trustees of the Authority, before entering upon their official duties, shall take and subscribe to an oath that the member will honestly and faithfully perform the duties of their office. That oath shall be filed in the office of the Clerk of Council.

SECTION 9. Pursuant to Section 349.04 of the Ohio Revised Code, there shall be posted for each member of the Board of Trustees of the Authority a bond in the amount of Ten Thousand Dollars ($10,000) for the faithful performance of his or her duties. The bond shall be with a company authorized to conduct business within the State of Ohio as a surety and shall be deposited with and preserved by the Clerk of Council.

SECTION 10. 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 and 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.

VOTE ON RULE SUSPENSION:

YEAS____NAYS____
ABSTAIN ____

PASSED: _____, 2018

YEAS____ NAYS____
ABSTAIN ____

ATTEST: _____ _____
CITY CLERK MAYOR

DMS 13255265v4

Draft NCA Guidelines

* NCA can be used to reimburse the city for infrastructure put in that benefits the development

* NCA will not be approved to reimburse for building cost of items already built/installed

* NCA will not be approved to reimburse for the cost of items typically required to be paid by developer, including but not limited to on-site local roads and utility lines.

* The City will consider approving NCAs to cover amenities and infrastructure which have demonstrable utility above and beyond that which is required for the development as determined by the City Engineer. Amenities and infrastructure must have a recognizable direct value to the residents living in the authority or major pieces of public infrastructure that have utility for more than just the development as determined by the City Engineer (such as Glenn Parkway) .

* Length of time: City prefers NCAs with a time limit that has the effect of eliminating the additional charge or converting a home owner association charge to the same or lower total charge. The purpose is to allow an HOA to be converted to an NCA which produces tax benefits for purposes of holding land while not increasing (and hopefully decreasing) the previous HOA fee.

* The City may approve new community authorities containing a minimum of 200 total gross acres.

* The city prefers NCA millage to be 5 mills or less but which shall be under no circumstance greater than 7.5 mills.

* The city requires disclosure to potential renters, property owners, and other effected parties of the NCA charge. This can be recorded separately upon the property and deed or as otherwise required in the sole discretion and direction of the city.

ORDINANCE NO. 18-77

AN ORDINANCE DETERMINING THAT THE PETITION FOR THE ESTABLISHMENT OF THE TERRA ALTA COMMUNITY AUTHORITY COMPLIES AS TO FORM AND SUBSTANCE WITH THE REQUIREMENTS OF SECTION 349.03 OF THE OHIO REVISED CODE AND TO FIX A DATE AND PLACE FOR A PUBLIC HEARING ON THAT PETITION, AND DECLARING AN EMERGENCY.

WHEREAS, Pursuant to Chapter 349 of the Ohio Revised Code, TERRA ALTA, LLC (the "Developer"), has filed a petition (the "Petition") with Clerk of Council for the City of Delaware (the "City") as required by Chapter 349.03(A) of the Ohio Revised Code, with that Petition being for the establishment of The Terra Alta Community Authority (the "Authority") and its proposed new community district (the "District"); and

WHEREAS, this Council comprises the "organizational board of commissioners" for the proposed Authority, as that term is defined in Section 349.01(F) of the Ohio Revised Code; and

WHEREAS, the land to be included in the District is owned by or is under the control of the Developer within the meaning of Section 349.01(E) of the Ohio Revised Code; and

WHEREAS, this Council has reviewed the Petition to determine whether it complies with the requirements of Section 349.03 of the Ohio Revised Code as to form and substance; and

WHEREAS, this Council desires to fix a time and place of a public hearing on the Petition, which public hearing will be held not less than 30 days nor more than 45 days from the date the Petition was filed with the Clerk of this Council, and desires that notice of that public hearing be given, all pursuant to Section 349.03(A) of the Ohio Revised Code.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. This Council hereby finds and determines that the Petition complies as to form and substance with the requirements of Section 349.03 of the Ohio Revised Code.

SECTION 2. This Council will hold a public hearing on the Petition on Monday, October 8, 2018, commencing at 7:30 p.m. in the Council Chambers at Delaware City Hall, One South Sandusky Street, Delaware, Ohio 43015.

SECTION 3. The Clerk of Council arrange for notice of that public hearing by publication once each week for three consecutive weeks in a newspaper of general circulation in Delaware County in accordance with the requirements of Section 349.03(A) of the Ohio Revised Code.

SECTION 4. 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 and 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.

SECTION 5. EMERGENCY CLAUSE. That this ordinance is hereby declared to be an emergency measure necessary to provide for the public peace, safety, health, and welfare of the City and to timely advance consideration of the Petition of the Developer to enable the City to receive the full benefit of the proposed development.

VOTE ON EMERGENCY CLAUSE: YEAS 6 NAYS 0 ABSTAIN 0

PASSED: September 10, 2018 YEAS 6 NAYS 0 ABSTAIN 0

ATTEST: Elaine McCloskey
CITY CLERK

, Kent Shafer
MAYOR Vice-Mayor

From: R Thomas Homan
To: Kim Gepper
Subject: FW: Terra Alta NCA
Date: Thursday, September 6, 2018 2:49:36 PM

From: David W. Fisher <davidfisher@kephartfisher.com>
Sent: Thursday, September 6, 2018 11:23 AM
To: R Thomas Homan <rthoman@delawareohio.net>
Cc: David M. Efland <defland@delawareohio.net>; vromanelli@rh-homes.com; 'Marty Savko' <msavko@nicksavko.com>; 'Jim Ohlin' <johlin@rh-homes.com>; 'Michael Shade' <mrs@ss-dta.com>; Cuckler, Steven R. <scuckler@taftlaw.com>; Dave Dye <ddye@omnihoa.com>
Subject: Terra Alta NCA

*****ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.*****

Tom – Thanks again for the recent meeting. In response to the matters you asked that we consider and address, I would offer the following:

1. Development Costs to be reimbursed from NCA millage – Based on our discussions, our Team took a hard look at amenities and upgrades that were project specific. Our revised list is as follows:

   $350,000 – Walking Trails
   $215,000 Common Area Features
   $270,000 – Parks and Recreation Amenities
   $1,600,000 – Community Pools
   $175,000 – Landscaping/Engineering for community pools
   $500,000 – Enhanced Entrance Features
   $200,000 – Street Trees
   $100,000 – Offsite Water Reimbursement
   $430,000 – Stockdale offsite sanitary with engineering
   $200,000 – Easements
   $650,000 – Braumiller Round-a-bout

   TOTAL REQUEST - $4,690,000

2. You requested that we consider some additional millage from the NCA for payment directly to the City to provide funds to improve the open space along the river frontage adjacent to Terra Alta. We are willing to do so and would propose 0.5 mils of the NCA charge to be paid to the City for these purposes. By our calculations, at full build out, this would yield an annual payment to the City of approximately $56,000.
3. Based on items 1 and 2 above, we would request a 5.5 mil charge, with 5 mils going to reimbursement of development costs under item 1 above and 0.5 mils going to the City under item 2 above.
4. We discussed the NCA continuing on in perpetuity for purposes of the real estate tax exemption. We would be willing to limit millage after all bonds are paid to fund items 1 and 2 above to a minor millage to cover administrative costs and propose a 1.0 mil limit. Keep in mind that after the bonds are repaid, the elected Board of the NCA will be incented to act in the interest of the property owners to keep costs and resulting NCA millage to a minimum.
5. You requested that we provide to you a summary of HOA fees being charged around Central Ohio for communities comparable to Terra Alta. Our HOA Team who manages communities all over central Ohio provided the following summary:

   Here's a sampling from Delaware County only, you can see there are big differences, typically a function of how much open space. I'm not including HOA names, because I'm not sure I'm "cleared" to do so by each community to share their specifics as to dues amount...

Lot Count	2018 Dues	
29	675	
65	400	
78	300	
85	115	
92	800	

96	225	
96	298	
105	200	
123	225	
136	350	plus $500 pool
150	900	
176	135	
195	135	
264	105	
368	80	

6. At your request, we asked our NCA counsel Greg Stype to reach out to the City's bond counsel Greg Daniels to discuss all required legislation to fully adopt and implement the NCA. It is my understanding that they have exchanged voicemails but have not yet connected. Greg Stype was out for several days at the end of last week for a family funeral but assures me he will reach out again to Greg Daniels this AM. I saw an email this AM between the two that suggests these conversations are occurring.

I trust this email addresses all the items you requested. If further information or detail is required, please let me know.

It is our understanding that the public hearing on the Terra Alta NCA is scheduled for next Monday evening September 10. If there is anything further you require before then, or if there are questions with respect to the information set forth above, please do not hesitate to contact me.

Regards,

David Fisher
Principal
Kephart Fisher LLC | Attorneys At Law
207 North Fourth Street | Columbus, Ohio 43215
P: 614.469.1882 | F: 614.469.1887
E: davidfisher@kephartfisher.com
W:http://www.kephartfisher.com

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PETITION FOR ORGANIZATION
OF A NEW COMMUNITY AUTHORITY

TO THE CITY COUNCIL OF CITY OF DELAWARE, OHIO:

Pursuant to Chapter 349 of the Ohio Revised Code, TERRA ALTA LLC, an Ohio limited liability company (the "Developer"), hereby petitions for creation of a new community authority (the "Authority"). The Developer is the "developer" within the meaning of Section 349.01(E) of the Ohio Revised Code for the new community district described in paragraph 3 below.

The Developer further states as follows:

1. The Authority is named the "The Terra Alta New Community Authority."

2. The principal office of the Authority shall be located at 207 North Fourth Street, Columbus, Ohio 43215, or such other location as may hereafter be determined by the Board of Trustees of the Authority.

3. Attached to this Petition as Exhibit A-1 is a map of all the land comprising the new community district (the "District"). Legal descriptions of all the parcels in the District (collectively, the "Property") are attached as Exhibit A-2, including a full and accurate description of the boundaries of the District, which is located entirely within the City of Delaware (the "City"). All properties within those boundaries will be included in the District. The total acreage to be included in the District will be approximately 471.42 acres, all of which is owned or controlled (within the meaning of Section 349.01(E) of the Ohio Revised Code) by the Developer. The Property to be included in the District, taken together with the City, will be a community characterized by well-balanced and diversified land use patterns, supported by the land acquisition and land development, and the community facilities acquired, constructed, operated and maintained by, the Authority.

4. Attached to this Petition as Exhibit B is a statement setting forth the zoning regulations adopted and proposed for the area within the boundaries of the District for comprehensive development as a new community. The area within the boundaries of the District lies within the zoning jurisdiction of the City of Delaware. Certified copies of the applicable adopted zoning regulations are included as part of Exhibit B. The Terra Alta and Stockdale portions of the District are currently zoned; the Rogers portion is proposed to be zoned in a similar manner.

5. Attached to this Petition as Exhibit C is a current plan indicating the proposed new community development program (the "Program") for the District; the Land Acquisition and Land Development activities; Community Facilities and services that it is proposed the Authority will undertake under the Program; the proposed method of financing these activities and services, including a description of the bases, timing, and manner of collecting any proposed community development charges; and the projected total population of the new community.

6. Consistent with Section 349.04 of the Ohio Revised Code, the Board of Trustees governing the Authority should consist of seven members, with three of those members to be citizen members appointed by the City Council of the City (the "Council"), three members to be appointed by the Developer, and one member to be appointed by the Council to serve as a representative of local government. The Board of Trustees shall be subject to periodic re-appointment by the Developer and the Council, respectively, with those re-appointments to be made in accordance with the ordinance to be passed by the Council pursuant to Section 349.04 of the Ohio Revised Code providing the method of such re-appointment. The Developer further proposed that, at such time as all bonds or notes issued by the Authority referred to in paragraph E(vi) of Exhibit D of this Petition have been paid, arrangements shall be made for all members of the Board of Trustees to be elected in the manner provided or customary for the election of boards of directors under Chapter 5312. of the Ohio Revised Code.

7. Attached to this Petition as Exhibit D is a preliminary economic feasibility analysis, including the area development pattern and demand, location and proposed District size, present and future socio-economic conditions, public services provision, financial plan, and a statement of the Developer's management capability.

8. The development will comply with all applicable environmental laws and regulations.

9. For purposes of the establishment of the Authority, the City is the only "proximate city" as that term is defined in Section 349.01(M) of the Ohio Revised Code.

Attached Exhibits A-1, A-2, B, C, and D are part of this Petition.

All capitalized terms set forth and not defined herein shall have the respective meanings assigned thereto in Section 349.01 of the Ohio Revised Code, unless the context requires a different meaning.

The Developer hereby requests that the Council, as the organizational board of commissioners under Section 349.03 of the Ohio Revised Code, determine that this Petition complies as to form and substance with the requirements of Section 349.03 of the Ohio Revised Code, and further requests that the Council fix the time and place of a hearing on this Petition for the establishment of the Authority. Pursuant to Section 349.03(A) of the Ohio Revised Code, pending determination by the Council that this Petition complies with Section 349.03 of the Ohio Revised Code, that hearing must be held not less than thirty nor more than forty-five days after the filing of this Petition pursuant to Section 349.03 of the Ohio Revised Code on this 7th day of August, 2018.

[This Space Intentionally Left Blank.]

IN WITNESS WHEREOF, the Developer has caused this Petition for Organization of a New Community Authority to be executed by its duly authorized representative as of the day and year first above written.

DEVELOPER:

TERRA ALTA LLC, an Ohio limited liability company

By:_____

Name: David Fisher

Title: Member

EXHIBIT A-1

MAP OF NEW COMMUNITY DISTRICT

[See attached map]

OVERALL SITE

ROMANELLI HUGHES

Terra Alta

EDGE

August 7, 2018

EXHIBIT A-2

LEGAL DESCRIPTION OF
NEW COMMUNITY DISTRICT

[See attached legal descriptions, with first two pages being combined legal description for combined Terra Alta and Rogers Parcels and last three pages being legal description for Stockdale Parcel]

PARCEL DESCRIPTION
316.181 ACRES

Situated in the State of Ohio, County of Delaware, City of Delaware, in Farm Lots 10, C, D and P, Section 1, Township 4, Range 19, United States Military Lands, being comprised of all of those tracts of land conveyed to TERRA ALTA LLC by deeds of record in Official Record 1507, Page 228 and Official Record 1518, Page 1449, (all references are to the records of the Recorder's Office, Delaware County, Ohio) and being more particularly described as follows:

BEGINNING at the southwesterly corner of that tract conveyed to David M. Grayum, Bernadette Lawless, and Steven A. Lawless by deed of record in Official Record 1540, Page 556, the northwesterly corner of that tract conveyed to Constance D. Shicks by deed of record in Official Record 27, Page 544, the northeasterly corner of that tract conveyed to Beverly Hagaman by deeds of record in Deed Book 209, Page 487 and in Official Record 1313, Page 750, being in the centerline of Berlin Station Road;

Thence with the boundary of said TERRA ALTA LLC tracts, the following courses and distances:

South 82° 21' 44" West, a distance of 930.11 feet to a point;

North 86° 30' 49" West, a distance of 538.52 feet to a point;

South 03° 29' 44" West, a distance of 608.96 feet to a point;

South 03° 29' 44" West, a distance of 811.83 feet to a point;

North 86° 59' 36" West, a distance of 1504.43 feet to a point;

North 02° 59' 02" East, a distance of 811.23 feet to a point;

North 86° 57' 34" West, a distance of 1616.13 feet to a point;

North 03° 35' 07" West, a distance of 2.29 feet to a point;

North 04° 09' 50" West, a distance of 11.98 feet to a point;

North 05° 33' 09" West, a distance of 22.01 feet to a point;

North 06° 27' 38" West, a distance of 20.00 feet to a point;

North 07° 10' 06" West, a distance of 18.03 feet to a point;

North 10° 31' 58" West, a distance of 2.02 feet to a point;

North 07° 29' 20" West, a distance of 24.01 feet to a point;

North 08° 12' 52" West, a distance of 48.08 feet to a point;

North 07° 10' 42" West, a distance of 8.00 feet to a point;

North 09° 14' 02" West, a distance of 14.02 feet to a point;

North 10° 48' 24" West, a distance of 6.03 feet to a point;

North 05° 28' 17" West, a distance of 2.62 feet to a point;

North 04° 07' 03" West, a distance of 102.64 feet to a point;

North 03° 34' 24" West, a distance of 12.03 feet to a point;

North 05° 43' 05" West, a distance of 30.11 feet to a point;

North 04° 09' 10" West, a distance of 12.15 feet to a point;

North 05° 03' 07" West, a distance of 14.20 feet to a point;

North 07° 09' 48" West, a distance of 12.99 feet to a point;

North 10° 24' 24" West, a distance of 11.07 feet to a point;

North 14° 02' 10" West, a distance of 2.60 feet to a point;

North 13° 37' 03" West, a distance of 5.31 feet to a point;

North 16° 30' 16" West, a distance of 0.21 feet to a point;

South 85° 32' 12" East, a distance of 600.80 feet to a point;

North 15° 07' 45" West, a distance of 283.17 feet to a point;

North 86° 30' 49" West, a distance of 360.02 feet to a point;

North 82° 30' 10" West, a distance of 362.55 feet to a point;

North 35° 30' 00" West, a distance of 56.87 feet to a point;

North 48° 00' 32" West, a distance of 193.02 feet to a point;

North 55° 23' 22" West, a distance of 196.23 feet to a point;

North 50° 43' 36" West, a distance of 464.44 feet to a point;

North 62° 55' 36" West, a distance of 144.47 feet to a point;

North 45° 55' 36" West, a distance of 97.98 feet to a point;

North 34° 22' 11" West, a distance of 204.75 feet to a point;

North 25° 14' 27" West, a distance of 142.52 feet to a point;

North 28° 37' 34" West, a distance of 216.82 feet to a point;

North 24° 15' 58" West, a distance of 163.13 feet to a point;

North 35° 48' 32" East, a distance of 394.10 feet to a point;

North 26° 50' 25" East, a distance of 280.06 feet to a point;

North 21° 25' 50" East, a distance of 164.19 feet to a point;

South 86° 56' 55" East, a distance of 4823.83 feet to a point;

South 03° 12' 53" West, a distance of 957.06 feet to a point;

South 86° 25' 55" East, a distance of 509.64 feet to a point;

South 03° 28' 08" West, a distance of 150.43 feet to a point;

South 86° 25' 53" East, a distance of 305.91 feet to a point; and

South 08° 04' 29" East, a distance of 810.28 feet to the POINT OF BEGINNING, containing 316.181 acres, more or less.

NOTE: This description is not to be used for transfer purposes.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

MAK:bk
316_181 ac 20180057-VS-ZONE-01.doc

LEGAL DESCRIPTION
158.263 Acres

Situate in the State of Ohio, County of Delaware, Delaware Township, being in Farm Lots Q, S and T, Section 1, Township 4, Range 19 in the United States Military Lands, and also being a 61.983 acre tract, a 91.272 acre tract and a 5.000 acre tract as all are conveyed to Terra ALTA LLC in Official Record 1518, Page 1449 as further described as follows;

Beginning at a 1" pipe at the northeast corner of Farm Lot T, the southeast corner of Farm Lot S, the southwest corner of Farm Lot R, the northwest corner of Farm Lot U, and being in the east line of said 91.272 acre tract and the west line of a 1.477 acre tract as conveyed to James E. Featherstone and Patricia M. Featherstone in Official Record 218, Page 1061 and being the **TRUE POINT OF BEGINNING** for the land herein described as follows;

Thence with the east line of Farm Lot T, the west line of Farm Lot U, the east line of said 91.272 acre tract and the west line of said 1.477 acre tract, **S 02° 41' 46" W, 182.75 feet** to the southeast corner of said 91.272 acre tract, the southwest corner of said 1.477 acre tract and being in the centerline of Braumiller Road (60' right of way) as created in Volume 1, Page 324;

Thence the following three (3) courses with the south line of said 91.272 acre tract and the centerline of Braumiller Road:

1. **S 76° 53' 31" W, 929.44 feet**;
2. **S 68° 19' 41" W, 130.87 feet**;
3. **S 78° 07' 37" W, 489.59 feet** to a 5/8" rebar;

Thence with the south line of said 91.272 acre tract, the south line of said 5.000 acre tract, and the centerline of Braumiller Road, **N 86° 48' 32" W, 1908.68 feet** to a railroad spike found at an angle point in the south line of said 5.000 acre tract, an angle point in the centerline of Braumiller Road and being the southeast corner of a 1.403 acre tract as conveyed to James A. France and Kristine France in Official Record 215, Page 1695;

Thence with the south line of said 5.000 acre tract and the east line of said 1.403 acre tract, **N 03° 21' 16" E, 238.11 feet** to an angle point in the south line of said 5.000 acre tract and the northeast corner of said 1.403 acre tract;

Thence with the south line of said 5.000 acre tract and the north line of said 1.403 acre tract, **N 85° 43' 47" W, 254.40 feet** to an angle point in the south line of said 5.000 acre tract and the northwest corner of said 1.403 acre tract;

Thence with the south line of said 5.000 acre tract and the west line of said 1.403 acre tract, **S 06° 55' 56" W, 96.65 feet** to an angle point in the south line of said 5.000 acre tract and the northeast corner of a 1.1 acre tract as conveyed to Cynthia S. Bartlett, aka Cynthia A. Bartlett and Rebecca H. Hanson in Official Record 700, Page 2066 and Official Record 752, Page 2570;

Thence with the south line of said 5.000 acre tract and the north line of said 1.1 acre tract, **N 87° 01' 33" W, 309.87 feet** to the southwest corner of said 5.000 acre tract, the northwest corner of said 1.1 acre tract and being in the west line of Farm Lot T and the east line of Farm Lot 14;

Thence with the west line of said 5.000 acre tract, the west line of Farm Lot T and the east line of Farm Lot 14, **N 06° 16' 06" E, 400.39 feet** to the northwest corner of said 5.000 acre tract and the southwest corner of said 91.272 acre tract;

Thence with the west line of said 91.272 acre tract, the west line of Farm Lot S, the west line of Farm Lot T and the east line of Farm Lot 14, **N 09° 16' 26" E, 630.57 feet** to the northwest corner of said 91.272 acre tract and the southwest corner of said 61.983 acre tract;

Thence with the west line of said 61.983, the west line of Farm Lot S and the east line of Farm Lot 14, **N 16° 49' 53" E, 611.69 feet** to northwest corner of said 61.983 acre tract, the southwest corner of a 5.936 acre tract as conveyed to Randall L. and Camille Orr in Deed Book 568, Page 8 and being the northwest corner of Farm Lot S and the southwest corner of Farm Lot Q;

Thence with the north line of said 61.983 acre tract, the south line of said 5.936 acre tract, the south line of a 17.542 acre tract as conveyed to Steven J. Jefferis and Catherine R. Jefferis Co-Trusts in Official Record 482, Page 2352, the south line of a 69.685 acre tract as conveyed to Terra ALTA LLC in Official Record 1507, Page 228 and the north line of Farm Lot S and the south line of Farm Lot Q, **S 86° 59' 24" E, 3191.68 feet** to the southeast corner of said 69.685 acre tract and being an angle point in the north line of said 61.983 acre tract;

Thence with the north line of said 61.983 acre tract and the east line of said 69.685 acre tract, **N 03° 29' 56" E, 811.83 feet** to a 5/8" rebar found at an angle point in the north line of said 61.983 acre tract and the southwest corner of a 4.126 acre tract as conveyed to Bruce E. and Aldona M. Babbitt in Official Record 558, Page 309;

Thence with the north line of said 61.983 acre tract and the south line of said 4.126 acre tract, **S 86° 51' 30" E, 542.50 feet** to a 3/4" pipe found at the northeast corner of said 61.983 acre tract, the southeast corner of said 4.126 acre tract, the southwest corner of a 6.194 acre tract as conveyed to Bruce E. Aldona and Aldona M. Babbitt in Official Record 486, Page 513, and the northwest corner of a 9.99 acre tract as conveyed to Richard A. Ray and Monika Ray Trust in Official Record 1398, Page 921;

Thence with the east line of said 61.983 acre tract, the east line of said 91.272 acre tract, the west line of said 9.99 acre tract, the west line of a 1.838 acre tract as conveyed to Richard A. Ray and Monika A. Ray in Official Record 1059, Page 2677, the west line of Lot 962 in the Jasa Subdivision as recorded in Plat Cabinet 2, Slide 672, the west line of Lots 1023 and 1022 of the Shiraz Subdivision as recorded in Plat Cabinet 2, Slide 671, the west line of said 1.477 acre tract, **S 03° 29' 56" W, 1963.09 feet** to the **TRUE POINT OF BEGINNING,** containing **158.263 acres**, more or less.

The above description was prepared by Advanced Civil Design Inc. and based on existing Delaware County records, along with actual field survey work. A drawing of the above description is attached hereto and made a part thereof.

Bearings are based on the Ohio State Plane Coordinate System NAD83, CORS96.

All references used in this description can be found at the Recorder's Office Delaware County, Ohio.

ADVANCED CIVIL DESIGN INC.

Z:\16-0022-149\SURVEY\158.263acre legal.docx

EXHIBIT B

ZONING REGULATIONS APPLICABLE TO
NEW COMMUNITY DISTRICT

[See attached zoning regulations applicable to property in the New Community District]

EST 1808

CITY OF

DELAWARE

OHIO

ORDINANCE CERTIFICATION

I, Kimberly A., Gepper, being the duly appointed Acting Clerk of City Council of Delaware, Ohio, do hereby swear and attest that the attached document is a true and correct copy of Ordinance No. 08-78 passed on November 10, 2008 by the Delaware City Council.

Kimberly A. Gepper

Kimberly A. Gepper
Acting Clerk of City Council

SEAL

This Ordinance Certification dated this 9th day of August in the year 2018.

ORDINANCE NO. 08-78

AN ORDINANCE APPROVING A REZONING TO ADD A PLANNED MIXED USE (PMU) OVERLAY DISTRICT TO PROPERTIES LOCATED ON THE EAST SIDE OF POLLOCK ROAD NORTH OF BRAUMILLER ROAD INCLUDING THE DEVELOPMENT TEXT AND PRELIMINARY DEVELOPMENT PLAN CONSISTING OF 245.9± ACRES AND ZONED A-1 (AGRICULTURAL DISTRICT) (TERRA ALTA).

WHEREAS, the Planning Commission at its meeting of October 1, 2008 recommended approval of a Rezoning to add a Planned Mixed Use (PMU) Overlay District to properties located on the east side of Pollock Road north of Braumiller Road (PIN 41913001001000, 41913001002000, 41913001003000, 41913001004000, and 41914002006000) including the Development Text and Preliminary Development Plan consisting of 245.9± acres and zoned A-1 (Agricultural District), (PC 08-050), and

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. That the Rezoning to add a Planned Mixed Use (PMU) Overlay District to properties located on the east side of Pollock Road north of Braumiller Road (PIN 41913001001000, 41913001002000, 41913001003000, 41913001004000, and 41914002006000) including the Development Text and Preliminary Development Plan consisting of 245.9± acres and zoned A-1 (Agricultural District), be the same and is hereby confirmed, approved, and accepted with the following conditions that:

1. The Development Text, as currently proposed, is generally acceptable and that the Applicant continues to work with Staff to finalize said Text prior to the placement of this application on the City Council agenda. Any items that cannot be satisfactorily resolved shall be returned to the Planning Commission for review and approval with the Final Development Plan submittal.

2. The Applicant needs to obtain engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. It is especially important that the applicant work with the Engineering Department to resolve any issues related to the Traffic Impact Study (TIS) and proposed roadway network. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on a

technical review by the Engineering Department once a complete plan set is submitted for review. All comments of the Preliminary Technical Review must be satisfactorily addressed.

3. As agreed to by the Applicant, the Applicant shall participate in a New Community Authority that has been contemplated to pay for the construction of primarily off-site common infrastructure needs that are above and beyond the fair share requirements of the Applicant. In the absence of a fully executed New Community Authority or other financing agreement, the Applicant shall be fully responsible for all off-site common infrastructure improvements necessitated by this development.

4. The oversizing of utilities and future extensions shall be completed to the satisfaction of the Utility Director.

5. Staff is generally supportive of the preliminary utility layout as proposed but reserves the right to review such infrastructure in detail as preliminary and final plans and plats are submitted. Staff is particularly concerned about with several utilities being proposed with the tree preservation easements, which may be able to be located outside of such easements once additional detail is provided.

6. Generally, Staff is supportive of the lot layout as proposed but reserves the right to review lots in detail as preliminary and final plats are submitted. As each Final Development Plan and subdivision plat is submitted with specific grading and engineering information, it may be necessary to make changes to a given lot width or configuration.

7. Separate Final Development Plans shall be submitted as each condominium sub-area is developed.

8. The 16± acres along the Olentangy River shall be dedicated to the City with Phase 1. The 2± acre pocket park and a 4.42± acre neighborhood park will be improved by the developer and maintained by the homeowners association with the respective phases in which they are located.

9. The development is 2.17± acres short of meeting the 10% parkland dedication requirement. This difference shall be made up in either fees paid to the City (approximately $65,100) or improvements made to the parklands, with the latter being the preference.

10. The multi-use path shown along the north-south stream corridor shall be improved by the developer prior to starting phase 2 and shall be maintained by the homeowners association until such time that the path connects to and is extended north or south of this site after which the City will take over ownership and maintenance.

11. Sidewalks will be provided on both sides of all public streets and as shown on the development plan for each condominium area. Sidewalks are not required to be extended along Pollock Road due to topographic and area considerations that make a pedestrian connection along Pollock infeasible. However, it may be determined that at least one sidewalk shall be extended to Pollock Road to provide a connection to the river parkland.

12. Prior to submitting the Preliminary Development Plan for signature, the Applicant shall make the necessary changes to the plan notes so that such notes are accurate and consistent with the Development Text and all approval conditions as determined by City Staff.

SECTION 2. 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, 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 Revised Code.

PASSED: NOV 10, 2008 YEAS 5 NAYS 1
ABSTAIN 0

ATTEST: Christine Shaw
CITY CLERK

Windell Wheeler
MAYOR

EST 1808

CITY OF

DELAWARE

OHIO

ORDINANCE CERTIFICATION

I, Kimberly A., Gepper, being the duly appointed Acting Clerk of City Council of Delaware, Ohio, do hereby swear and attest that the attached document is a true and correct copy of Ordinance No. 14-24 passed on April 28, 2014 by the Delaware City Council.

Kimberly A Gepper

Kimberly A. Gepper
Acting Clerk of City Council

SEAL

This Ordinance Certification dated this 9th day of August in the year 2018.

ORDINANCE NO. 14-24

AN ORDINANCE APPROVING A REZONING AMENDMENT FOR LYH, LLC FOR STOCKDALE FARMS TO R-2 PMU (ONE FAMILY RESIDENTIAL DISRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) FROM R-2 PRD (ONE FAMILY RESIDENITAL DISTRICT WITH A PLANNED RESIDENTIAL DISTRICT) CONSISTING OF 323 SINGLE FAMILY UNITS ON 158.2± ACRES LOCATED AT THE NORTHEAST CORNER OF BRAUMILLER AND POLLOCK ROADS.

WHEREAS, the Planning Commission at its meeting of April 2, 2014 recommended approval of a Rezoning Amendment for LYH, LLC for Stockdale Farms to R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) from R-2 PRD (One Family Residential District with a Planned Residential District) consisting of 323 single family units on 158.2± acres located at the northeast corner of Braumiller and Pollock Roads (2014-0183), and

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. That the Rezoning Amendment for LYH, LLC for Stockdale Farms to R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) from R-2 PRD (One Family Residential District with a Planned Residential District) consisting of 323 single family units on 158.2± acres located at the northeast corner of Braumiller and Pollock Roads, be the same and is hereby confirmed, approved, and accepted with the following condition:

1. The Development Text, as currently proposed, is generally acceptable and any revisions shall require conformance to all provisions of the Development Text and the subsequent approved development plans and plats.

SECTION 2. 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, 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 Revised Code.

VOTE ON RULE SUSPENSION: YEAS 7 NAYS 0 ABSTAIN 0

PASSED: April 28, 2014 YEAS 7 NAYS 0 ABSTAIN 0

ATTEST: Elaine McCoskey
CITY CLERK

Carolyn Kay Riggs
MAYOR

TERRA ALTA
PLANNED MIXED USE DEVELOPMENT TEXT
DELAWARE, OHIO

1. DESCRIPTION OF DEVELOPMENT & RELATIONSHIP TO THE CITY OF DELAWARE COMPREHENSIVE PLAN

The Applicant is proposing a mixed residential development, known as Terra Alta, consisting of detached single-family homes and attached/detached single-family condominiums. As such, the Applicant is seeking an amendment to the City of Delaware Zoning Code to permit the Property to be zoned and developed as a Planned Mixed Use (PMU) Overlay District within the existing A-1 zoning district. The Applicant believes that such amendment will provide for the highest and best use of the Property, thereby permitting quality housing stock to be constructed within the City of Delaware. Additionally, as further discussed below, the Applicant believes that such amendment is in accordance with the City of Delaware Comprehensive Plan.

The purpose of this Development Text is to set forth all supplemental information required by the Zoning Code and set forth in textual form certain development standards that will apply to the Property. Accompanying this Development Text is a Preliminary Development Plan for the Property consisting of 8 sheets (the "Preliminary Development Plan"). All terms and conditions of the Preliminary Development Plan are incorporated in this Development Text by this reference.

The Property consists of approximately 245.9 acres located between Pollock Road and Berlin Station Road, being located in the Highlands Subarea of the City's Land Use Element incorporated in the Comprehensive Plan. The Property has been designated for development as residential housing in the City's Future Land Use Map and has been earmarked as one of the City's Priority Growth Areas (PGAs) for development over the next five years. The PGAs establish the City's geographic preference for development and drive the City's infrastructure investment program. See, GM19 and GM19.3 of the Growth Management Element of the City's Comprehensive Plan. The proposed amendment is in keeping with the goals and policies established by the Comprehensive Plan for the following reasons:

a. The Property will be developed as residential housing as contemplated by the Land Use Element incorporated in the Comprehensive Plan.

b. The use of the Planned Mixed Use (PMU) Overlay District is consistent with the City's Objectives and Strategies in maintaining a reasonable land use balance to reflect the vision of the Comprehensive Plan. As stated in LU6.7 of the Land Use Element, planned district zoning "should be used as a flexible tool to meet the City's gross density requirements while providing a creative development plan with a mix of units, densities, and housing values within individual developments."

c. The Comprehensive Plan anticipates supporting residential development in the Highlands Subarea and encourages mixing densities and unit types, as well as small open spaces to

create interest and a sense of place within neighborhoods. See, LU22.2 of the Land Use Element.

d. Being designated as a PGA, development of the Property is consistent with the City's Capital Improvement Plan as required by the Comprehensive Plan's Growth Management Element at GM20 and as the City has already made a huge investment in the Southeast Highlands trunk sewer that would serve this property.

e. Residential development in the Highlands Subarea will be served by the Southeast Highlands Sanitary Trunk. See, LU22.1 of the Land Use Element.

f. The policies set forth in the Comprehensive Plan concerning expansion to the City's waste water treatment system and storm water management system will be implemented in connection with development of the Property.

g. The policies set forth in the Comprehensive Plan concerning parks and recreational facilities for Delaware residents will be implemented with development of the Property.

h. The residential development and parkland dedication consisting of approximately 16 acres abutting the Olentangy River is consistent with the Rivers & Streams section of the Environmental Resources Element of the Comprehensive Plan at ER9.

In summary, by the amendment to the Zoning Ordinance in connection with the development of the Property as a Planned Mixed Use (PMU) development, the goals and objectives of the Comprehensive Plan will be met. This development will provide the City of Delaware an opportunity to obtain quality housing stock in one of the City's Priority Growth Areas and will preserve in a park like setting approximately 16 acres abutting the Olentangy River.

2. GENERAL DEVELOPMENT STANDARDS

a. **Purpose and Intent.** It is the intent of this development to provide a mixed residential use development with compatible and common architectural design, streetscape, signage, lighting, and pedestrian amenities throughout the entire development. Architectural and site design that is not consistent with this purpose and intent will not be accepted. This Development Text represents the zoning requirements for this area unless otherwise noted.

b. **Conformance with Codified Ordinances and City Policy.** Unless noted otherwise within this Development Text or the Preliminary Development Plan, all development will be constructed and provided in conformance with the then current Codified Ordinances and City Policy in effect at the time of application.

c. **Limitations.** Nothing in this Development Text shall prohibit additional restrictions or requirements from being placed on the approval of any Final Development Plan consistent with this Development Text or the Preliminary Development Plan.

d. **Major Modifications.** Once a Final Development Plan has been approved by City Council, any subsequent major modification to that plan shall only be permitted by resubmission and approval of a revised Final Development Plan through the procedures set forth in the Zoning Code. Major modification for the purposes of this Development Text shall mean any modification of the approved Final Development Plan, as determined by the Director of Planning & Community Development, that results in:

(1) Any major increase in the number of or change in the type and/or mix of dwelling units or any major increase in the non-residential building area.
(2) Major change in the approved location of land uses or land use sub-areas.
(3) Substantial alteration of the basic geometry, including right-of-way width, and/or operation characteristics of any element of the approved public and private street pattern, access points, parking facilities, service access, trash storage facilities, and system of pedestrian paths that results in a change in operating characteristics or character.

e. **Minor Modifications.** Once a Final Development Plan has been approved by City Council, any subsequent minor modification to that plan shall only be permitted by resubmission and approval by the Director of Planning and Community Development of a revised Final Development Plan. Minor modification for the purposes of this Development Text shall mean any modification of the approved Final Development Plan, as determined by the Director of Planning & Community Development, that results in:

(1) Any modification that is not considered a major modification by this Zoning Text or by determination of the Director of Planning & Community Development.
(2) Any minor increase in the number of or change in the type and/or mix of dwelling units less than 5% in the total number of dwelling units.
(3) Minor change in the approved location of land uses or land use sub-areas.
(4) Minor alteration of the basic geometry, including right-of-way width, and/or operation characteristics of any element of the approved public and private street pattern, access points, parking facilities, service access, trash storage facilities, and system of pedestrian paths that results in a change in operating characteristics or character.
(5) Minor structural alterations that do not alter the overall design intent of the building.

f. **Tree Removal and Replacement.** The Terra Alta Subdivision site is a unique development opportunity for the City of Delaware and the Developer. While the site is heavily treed in certain areas, the Developer working in concert with the City desires to create a high quality subdivision taking advantage of the topography of the site while saving as many trees as possible. At the preliminary development plan stage, for planning purposes only, the Developer for purposes of tree removal has assumed clear cutting of the condominium parcels. However, every effort will be made to save as many trees as possible on the condominium parcels, especially on the perimeter of the condominium parcels. It is assumed that at the time of development, certain tree parcels, reserves and preservation easements will be created. It should also be noted that in connection with single family lot development, every effort has been extended to create tree buffers along boundaries and in backyards. Consequently, the Developer

respectfully requests that the City adopt the following Tree Replacement Plan which shall be specific to the Terra Alta development only and is reflective of the diverse and unique site elements which are present at this particular site. Thus, the Tree Replacement Plan enumerated herein creates an innovative and unique approach to the issue of saving trees on this particular site. Instead of focusing on the economics and environmental issues of trees lost to development, this Tree Replacement Plan focuses on efforts to save trees (particularly large, mature trees), providing an incentive to save large, mature trees, compensating for trees lost, and, ultimately, creating a higher quality development for the City of Delaware than would be expected under a standard subdivision.

The following Tree Replacement Plan shall be the controlling regulation for the Terra Alta development:

(1) *Tree Survey.* An estimate of the total number, type, size, and health of trees to be preserved and replaced has been provided according to a set of representative tree survey sites as determined and verified by the City of Delaware and as authorized by the current Zoning Code. Attached hereto as Exhibit 1 is an estimate of overall tree impact based on the Tree Replacement Plan.

(2) *Calculation of Replacement Trees.* Only trees six (6) caliper inches and greater that are removed in the development of the Subdivision and construction of housing units shall be replaced according to the following schedule:

A. Trees considered in good health as determined by a Certified Arborist and verified by the City of Delaware shall be replaced on a 100% replacement schedule meaning every good tree removed shall be replaced with tree(s) that have a total caliper equal to or greater than the total caliper of the tree removed.
B. Trees considered in fair health as determined by a Certified Arborist and verified by the City of Delaware shall be replaced on a 50% replacement schedule meaning every fair tree removed shall be replaced with tree(s) that have a total caliper equal to or greater than 50% of the total caliper of the tree removed.
C. Trees considered in poor health or ash trees as determined by a Certified Arborist and verified by the City of Delaware shall be exempt from replacement. However, to the maximum extent allowed by local, state, and federal regulations, poor trees and ash trees located in areas that are not required for development shall be left undisturbed on-site provided such trees are not considered hazardous to life or property as determined by the City of Delaware.

(3) *Tree Preservation.* The Developer will include a significant amount of tree preservation areas, distributed throughout the Subdivision, which shall be recorded on each individual final subdivision plat as applicable and will be permanently recorded with such. The Preliminary Development Plan notes the tree preservation areas preliminarily contemplated, but which could change with the detailed investigation that occurs with final submission. The City will consider reasonable proposed changes at the time of final submission.

(4) *Tree Replacement Fee.*

A. Single-Family Unit. A $500 per single-family detached dwelling unit tree replacement fee shall be charged on each single-family detached dwelling unit at the time of building permit application. This fee is to be paid per the usual and customary procedures of the City, which currently requires payment of all required building and zoning permit fees prior to issuance of the permit but not at the time of application. Assuming approval of 316 such housing units x $500 = $158,000 paid to the City specifically for its Tree Fund.

B. Condominium Unit. A $200 per condominium dwelling unit tree replacement fee shall be charged on each condominium dwelling unit at the time of building permit application. This fee is to be paid per the usual and customary procedures of the City, which currently requires payment of all required building and zoning permit fees prior to issuance of the permit but not at the time of application. Assuming approval of 167 such condominium units x $200 = $33,400 paid to the City specifically for its Tree Fund.

(5) *Required Trees Not Considered Replacement Trees.* Trees that are required by the current Zoning Code, such as but not limited to street trees and front yard trees, shall not be considered Replacement Trees.

(6) *Replacement Tree Criteria.* To receive credit as a Replacement Tree, a tree shall be required to have a minimum caliper of two (2) inches. Evergreen (pine for example) trees shall be calculated as two (2) feet in height equals one (1) inch in caliper with a minimum required height of six (6) feet. For example, a pine tree six (6) feet in height would net three (3) caliper inches of replacement tree credit. Trees meeting this criterion are referred to herein as "Replacement Trees."

(7) *Single Family Home Tree Replacement Requirement.* At the time of construction of each single family home, the builder shall be required to plant and install two (2) Replacement Trees on each such lot. Assuming 316 single family home lots with two (2) Replacement Trees results in a credit of 1,264 caliper inches.

(8) *Condominium Tree Replacement Requirement.* At the time of construction of each building housing condominium units, the builder shall be required to plant and install two (2) Replacement Trees for each condominium unit in each building. Assuming 167 condominium units with two (2) Replacement Trees results in a credit of 668 caliper inches.

(9) *Credit for Tree Preservation.* In recognition of the Developer's efforts to save trees in the design, layout and development of the subdivision through the provisions of this Tree Replacement Plan, the Developer shall receive credit against the replacement required by Section 2 of this Tree Replacement Plan for all single family home tree replacement pursuant to Section 7, all condominium tree replacement pursuant to Section 8, and in accordance with the following schedule for permanently preserved trees:

A. <u>Good Tree Credit Schedule</u>

(1) Trees six (6) caliper inches but less than twelve (12) caliper inches saved shall receive one (1) caliper inch credit for each caliper inch saved.
(2) Trees twelve (12) caliper inches but less than eighteen (18) caliper inches saved shall receive two (2) caliper inches credit for each caliper inch saved.
(3) Trees eighteen (18) caliper inches but less than twenty-four (24) caliper inches saved shall receive three (3) caliper inches credit for each caliper inch saved.
(4) Trees greater than (24) caliper inches saved shall receive four (4) caliper inches for each caliper inch saved.

B. Fair Tree Credit Schedule
(1) Trees six (6) caliper inches but less than twelve (12) caliper inches saved shall receive one-half (1/2) caliper inch credit for each caliper inch saved.
(2) Trees twelve (12) caliper inches but less than eighteen (18) caliper inches saved shall receive one (1) caliper inch credit for each caliper inch saved.
(3) Trees eighteen (18) caliper inches but less than twenty-four (24) caliper inches saved shall receive one and one-half (1-1/2) caliper inches credit for each caliper inch saved.
(4) Trees greater than (24) caliper inches saved shall receive two (2) caliper inches for each caliper inch saved.

(10) Credit for Removal of Ash Trees. The removal of ash trees from the site that would not otherwise be removed as a result of development (i.e., ash trees removed from reserves and preservation easements) shall be given a credit of one (1) caliper inch for every $100 cost of ash tree removal as submitted by the developer and as certified by the City.

(11) *Replacement Completion.* Fulfillment of this Tree Replacement Plan as written and in total shall result in no additional fees-in-lieu-of or other replacement being required.

(12) *Expiration.* These tree replacement requirements shall expire upon the completion of the Terra Alta Subdivision development. The completion of development shall be considered the acceptance of final public improvements and expiration of any required maintenance period for Terra Alta as it relates to the tree replacement aspects of this Tree Replacement Plan, however, the provisions of Sections 4, 5, 6, 7 and 8 shall continue in full force and effect with respect to each dwelling unit until such time as each dwelling unit in the Terra Alta Subdivision receives a Final Certificate of Occupancy. After the completion of development or receipt of a Final Certificate of Occupancy, as applicable, the tree preservation and replacement requirements of the then current Zoning Code shall apply.

g. **Master Association.** A master homeowners association will be created for the entire development. The master homeowners association shall be responsible for maintenance and upkeep of all Reserves, entrance features and common open space located on the Property. All Condominiums will be subject to a Declaration of Condominium. Any declaration shall be reviewed and approved by the City prior to the recording of the declaration. By majority vote of the property owners, the association shall be transferred

to the homeowners when 75% of the units have received a certificate of occupancy, unless the Developer establishes to the satisfaction of the City Director of Planning and Community Development that less than 75% of the units have been sold to third party buyers, in which event such transfer shall be deferred at the election of the Developer until such time as 75% of the units have been sold to third party buyers.

h. **Common Open Space.** The common open space for the development of the Property shall consist of Reserves A through M containing approximately 46.04 acres. All open space will be owned and maintained by the Homeowners Association for the Development subject to all necessary easements and agreements in connection with the overall development of the Property. Reserves A through M shall satisfy all common open space requirements. All common open space shall be improved, if improvements are necessary or required, concurrent with the public improvements with the respective phase in which the improvement is located.

i. **Parkland.** The Parkland grant required by the Zoning Code shall be satisfied in part by the dedication of approximately 16.0 acres of land abutting the Olentangy River at the western edge of the Property, which the City may, at its discretion decide to improve or permanently preserve through covenants and restrictions. The City may subsequently grant any covenants, easements, or restrictions to a third party for the purposes of holding the same. Additionally the Parkland grant will be satisfied in part by the dedication of approximately 4.42 acres of land located along the eastern side of the creek traversing the Property through its center, south of Terra Alta Drive, and approximately 2.0 acres located along the western side of the creek traversing the Property through its center, north of Terra Alta Drive, all as depicted on the Preliminary Development Plan. As presently depicted, this results in a deficiency of 2.17 acres of required Parkland grant. Applicant will make a payment to the City in the amount of $30,000 per acre in lieu for this deficiency or construct improvements on the parkland equivalent to the same total dollar amount. Applicant shall grant to the City an easement for a bikepath along the eastern side of the creek traversing the Property through its center, as depicted on the Preliminary Development Plan and as designed and constructed by the Applicant. Prior to or concurrent with the submittal of the Preliminary Subdivision Plat, the Applicant shall submit for review and approval a Parkland and Open Space Improvement Plan. All public parkland shall be improved, if improvements are necessary or required, concurrent with the public improvements with the respective phase in which the improvement is located.

j. **Utilities to be Located Underground.** All new utilities serving the Property shall be located underground. Additionally, and if determined to be economically feasible, any existing utilities that will serve the Property that are located above ground, including those along either side of Pollock Road or the west side of Berlin Station Road adjacent to the site, shall be relocated underground. The Applicant and the City shall work together to ensure that any technical and financial information provided by the respective utility company is fair and reasonable.

k. **Composite Utility Plan Required.** Prior to the installation of any non-City owned utility, a composite utility plan shall be submitted for review and approval by the City.

Such plan shall depict the location and type of all non-City owned utilities including the location and type of any above ground pedestal, transformer, meter, cabinet, and other such above ground structures that support the respective utility. Any above ground structure shall be inconspicuously located, dark green in color, and if located in any front yard shall be screened with landscaping as approved by the City.

l. **Removal of Existing Farm Fencing.** Unless demonstrated to the City that such fencing is not in the ownership of the Applicant, all existing farm fencing and barbed wire fencing shall be removed from the site at minimum on a lot by lot basis.

m. **Construction Trailers.** Construction trailers shall meet all requirements of the current Zoning Code and shall be removed once construction activity has moved to another phase of the development. For example, once the public improvements have been accepted in phase 2 any construction trailer located in phase 1 shall be relocated to phase 2 provided the respective builder is or will be constructing lots in the subsequent phase.

n. **Sidewalks and Multi-Use Paths.** Multi-use paths will be constructed and accepted concurrently with the public improvements in which the multi-use path is located. Sidewalks will be constructed concurrently with the construction of each lot. However, once ninety (90) percent of the lots in a respective phase have obtained a certificate of occupancy, any sidewalk not yet installed in the respective phase shall be installed within six (6) months from the date of issuance of the certificate of occupancy establishing the ninety (90) percent lot completion. Sidewalks along Terra Alta Drive and part of a condominium development shall be installed prior to the issuance of the first certificate of occupancy for the condominium development. Sidewalks and multi-use paths located within a condominium development shall be installed with each respective phase of the condominium development as shown on the approved Final Development Plan.

3. SUB-AREAS

The Development is separated into three main sub-areas to represent the distinct areas of development. Sub-Area A is to be developed generally with detached single-family dwellings on subdivided lots. Sub-Area B and Sub-Area C are to be developed generally with a mix of single-family attached and/or detached dwelling units in a condominium regime.

4. SUB-AREA A – SUBDIVIDED SINGLE-FAMILY STANDARDS

a. **Uses.** The following uses shall be considered permitted or conditionally permitted in Sub-Area A as represented in the chart below by P or C, respectively, and as defined by attached Chapter 1121 of the Zoning Code. Any use not listed in the chart shall be considered a prohibited use unless amended by action of the Planning Commission and City Council through a Zoning Amendment process.

(1) **Permitted Uses.** Permitted uses are permitted by-right and shall meet all development standards specified within this Development Text and the Zoning Code, as applicable.

(2) **Conditionally Permitted Uses.** In addition to all standards specified within this Development Text, uses listed as conditionally permitted uses shall meet all the then current Zoning Code standards for approval of a Conditional Use Permit current at the time of application for the specific conditional use as well as any other regulations contained within the Zoning Code and applicable to the conditional use.

(3) **Accessory Uses and Structures.** Although not specified in the chart below, accessory uses, which are considered allowed uses, include those items that are customarily incidental and secondary to the principal use of the land. Such items include but are not limited to signs, fences, trash receptacles and enclosures, and off-street parking areas.

Land Use Category	**Terra Alta Uses**
(a) Residential	
(1) Detached single-family dwelling	P
(2) Minor home occupation	P
(b) Recreational/Open Space	
(1) Park, playground	P
(2) Non-commercial recreation facility (including homeowner association controlled facilities)	P

b. **Density & Mix of Dwelling Unit Type.** The overall Sub-Area A density and mix of dwelling unit types shall not exceed that approved on the Preliminary Development Plan.

c. **Lot Standards.** The minimum lot sizes and frontages shall be that depicted on the Preliminary Subdivision Plat.

d. **Building Setback Standards.** The following standards shall apply for minimum principal building setbacks (including accessory structures attached to the principal structure) based on the type of dwelling unit.

Minimum Building Setbacks*	**Terra Alta**
(a) Setback from Pollock Road and Berlin Station Road, including non-reserve lots backing to lots fronting Berlin Station Road	35 ft.
(b) Setback from all other public rights-of-way	30 ft.
(c) Side setback for lots having a front lot dimension at the building line of 80 feet or more	10 ft.
(d) Side setback for lots having a front lot dimension at the building line of less than 80 feet	20% of the front lot dimension at the building line shall be the total side yard setback on both sides, with a

	minimum setback of 6 feet
(e) Rear setback	30 ft.

*Side and rear yard setbacks shall not apply to minor architectural projections such as eaves, chimneys and bay windows.

e. **Floor Area Requirements.** Each dwelling unit shall provide for the following minimum floor area, exclusive of basements (unless walk-out units), unfinished attic spaces, garages, and any attached or detached accessory buildings.

1) Front lot dimension at building line of less than 80 feet

A. One store ranch – 1,600 sq. ft.
B. Two story – 1,800 sq. ft.

2) Front lot dimension at building line of 80 feet or more

A. One story ranch – 1,800 sq. ft.
B. Two story – 2,000 sq. ft.

f. **Maximum Building Height.** The maximum height of any principal building or structure shall be 35 feet as measured from the average elevation of the finished grade at the front of the building to the highest point of the roof.

g. **Building Design.** Unless otherwise modified within this Development Text, all dwellings shall meet the building design requirements of Chapter 1171, R-2 District standards for detached single-family dwellings.

(1) To create a cohesive and unified design throughout the entire development yet provide a diversity of housing types each building shall be consistent in overall design, color, material, and architectural pattern and include a similar and/or repeating pattern of design elements such as architectural styles, roof and building massing, window proportion, or other elements as determined through the Final Development Plan review process.

(2) Representative home elevations (all sides) shall be reviewed and approved by the Planning Commission as part of the Final Development Plan. Minor variations thereafter shall be potentially administratively approvable as written in this Development Text.

(3) Exterior Material and Trim Standards.

A. At least 50% of the front elevation of all homes constructed on the Property will consist of brick, stone, cultured stone, wood siding, SmartSide, fibrous cement

siding, or other approved material, excluding foundations, garage doors, entry doors, roofs, gutters, downspouts and windows.

B. All vinyl siding products used on homes constructed on the Property shall be architectural grade, Vinyl Siding – Higher End, as defined in Chapter 1171.08 (c) (19) on all elevations.
C. Trim board around all corners, windows, and doors shall be a minimum of 4 inches all around.
D. Standing seam metal roofs are encouraged on select architectural elements of front elevations, such as porches or front entrance features.
E. EIFS or similar products are prohibited as an exterior material.
F. All exposed foundation walls shall be faced with brick, stone or stucco.
G. Frieze trim a minimum of 4 inches wide is required under all overhangs and gables.
H. All home elevations shall be reviewed and approved by the Director of Planning & Community Development to establish compliance with the Building Design requirements of this Development Text.
I. All homes will have, at a minimum, dimensional shingles.

(4) Design Standards

A. Materials on each home shall be varied to provide variety throughout the community.
B. All front elevations shall include a variety of styles, colors, and/or materials types of materials including as an example, but not limited to, vinyl shake siding.
C. All homes will have not less than a 2 car attached garage.
D. The principal roof structure on all homes will have a roof pitch of not less than 6/12.
E. The principal roof structure on all homes will have an overhang of not less than 12 inches and an end rake of not less than 12 inches.
F. Lintels and sills in masonry walls shall be brick soldier course, limestone, or sandstone, along with other manufactured stone products.
G. Although porch railing and column details are encouraged to vary from home to home, porch columns shall have a minimum 6 x 6 inch cross section or diameter.
H. Treated lumber shall be painted or stained, except when used on outdoor decks.
I. Where wood burning fireplaces are utilized the exposed chimney shall be faced with brick or stone at a minimum. All direct vent fireplaces shall be located in a side or rear yard and screened from view when visible from a public street.
J. All homes shall provide an identifiable entry with entry coverings and stoops being a minimum of 3 feet deep or the minimum necessary for building code regulations, which ever is greater. Any porch shall be a minimum depth of 6 feet.
K. Front elevations shall be designed to de-emphasize the visual impact of the garage. All garage doors facing a public street shall be architecturally upgraded to include design elements consistent with the design of the home and development including matching the door color to the predominant color of the main structure, incorporate a glass course, add trim packages to give the appearance of stable doors, man doors, hinged swing doors, and other similar architectural elements. In the event garage doors facing a public street are not

architecturally upgraded as provided in the preceding sentence, detached single-family garages facing a public street shall be setback a minimum of 2 feet from the primary wall of the home facing the public street and garages of front loaded attached single-family dwelling units shall not extend closer to the street than the primary wall facing the street.

L. Side elevations shall include multiple windows and design elements that provide visual interest as well as allow light into the unit.

M. Rear elevations facing a public right-of-way shall have a minimum of two windows.

h. **Accessory Structures.** Fences (other than decorative fencing along front entrance paths and front porches) are prohibited in any front yard and must meet the standard fence specifications attached to this Development Text as Exhibit 2. Privacy fences are prohibited. Attached decks may extend up to five (5) feet into a required rear setback provided the encroachment does not adversely impact any easement. All other accessory structures shall meet the requirements of the current Zoning Code.

i. **Landscaping and Screening.** All landscaping shall meet the requirements of the then current Zoning Code and the Gateways & Corridors Plan unless modified herein.

(1) All street tree plantings shall meet the requirements and approval process of the Zoning Code unless modified in this Development Text.

(2) Street trees shall be a minimum of 1.75 caliper inches as measured at breast height at the time of installation.

(3) Along the Berlin Station Road, an earth mound, no less than 4 feet in height as measured from the proposed finish grade elevations of the adjacent dwelling with a mix of deciduous and coniferous plantings providing, at the time of installation, a minimum 60% year round opacity at a combined mound and landscaping height of no less than 10 feet at planting shall be provided. Such mounding shall not interfere with any required sight distance.

(4) A typical landscaping plan for each unit type shall be submitted and approved with the Final Development Plan. This typical landscaping shall set forth the minimum amount of required landscaping for each unit type at the time of building of each structure prior to the issuance of a Certificate of Occupancy. Landscaping species may be varied on a permit by permit basis.

(5) Ground mounted equipment shall be screened from view using plant materials providing 100% year round opacity. Air conditioning units shall be located in manner that minimizes the view from the public right-of-way.

(6) For the purposes of aesthetics and aquatic health, all ponds shall have a fountain.

j. **Pedestrian Connectivity.** Pedestrian connectivity shall be provided throughout the Sub-Area with stub connections to other sub-areas and future development. Concrete sidewalks, 4 feet in width, shall be provided on both sides of all public streets and multi-use paths of appropriate width and material shall be provided as shown on the approved Final Development Plan.

k. **Open Spaces.** Open spaces shall be landscaped and designed in a manner consistent with the overall development. Landscaping and design plans for all open spaces shall be submitted and approved with the Final Development Plan and include, at a minimum, the following:

(1) Sidewalks or multi-use paths shall be provided throughout the open space to link the amenities of the open space to the adjacent public sidewalk or pathway network and provide active recreation throughout.
(2) Crosswalks leading to open spaces and public parkland shall be defined with special paving or alternative pavement coloring acceptable to the City Engineer.
(3) Amenities such as benches, gazebos, or other such features are encouraged in the open spaces.
(4) All open spaces shall be constructed with the public infrastructure with the respective phase in which the open space is located. Landscaping shall be installed at the first time of year in which it is appropriate to install such plant material provided the acceptance of public improvements occurs during an inappropriate time for planting and the incomplete landscaping is bonded with the City.

l. **Entry Features and Signs.** With the Final Development Plan, a comprehensive entry feature and signage plan shall be submitted. All signs shall be designed and located in a manner that is appropriate and consistent with the overall design of the Sub-Area. Internally illuminated signs are prohibited.

5. SUB-AREA B & SUB-AREA C – SINGLE-FAMILY CONDOMINIMUM STANDARDS

a. **Uses.** The following uses shall be considered permitted or conditionally permitted in Sub-Areas B & C as represented in the chart below by P or C, respectively, and as defined by Chapter 1121 of the Zoning attached hereto as Exhibit 3. Any use not listed in the chart shall be considered a prohibited use unless amended by action of the Planning Commission and City Council through a Zoning Amendment process.

(1) **Permitted Uses.** Permitted uses are permitted by-right and shall meet all development standards specified within this Development Text and the Zoning Code, as applicable.

(2) **Conditionally Permitted Uses.** In addition to all standards specified within this Development Text, uses listed as conditionally permitted uses shall meet all the then current Zoning Code standards for approval of a Conditional Use Permit current at the time of application for the specific conditional use as well as any other regulations contained within the Zoning Code and applicable to the conditional use.

(3) **Accessory Uses and Structures.** Although not specified in the chart below, accessory uses, which are considered allowed uses, include those items that are customarily incidental and secondary to the principal use of the land. Such items include but are not limited to signs, fences, trash receptacles and enclosures, and off-street parking areas.

Land Use Category	Terra Alta Uses
(c) Residential	
(1) Detached single-family dwelling in a condominium setting	P
(2) Attached single-family dwelling in a condominium setting	P
(3) Minor home occupation	P
(d) Recreational/Open Space	
(1) Park, playground	P
(2) Non-commercial recreation facility (including homeowner association controlled facilities)	P

b. **Density & Mix of Dwelling Unit Type.** The overall Sub-Area B and Sub-Area C densities and mixes of dwelling unit types shall not exceed that approved on the Preliminary Development Plan.

c. **Building Setback Standards.** The following standards shall apply for minimum principal building setbacks (including accessory structures attached to the principal structure) based on the type of dwelling unit.

Minimum Building Setbacks*	Terra Alta
(a) Setback from public rights-of-way (excluding interior streets)	30 ft.
(b) Setback from interior streets and private streets edge of pavement or back of curb (whichever is greater)	20 ft.
(c) Setback from parkland and reserves	10 ft.
(d) Building separation end wall to end wall (side of building to side of building)	10 ft.
(e) Building separation from any main wall (front or rear of building)	20 ft.
(f) Perimeter site setback	30 ft.

*Side and rear yard setbacks shall not apply to minor architectural projections such as eaves, chimneys and bay windows.

d. **Floor Area Requirements.** Each dwelling unit shall provide for the following minimum floor area, exclusive of basements unless (walk-out units), unfinished attic spaces, garages, and any attached or detached accessory buildings.

(1) Front lot dimension at building line of less than 80 feet

A. One bedroom – 1,200 sq. ft.
B. Two or more bedroom unit – 1,400 sq. ft. plus an additional 200 sq. ft. for each bedroom in excess of two.

f. **Maximum Building Height.** The maximum height of any principal building or structure shall be 35 feet as measured from the average elevation of the finished grade at the front of the building to the highest point of the roof.

g. **Building Design.** Unless otherwise modified within this Development Text, all dwellings shall meet the building design requirements of Chapter 1171, R-5 and R-6 District standards for detached single-family dwellings and R-5 and R-6 District multi-family standards for attached single-family dwellings.

(1) To create a cohesive and unified design throughout the entire development yet provide a diversity of housing types each building shall be consistent in overall design, color, material, and architectural pattern and include a similar and/or repeating pattern of design elements such as architectural styles, roof and building massing, window proportion, or other elements as determined through the Final Development Plan review process.

(2) All home elevations (all sides) shall be reviewed and approved by the Planning Commission as part of the Final Development Plan. Minor variations thereafter shall be potentially administratively approvable as written in this Development Text.

(3) Exterior Material and Trim Standards.

A. At least 50% of the front elevation of all homes constructed on the Property will consist of brick, stone, cultured stone, wood siding, SmartSide, fibrous cement siding, or other approved material excluding foundations, garage doors, entry doors, roofs, gutters, downspouts and windows.
B. All vinyl siding products used on homes constructed on the Property shall be architectural grade, Vinyl Siding – Higher End, as defined in Chapter 1171.08 (c) (19) on all elevations.
C. Trim board around all corners, windows, and doors shall be a minimum of 4 inches all around.
D. Standing seam metal roofs are encouraged on select architectural elements of front elevations, such as porches or front entrance features.
E. EIFS or similar products are prohibited as an exterior material.
F. All exposed foundation walls shall be faced with brick, stone or stucco.
G. Frieze trim a minimum of 4 inches wide is required under all overhangs and gables.
H. All home elevations shall be reviewed and approved by the Director of Planning & Community Development to establish compliance with the Building Design requirements of this Development Text.
I. All homes will have, at a minimum, dimensional shingles.

(5) Design Standards

A. Exterior Materials on each building shall be varied to provide variety throughout the community.
B. All homes will have not less than a 1 car attached garage.
C. The principal roof structure on all homes will have a roof pitch of not less than 6/12.
D. The principal roof structure on all homes will have an overhang of not less than 12 inches and an end rake of not less than 12 inches.
E. Lintels and sills in masonry walls shall be brick soldier course, limestone, or sandstone, along with other manufactured stone products.
F. Although porch railing and column details are encouraged to vary from home to home, porch columns shall have a minimum 6 x 6 inch cross section or diameter.
G. Treated lumber shall be painted or stained, except when used on exterior decks.
H. Where wood burning fireplaces are utilized the exposed chimney shall be faced with brick or stone at a minimum. All direct vent fireplaces shall be located in a side or rear yard and screened from view when visible from a public street.
I. All homes shall provide an identifiable entry with entry coverings and stoops being a minimum of 3 feet deep or the minimum necessary for building code regulations, which ever is greater. Any porch shall be a minimum depth of 4 feet.
J. Front elevations shall be designed to de-emphasize the visual impact of the garage. All garage doors facing a public street shall be architecturally upgraded to include design elements consistent with the design of the home and development including matching the door color to the predominant color of the main structure, incorporate a glass course, add trim packages to give the appearance of stable doors, man doors, hinged swing doors, and other similar architectural elements. In the event garage doors facing a public street are not architecturally upgraded as provided in the preceding sentence, detached single-family garages facing a public street shall be setback a minimum of 2 feet from the primary wall of the home facing the public street and garages of front loaded attached single-family dwelling units shall not extend closer to the street than the primary wall facing the street.
K. Side elevations shall include multiple windows and design elements that provide visual interest as well as allow light into the unit.
L. Rear elevations facing a public right-of-way shall have a minimum of two windows.

h. **Accessory Structures.** Fences (other than decorative fencing along front entrance paths and front porches) are prohibited in any front yard. Privacy fences, except those immediately adjacent to a deck or patio and shown on an approved Final Development Plan, are prohibited. Attached decks may extend up to five (5) feet into a required rear setback provided that encroachment does not adversely impact any easement. All other accessory structures shall meet the requirements of the current Zoning Code.

i. **Landscaping and Screening.** All landscaping shall meet the requirements of the then current Zoning Code and the Gateways & Corridors Plan unless modified herein.

(1) All street tree plantings shall meet the requirements and approval process of the Zoning Code unless modified in this Development Text.
(2) Street trees shall be a minimum of 1.75 caliper inches as measured at breast height at the time of installation.
(3) A typical landscaping plan for each condominium regime shall be submitted and approved with the Final Development Plan. This typical landscaping shall set forth the minimum amount of required landscaping for each unit at the time of building of each structure prior to the issuance of a Certificate of Occupancy. Landscaping species may be varied on a permit by permit basis.
(4) Ground mounted equipment shall be screened from view using plant materials providing 100% year round opacity. Air conditioning units shall be located in manner that minimizes the view from the public right-of-way.
(5) For the purposes of aesthetics and aquatic health, all ponds shall have a fountain.

j. **Pedestrian Connectivity.** Pedestrian connectivity shall be provided throughout the Sub-Area with stub connections to other sub-areas and future development. Concrete sidewalks, 4 feet in width, shall be provided on both sides of all public streets and as appropriate and necessary on private streets and multi-use paths of appropriate width and material shall be provided as shown on approved Final Development Plan.

k. **Open Spaces.** Open spaces shall be landscaped and designed in a manner consistent with the overall development. Landscaping and design plans for all open spaces shall be submitted and approved with the Final Development Plan and include, at a minimum, the following:

(1) Sidewalks or multi-use paths shall be provided throughout the open space to link the amenities of the open space to the adjacent public sidewalk and provide active recreation throughout.
(2) Crosswalks leading to open spaces and public parkland shall be defined with special paving or alternative pavement coloring acceptable to the City Engineer.
(3) Amenities such as benches, gazebos, or other such features are encouraged in the open spaces.
(4) All open spaces shall be constructed with the public infrastructure with the respective phase in which the open space is located. Landscaping shall be installed at the first time of year in which it is appropriate to install such plant material provided the acceptance of public improvements occurs during an inappropriate time for planting and the incomplete landscaping is bonded with the City.
(5) For the purposes of aesthetics and aquatic health, all ponds shall have a fountain.

l. **Entry Features and Signs.** With the Final Development Plan, a comprehensive entry feature and signage plan shall be submitted. All signs shall be designed and located in a manner that is appropriate and consistent with the overall design of the sub-area. Internally illuminated signs are prohibited.

m. **Condominium Association.** Sub-Area B and Sub-Area C and all units and property developed within each shall be governed by a condominium declaration and bylaws as reviewed and approved by the City. By majority vote of the property owners, the

association shall be transferred to the homeowners when 75% of the units have received a certificate of occupancy, unless the Developer establishes to the satisfaction of the Director of Planning and Community Development that less than 75% of the units have been sold to third party buyers, in which event such transfer shall be deferred at the election of the Developer until such time as 75% o the units have been sold to third party buyers.

n. **Private Street Width.** All private streets shall have a width (including gutters) of 28' unless parking is restricted to one side of street, in which event, such width is reduced to 24'.

Exhibit 1

TERRA ALTA

Tree Replacement Requirements:

Total Number of Trees/Acre 1422 caliper inches

"Good Health" Trees/Acre = 612 caliper inches (Total replacement/inch)

"Fair Health" Trees/Acre = 119 caliper inches (Fifty Percent replacement/inch)

"Poor Health" or Ash Trees/Acre = 691 caliper inches (No replacement)

Total number of caliper inches to be replaced/acre = 672

Phase One

Single Family

(7.6 acres removed x 672 caliper inches) = 5,107 caliper inches removed

Phase Two

Single Family

(14.4 acres removed x 672 caliper inches) = 9,677 caliper inches removed

Condominiums

(6.8 acres removed x 672 caliper inches) = 4,570 caliper inches removed

Sub Total = 14,247 caliper inches removed

Phase Three

Single Family

(11.6 acres removed x 672 caliper inches) = 7,795 caliper inches removed

Condominiums

(9.9 acres removed x 672 caliper inches) = 6,653 caliper inches removed

Sub Total = 14,448 caliper inches removed

Phase Four

Single Family

(2.2 acres removed x 672 caliper inches) = 1,478 caliper inches removed

Phase Five

Single Family

(16.6 acres removed x 672 caliper inches) =11,155 caliper inches removed

Phase Six

Single Family

(3.9 acres removed x 672 caliper inches) = 2,621 caliper inches removed

Total = 49,056 caliper inches removed

Saved Tree Credits:

The spread sheet as shown on the development plan represents eight random samplings for the tree survey. These calculations have categorized those samplings by size of tree and have been divided by eight to get the number of caliper inches of credit per acre.

"Good Health"

6-11 inch trees = one caliper inch of credit for one caliper inch saved
2,373 inches/ eight x one credit = 296.6 caliper inches/acre

12-17 inch trees = two caliper inches of credit for one caliper inch saved
896 inches/eight x two credits = 224 caliper inches/acre

18-23 inch trees = three caliper inches of credit for one caliper inch saved
322 inches/eight x three credits = 120.7 caliper inches/acre

24+ inch trees = four caliper inches of credit for one caliper inch saved
123 inches/eight x four credits = 61.5 caliper inches/acre

Sub Total = 702.8 caliper inches/acre

"Fair Health"

6-11 inch trees = one half caliper inch of credit for one caliper inch saved
1132 inches/ eight x one half credit = 70.7 caliper inches/acre

12-17 inch trees = one caliper inch of credit for one caliper inch saved
520 inches/eight x one credit = 65 caliper inches/acre

18-23 inch trees = one and half caliper inches of credit for one caliper inch saved
171 inches/eight x one and half credits = 32 caliper inches/acre

24+ inch trees = two caliper inches of credit for one caliper inch saved
270 inches/eight x two credits = 67.5 caliper inches/acre

Sub Total = 235.2 caliper inches/acre

Total number of caliper inches of tree credit per acre = 938

Phase One

Single Family
(6.7 acres saved x 938 caliper inches/acre) = 6,284 caliper inches saved

Phase Two

Single Family
(12.8 acres saved x 938 caliper inches) = 12,006 caliper inches saved

Condominiums
(4.8 acres saved x 938 caliper inches) = 4,502 caliper inches saved

Sub Total = 16,508 caliper inches saved

Exhibit 1

Phase Three

Single Family

(12.1 acres saved x 938 caliper inches) = 11,349 caliper inches saved

Condominiums

(2.2 acres saved x 938 caliper inches) = 2,063 caliper inches saved

Sub Total = 13,412 caliper inches saved

Phase Four

Single Family

(8.8 acres saved x 938 caliper inches) = 8,254 caliper inches saved

Phase Five

Single Family

(5.9 acres saved x 938 caliper inches) =5,534 caliper inches saved

Phase Six

Single Family

(21.8 acres saved x 938 caliper inches) = 20,448 caliper inches saved

Total = 70,440 caliper inches saved

The developer has also agreed to install two trees per single family home, 316 homes, with a minimum two inch caliper for a total of 1,264 caliper inches and two trees per condominium unit, 167 units, with a minimum of two inch caliper for a total of 668 caliper inches.

The total number of inches saved and installed per the Terra Alta Tree Replacement Policy is 72,372 caliper inches with 49,056 caliper inches removed for a net gain of 23,316 caliper inches.

Exhibit 2

SELECTING A FENCE STYLE

BLACK APPO GUARDIAN DORIA-

BLACK RESIDENTIAL INNSBRUCK-

Exhibit 3

Chapter 1121 - Definitions

1121.01 Interpretation of terms and words. 1121.02 Definitions.

SECTION 1121.01 INTERPRETATION.

For the purpose of this Zoning Ordinance, terms or words used herein shall be interpreted according to this Section. In the case of a discrepancy in meaning or implication between the text of this Ordinance and any illustration or caption, the text shall control.

1. The word "shall" signifies a mandatory requirement, one that is not discretionary; the word "may" signifies a permissive or discretionary requirement; and the word "should" is a preferred requirement.
2. The word "building" includes the word "structure." The word "structure" includes the word "building".
3. The word "person" includes a firm, association, organization, partnership, trust, company, corporation, or similar entity, as well as an individual.
4. The words "used" and "occupied" include the words "arranged, designed, constructed, altered, or intended to be used."
5. The word "lot" includes the words "plot" and "parcel."
6. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
7. Whenever a number of days are specified, days shall mean calendar days, unless specifically noted otherwise.

SECTION 1121.02 DEFINITIONS.

A. Words used in this Ordinance are used in their ordinary English usage.

B. For the purpose of this Zoning Ordinance, the following terms shall have the meaning herein indicated:

1. **ACCESSORY USE OR STRUCTURE.** "Accessory use" (or "structure") means a use, object or structure constructed or installed on the same lot as, and of a nature subordinate and customarily incidental to the principal (primary) use, object or structure of a lot.
2. **ADDITION.** "Addition" means a section added to a structure either through construction, thereby forming one architectural whole, or by joining, as by a passage, so that each section is a necessary adjunct or appurtenance of the other and thus constitutes the same structure.
3. **ADULT ENTERTAINMENT BUSINESS.** "Adult entertainment business" means one or more of the following business.
   a) **ADULT BOOK/VIDEO STORE.** An establishment that utilizes five percent (5%) or more of its retail selling area for the purpose of retail sale or rental, or for the purpose of display or viewing, for any compensation, of books, magazines, other printed material, films, tapes and video cassettes, or any other visual representation, which are distinguished by their emphasis on adult materials as defined in this chapter.
   b) **ADULT MOTION PICTURE THEATER.** An enclosed motion picture theater that regularly uses or utilizes 5 percent (5%) or more of its total viewing time for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this chapter.
   c) **ADULT MOTION PICTURE DRIVE-IN THEATER.** An open air drive-in theater which regularly uses or utilizes 5 percent (5%) or more of its total viewing time for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this chapter.
   d) **ADULT ONLY LIVE ENTERTAINMENT BUSINESS.** An establishment where the patron directly or indirectly is charged a fee, and where the establishment features:
      1) Entertainment or services which constitute adult material or

2) Exhibitions, dance routines, or gyrational choreography or persons totally nude, topless, or bottomless, or strippers, male or female impersonators or similar entertainment or services which constitute adult material.

4. **ADULT MATERIAL.** Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, video cassette, motion picture film, record, tape or, any other tangible thing, or any service, capable of creating sexual interest through sight, sound or touch, and:
   a) Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or
   b) Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions or elimination.
5. **AGRICULTURE.** "Agriculture" means the production, keeping or maintenance, for sale, lease or personal use, of plants and /or animals useful to humans, including but not limited to: forages and crops; dairy, poultry and livestock including products breeding and grazing thereof; trees and forest products; or lands devoted to a soil conservation of forestry management program.
6. **ALTERATION.** "Alteration" means any change, rearrangement or modification in the construction or in the exit facilities of a structure, and/or the moving of partitions from one location to another within a structure.
7. **ALTERATION, STRUCTURAL.** "Structural alteration" means any change in the supporting members of a structure such as a bearing wall, column, lintel or beam or girder; or a change in the floor construction.
8. **ACCESSORY RETAIL/SERVICE** means a retail or service facility that is clearly incidental and subordinate to the primary use of a structure.
9. **APPLICANT.** "Applicant" means a person, corporation or other legal entity submitting an application to the City for legislative or administrative approval including, but not limited to, zoning amendments, subdivision or lot splits, conditional uses, development plan approval, variances or appeals. The applicant shall be the owner of the property for which action is being sought or be its representative who shall have express written authority to act on behalf of the owner.
10. **ASSOCIATION.** "Association" means a legal entity operating under recorded land agreements or contracts through which each unit owner in a development is a member and each unit is subject to charges for a proportionate share of the expenses of the organization's activities such as maintaining common open space and other common areas and providing services needed for the development. An association can take the form of a homeowners' association, a community association, a condominium association, or similar entity.
11. **AUTOMOTIVE REPAIR GARAGE.** "Automotive repair garage" means the repair or restoring of motor vehicles, including the repair, reconditioning or rebuilding of engines and/or transmissions; collision service (such as body, frame or fender straightening or repair); and the overall painting, undercoating or steam cleaning of vehicles. All activities must be conducted within a completely enclosed building. Persons working on vehicles owned by themselves or family are not included.
12. **AUTOMOTIVE SERVICE STATION.** "Automotive service station" means a building or part of a building, structure or space where the retail sale of lubricants and motor vehicle accessories, the routine maintenance and service of vehicles and/or the making of repairs to motor vehicles are conducted. Repairs described as major repairs in "automotive repair garage" shall not be permitted. Persons working on vehicles owned by themselves or family are not included.

13. **AUTOMOTIVE SALES AND RENTAL.** "Automotive sales and rental" means the use of any building, land area or other premise for the display and sale, lease or rental of new or use motor vehicles, and which may include the display and sale, lease or rental or new or use motorcycles, light trucks and vans, trailers or recreation vehicles that are used primarily for personal needs. Vehicles for sale by owner are not included, if less than 3 vehicles are for sale at any one time.
14. **BASEMENT OR CELLAR.** "Basement" or "cellar" means the portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story for the purpose of Height Regulations use OBBC 502.1
15. **BED-AND-BREAKFAST.** "Bed-and-breakfast" means a residential building, other than a hotel, motel or boarding house, where overnight lodging, together with breakfast, is offered for hire.
16. **BERM.** "Berm" means an earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise. (ORD 04-92 Passed 6-14-04)
17. **BOTTOMLESS.** Less than full opaque covering of male or female genitals, pubic area or buttocks.
18. **BUFFER OR BUFFER YARD.** "Buffer" or "buffer yard" means a unit of land, together with a specified type and amount of planting thereon and any required structures, that is intended to eliminate or minimize conflicts between land uses.
19. **BUILDING.** "Building" means any structure having a roof support by or suspended from columns or walls designed or intended for the support, enclosure, shelter or protection of persons, animals or property. The term "building" does not include any vehicle, trailer (with or without wheels), or any removable device, such as furniture, machinery, or equipment.
    a) **ACCESSORY BUILDING.** "Accessory building" means a subordinate building detached from, but located on the same lot as, the principal building, the use of which is incidental and accessory to that of the principal building.
    b) **PRINCIPAL BUILDING** "Principal building" means a building in which is conducted the main or principal use of the lot on which said building is situated.
20. **BUILDING COVERAGE.** "Building coverage" means the total area of a site covered by principal and accessory buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features.
21. **BUILDING HEIGHT.** "Building height" means the vertical distance, measured from the average elevation of the finished grade at the front of the building to the highest point of the roof for flat roofs; to the deck lines of mansard roofs; and to the peak of the roof for gable, hip and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.
22. **BUILDING LINE.** "Building line" means an imaginary linear extension of the building wall parallel to the street right-of-way line defining the limits of the front yard, or in the case of a corner lot, the corner side yard abutting the street.
23. **CAR WASH.** "Car wash" means a building or area that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices and/or which may employ hand labor for the washing and/or waxing of automobiles.
24. **CALIPER.** "Caliper" means the American Association of Nurseryman standard for trunk measurement of nursery stock. Caliper of the trunk shall be taken six (6) inches above the ground up to and including four-inch caliper size, and twelve (12) inches above the ground for a caliper size greater than four (4) inches. (ORD 04-92 Passed 6-14-04)

25. **CELLAR OR BASEMENT.** "Basement" or "cellar" means the portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story for the purpose of height regulations.
26. **CEMETERY.** "Cemetery" means land used or intended to be used for the burial of the human or animal dead, and which is dedicated for cemetery purposes. Cemetery purposes include crematories, mausoleums and mortuaries if operated in connection with, and within the boundaries of, a cemetery. The burial of cremains is not a cemetery.
27. **CERTIFICATE OF OCCUPANCY.** "Certificate of occupancy" means a certificate issued by the Director of Planning and Community Development that declares that a building, structure or zoning lot may lawfully be employed for specific uses. Such structure(s) and use(s) shall conform fully to the provisions of this Ordinance.
28. **CERTIFICATE OF ZONING COMPLIANCE.** "Certificate of zoning compliance" means a certificate issued by the Director of Planning and Community Development, which declares that plans for a proposed structure, building, use, or zoning lot conform to the provisions of this Ordinance.
29. **CODE.** "Code" means codified ordinances and all regulations of the city of Delaware, Ohio. (ORD 04-92 Passed 6-14-04)
30. **COMMON AREA.** "Common area" means any land area, and associated facilities, within a planned residential multiple-family, commercial or industrial development that is held in common ownership by the residents of the development through a Homeowners' Association, Community Association or other legal entity.
31. **COMMON WALL STRUCTURE.** "Common Wall Structure" means a single-family structure that adjoins another single-family structure at any point. (ORD 02-107 Passed August 26, 2002)
32. **CONDITIONAL USE PERMIT.** "Conditional use permit" means the permit indicating approval by the Planning Commission for a specific conditional use.
33. **CONFINED FEEDING OPERATIONS.** "Confined feeding operations" means the confinement of animals in a specific location or area for the purposes of feeding and growth prior to slaughter, where food is supplied to the animals by means other than grazing.
34. **CONGREGATE CARE FACILITY.** "Congregate care facility" means a residential facility to provide for the needs of individuals who are elderly or handicapped. The facility shall consist of residential dwelling units or rooms designed specifically for the elderly or handicapped, and shall have common social, recreational, dining and/or food preparation facilities. The facility may be for independent living and/or may provide the residents with a range of personal and medical assistance including nursing care. This includes assisted living.
35. **DAY CARE CENTER, CHILD OR ADULT.** "Day care center" means any building in which day care is provided for five (5) or more infants, preschool children, or school-age children outside of school hours, or five (5) or more adults; with or without compensation. An adult day care center shall not include a convalescent home, hospital or any other full-time care facility. Centers shall meet all applicable state laws governing such centers as administered by the Ohio Department of Human Services.
36. **DENSITY.** The number of dwelling units per acre of land. More specifically:
    a) **GROSS DENSITY** "Gross density" means the number of dwelling units permitted per acre of total land area.
    b) **NET DENSITY** "Net density" means the number of dwelling units permitted per acre of land when the acreage involved includes only the land devoted to residential uses and excluding land dedicated to public thoroughfares or other unbuildable land areas.
37. **DEVELOPMENT.** "Development" means the construction of a new principal structure on a lot; the expansion or relocation of an existing principal structure on a lot; the use of open land

for construction of a principal structure; the use of open land for any non-agricultural use that does not involve the construction of a principal structure, including (but not limited to) paving, mining, drilling (but not including soil testing or the first water well on a parcel), and dredging; plus the preparation of land for a use, including (but not limited to) demolition, grading, excavating, or filling of land, as well as the removal of more than 10 trees of greater than 6-inch caliper at 24 inches above ground level; but does not include a homeowner's lot with an existing home. (ORD 03-76 Passed September 22, 2003)

Development also includes the construction, expansion, or relocation of an accessory structure that is larger or taller than the principal structure; involves lights, noise, or odors that can be detected more than 100 feet distant from the lot lines; or involves inflammable or explosive materials; but does not include a homeowner's lot with an existing home. (ORD 03-76 Passed September 22, 2003)

38. **DEVELOPMENT PLAN.** "Development plan" is a plan prepared to scale, showing accurately and with complete dimensioning the boundaries of the site, the location of buildings, landscaping, parking areas, access drives, signs, outdoor storage areas and any other features that comprise a proposed development.
    a) **PRELIMINARY DEVELOPMENT PLAN.** "Preliminary development plan" is a plan indicating the overall concept of development for an entire site and including the elements required in Section 1129.04.
    b) **FINAL DEVELOPMENT PLAN.** "Final development plan" is a plan indicating the exact data of the various features proposed for development and including the elements required in Section 1129.05.
39. **DIAMETER AT BREAST HEIGHT (DBH).** "Diameter at breast height" means the diameter of a tree trunk measured in inches at a height 4.5 feet above ground. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point below the split. (ORD 04-92 Passed 6-14-04)
40. **DISTRIBUTION FACILITY/TRUCK TERMINAL.** "Distribution facility" or "truck terminal" means a facility where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.
41. **DISTRICT.** "District" means a portion of the municipality within which specific regulations and requirements, or various combinations thereof, shall apply under the provisions of this Ordinance.
42. **DORMITORY.** "Dormitory" means a building arranged, intended or designed to be occupied by unrelated persons, either as individuals or groups of individuals, who occupy common sleeping rooms and share related facilities such as bathrooms. A use of this type differs from an apartment house, in that separate cooking facilities are not available for each individual or group, but common eating facilities and kitchens may be provided in these buildings.
43. **DRIVE-THRU FACILITY.** "Drive-thru facility" means any portion of a building or structure from which a business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions. The term "drive-thru" shall also include "drive-up" and "drive-in" but shall not include "car wash", "gasoline station" or "automotive service station".
44. **DWELLING.** "Dwelling" means any building or portion thereof intended or designed to be used for sleeping, living, cooking and dining purposes, having its own permanently installed cooking and sanitary facilities; and which shall consist of one or more dwelling units.
45. **DWELLING, ATTACHED SINGLE-FAMILY.** "Attached single-family dwelling" means dwelling units in side-by-side groupings, which are physically attached to one another by common or adjoining vertical walls without openings which extend from the basement floor

to the roofline. Each dwelling unit in the grouping has individual heating and plumbing systems and separate ground floor entrances.

46. **DWELLING, CLUSTER SINGLE-FAMILY.** "Cluster single-family dwelling" means a dwelling unit designed and used exclusively by one family and separated from all other dwelling units by open space from ground to sky, which is grouped with other dwelling units in an arrangement on a site. The dwelling does not need to be located on its own subdivided lot and is not required to have a front, side and/or rear yard that complies with the standard zoning district regulations. Property ownership outside the building envelopes is commonly held by all single-family cluster dwellings in the cluster development.
47. **DWELLING, DETACHED SINGLE-FAMILY.** A dwelling unit designed and used for one family situated on a parcel having front, side, and rear yards as required by this Ordinance and separated from all other dwelling units by open space from ground to sky.
48. **DWELLING, EFFICIENCY.** "Efficiency dwelling" means a dwelling unit consisting of not more than one habitable living/sleeping room together with kitchen and sanitary facilities, which may be located in separate rooms.
49. **DWELLING, MULTIPLE-FAMILY.** "Multiple-family dwelling" means a dwelling consisting of three (3) or more dwelling units for occupancy by three (3) or more families living independently of each other with varying arrangements of entrances and party walls.
50. **DWELLING, SINGLE-FAMILY.** "Single family dwelling" means a dwelling consisting of a single dwelling unit used for residential purposes by one family.
51. **DWELLING, TWO-FAMILY.** "Two-family dwelling" means a dwelling consisting of two (2) dwelling units, which may be either attached side by side, or one above the other, with each dwelling unit having a separate entrance, and each occupied by one family.
52. **DWELLING UNIT.** "Dwelling unit" means a building or portion thereof providing complete housekeeping facilities including kitchen and toilet facilities for only one (1) family. A garage shall not be included as part of the dwelling unit.
53. **EASEMENT.** "Easement" means authorization by a property owner for the use, for a specified purpose, of a designated area of his property by another.
54. **ESSENTIAL SERVICES.** "Essential services" means the underground gas, electrical, steam or water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.
55. **FAMILY.** "Family" means a person living alone, any number of individuals related by blood, adoption, foster or marriage plus no more than two persons related by blood, marriage or adoption, or not more than five (5) unrelated persons living together occupying a dwelling unit but not including groups occupying motel or hotel, dormitory or fraternity and sorority.
56. **FENCE.** "Fence" means any structure composed of wood, steel or other material, including plant material, erected in such a manner and positioned to enclose or partially enclose any premises or part of any premises. Structures, which have solely an ornamental purpose and which do not serve the purpose of enclosing or partially enclosing premises or of separating premises from adjoining premises, shall not be included within the definition of the word "fence".
    a) **FENCE, BARBED WIRE.** "Barbed wire fence" means a fence made with metal wire having sharp points or barbs along its length.
    b) **FENCE, CHAIN LINK.** "Chain link fence" means a fence made of metal loops interconnected in a series of joined links.

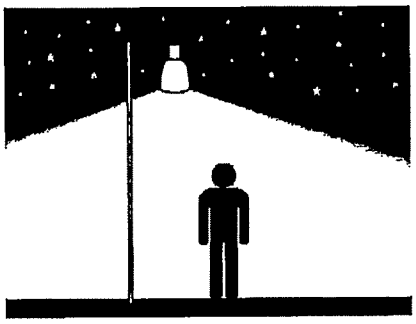
c) **FENCE, ELECTRIFIED.** "Electrified fence" means all fences or structures, included or attached to any device or object which emits or produces an electrical charge, impulse or shock when the same comes into contact with any other object, person or animal or which causes or may cause burns to any person or animal.

d) **FENCE, ORNAMENTAL.** "Ornamental fence" means a fence usually made of wood constructed for its beauty or decorative effect and when viewed at a right angle, has at least fifty percent (50%) of the area of its vertical plane, the area within a rectangular outline enclosing all parts of the fence in its plane, open to light and air.

e) **FENCE, PRIVACY.** "Privacy fence" means a fence made to inhibit public view and provide seclusion and when viewed at right angles, has less than fifty percent (50%) of the area of its vertical plane open to light and air.

57. **FLEET VEHICLE.** "Fleet vehicle" means a truck, van, or other vehicle used as part of the operation of a principal use, but does not include privately owned customer or employee vehicles or farm equipment.
58. **FLOOD PLAIN.** "Flood plain" means a watercourse and its adjacent area subject to inundation by the base flood. The flood plain is composed of the floodway and the floodway fringe, and is the total area subject to Flood Plain Development Regulations pursuant to Chapter 1150.
59. **FLOOR AREA, GROSS.** "Gross floor area" means the total number of square feet of all floor space within the outside surface of the exterior faces of the exterior walls or from the centerline of common walls separating two (2) buildings. The floor area measurement is exclusive of the areas of, unfinished attics without flooring, attached garages, terraces, open porches or uncovered steps. Cellar or basement shall be counted as floor area in computing off-street parking regulations.
60. **FLOOR AREA, RESIDENTIAL.** "Residential floor area" means the sum of the horizontal areas (in square feet) of each story of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The residential floor area measurement is exclusive of the area of basements, unfinished attics, attached garages, breezeways and enclosed or unenclosed porches.
61. **FOOTCANDLE.** "Footcandle" means a unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle. Footcandles will be measured with the meter pointed perpendicular to the property line or grade plane. (ORD 04-92 Passed 6-14-04)
62. **FRATERNITY.** "Fraternity" means a building, associated with an institution of higher learning, containing sleeping rooms, bathrooms, common rooms, and a central kitchen and dining room maintained exclusively for fraternity members and their guests or visitors.
63. **FULL-SHIELDED OR FULL CUT-OFF TYPE FIXTURE.** "Full-shielded or Full Cut-off Type Fixture" means an outdoor lighting fixture that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest light-emitting part of the fixture. (ORD 04-92 Passed 6-14-04)

Full cut-off lighting



- Full cut-off lighting directs light down and to the sides as needed and provides more control of light.
- Reduces glare and provides more even illumination.
- Reduces light trespass onto neighboring properties.
- Helps preserve the dark night sky.

University of Texas, Austin

64. **FUNERAL HOME.** "Funeral home" means a building or part thereof used for human funeral services. Such building may contain space and facilities for: (a) embalming and the performance of other services used in preparation of the dead for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns, and other related funeral supplies; and (d) the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.
65. **GARAGE, PRIVATE.** "Private garage" means an accessory building or portion of a principal building designed or used solely for the storage of motor vehicles, boats or similar vehicles owned and used by the occupants of the building to which it is accessory.
66. **GARAGE, PUBLIC.** "Public garage" means a principal or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, and in which no other service shall be provided for remuneration.
67. **GASOLINE STATION.** "Gasoline station" means an establishment where motor fuels are stored and dispersed into the fuel tanks of motor vehicles and may include facilities for the sale of other retail products. See "Automotive Service Station", which is different.
68. **GLARE.** "Glare" means the direct light that causes annoyance, discomfort, or loss in visual performance and visibility. (ORD 04-92 Passed 6-14-04)
69. **GO-PED.** "Go-ped" means a motorized scooter, including the Segway™. (ORD 04-92 Passed 6-14-04)
70. **GRADE, FINISHED.** "Finished grade" means the average level of the finished surface of ground adjacent to the exterior walls of the building after final grading and normal settlement.
71. **GRADE, NATURAL.** "Natural grade" means the elevation of the undisturbed natural surface of the ground prior to any recent excavation or fill.
72. **HANDICAPPED.** "Handicapped" means a physical or mental impairment, as defined in 42 U.S.C. 3602 (h), which substantially limits one or more of such person's major life activities so that such person is incapable of living independently. However, "handicapped" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in a home would constitute a direct threat to the health and safety of other individuals.
73. **HISTORIC DISTRICT.** "Historic district" means a designated district within which the buildings, structures, appurtenances and places are of basic and vital importance because of their association with history, or because of their unique architectural style and scale, including materials, proportion, form and architectural detail, or because of their being a part

of or related to a square, park or area the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical or architectural motives or purposes.

74. **HOME OCCUPATION.** "Home occupation" means a secondary use of a dwelling unit or accessory building of said dwelling, carried on by one or more persons, one of who is a resident of the household. The use is conducted entirely within the dwelling unit or the accessory building. The home occupation is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character thereof or adversely affect the uses permitted in the zoning district of which it is a part. Two levels of home occupation exist under this Code:
    a) **HOME OCCUPATION, MINOR.** "Minor home occupation" means home occupations that have little or no impact on the surrounding residential area, and therefore are a permitted use in residential areas as specified in the Zoning Ordinance.
    b) **HOME OCCUPATION, MAJOR.** "Major home occupation" means home occupations that have or might have a noticeable impact on the surrounding residential area, and therefore are specifically approved by the Board of Zoning Appeals as specified in this Zoning Ordinance.
75. **HOSPITAL.** "Hospital" means an establishment which provides accommodations and medical or surgical facilities and services for the observation, diagnosis and care of two (2) or more individuals, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient or training facilities.
76. **HOTEL OR MOTEL.** "Hotel" or "motel" means any building, or part of a building, other than a bed-and-breakfast, which provides transient lodging accommodations to the general public in exchange for a fee.
77. **ILLUMINANCE.** "Illuminance" means the quantity of light arriving at a surface divided by the area of that surface, measured in footcandles. (ORD 04-92 Passed 6-14-04)
78. **JUNK.** "Junk" means any personal property which is bought, bartered, acquired, possessed, collected, accumulated, dismantled, sorted or stored; metal for reuse or resale such as: salvage metal, metal alloys, metal compounds and combinations; used or salvaged fibers, bags, paper, rags, glass or any latex or plastic product; used or salvaged motor vehicles which are primarily used for parts or scrap metal and similar or related articles or property.
79. **JUNK OR WRECKING YARD.** "Junk or wrecking yard" means the use of any land, property, building, structure or combination thereof, to store, dump, sell, exchange, disassemble, or otherwise handle partly dismantled, obsolete, or wrecked vehicles or their parts, second hand building materials, waste, debris, or other salvaged material which, unaltered or unchanged and without further reconditioning, cannot be used for its original purpose as readily as when new. It does not include salvaged materials incidental to manufacturing operations.
80. **KENNEL.** "Kennel" means any lot or premises on which four or more dogs more than four months old are housed, groomed, bred, boarded, trained or sold.
81. **LIGHT POLLUTION.** "Light Pollution" means any measurable exterior artificial illumination that strays beyond a property line both horizontally at grade and vertically to the structure height. (ORD 04-92 Passed 6-14-04)
82. **LIGHT TRESPASS.** "Light Trespass" means light in sufficient quantity that crosses over property boundaries, impacts surfaces, and produces a negative response in persons owning or using the violated space. (ORD 04-92 Passed 6-14-04)
83. **LIGHT UNIFORMITY RATIOS.** The light uniformity ratio is expressed as either the maximum or average illuminance divided by the minimum illuminance. (ORD 04-92 Passed 6-14-04)

84. **LOADING SPACE.** "Loading space" means space logically and conveniently located for bulk pickups and deliveries, which is scaled to delivery vehicles, and accessible to such vehicles when required off-street parking spaces are filled.

85. **LOT.** "Lot" means a parcel of land that is a lot of record in the Delaware County Recorder's office. Specific lot types include the following (see illustration, also):
   a) **LOT, CORNER.** "Corner lot" means a lot located at the intersection of two (2) streets on which the interior angle of two adjacent sides of the two streets is less than 135 degrees. A lot abutting on a curved street or streets shall be considered a corner lot if the arc is of less radius than 150 feet and the tangents to the curve, at the two points meet the curve or the straight street line extended, form an interior angle of less than 135 degrees.
   b) **LOT, FLAG.** "Flag lot" means a lot utilizing a strip of land to provide access to or legal frontage on a public street, but where the majority of the area of the lot is situated immediately behind one or more lots relative to the street right-of-way to which such lot has access. Such lots are also commonly referred to as "panhandle lots".
   c) **LOT, INTERIOR.** "Interior lot" means a lot with only one frontage on a street.
   d) **LOT, THROUGH.** "Through lot" means a lot that has either opposite ends, or opposite sides, each having frontage on a public street.

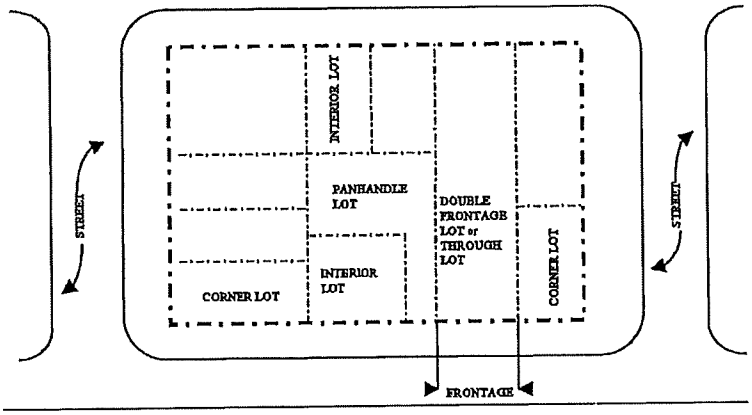


Figure 2 – Lot Types

86. **LOT AREA.** "Lot area" means the area of a lot computed exclusive of any portion of the right of way of any public or private street.

87. **LOT DEPTH.** "Lot depth" means the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

88. **LOT FRONTAGE.** "Lot frontage" means the width of the lot, as measured at the right-of-way line or where no public street exists, along a public way.

89. **LOT LINE.** "Lot line" means the line of demarcation between properties. Lot line is synonymous with "property line". More specifically:
   a). **LOT LINE, FRONT.** "Front lot line" means any lot line separating a public street from a parcel.
   b). **LOT LINE, REAR.** "Rear lot line" means the lot line opposite and most distant from the front lot line.

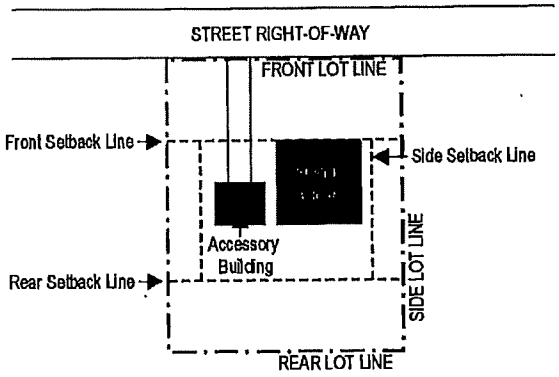


Figure 3 – Lot Terms

c). **LOT LINE, SIDE.** "Side lot line" means any lot line, other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot is called an interior side lot line.

90. **LOT OF RECORD.** "Lot of record" means any lot, which, individually or as part of a subdivision, has been recorded in the office of the Recorder.
91. **LOT OF RECORD, NONCONFORMING.** "Lot of record" means any lot, which, individually or as part of a subdivision, has been recorded in the office of the recorder.
92. **LOT WIDTH.** "Lot width" means the distance between the side lot lines, as measured at the building setback line.
93. **LUMINAIRE.** "Luminaire" means a complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts. (ORD 04-92 Passed 6-14-04)
94. **MAJOR TREE.** "Major Tree" means a living tree with a diameter at breast height measurement of six (6) inches or more. (ORD 04-92 Passed 6-14-04)
95. **MANUFACTURED HOME.** "Manufactured home" means a dwelling unit fabricated at an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et. seq.) and meeting all applicable regulations of the City of Delaware.
96. **MEDICAL CENTER OR CLINIC.** "Medical center" or "clinic" means an establishment where human patients are examined and treated by a group of dentists, physicians or similar professionals. Clinics provide outpatient service only.
97. **MINING AND MIXING OF STONE SAND AND GRAVEL.** "Mining and mixing of stone sand and gravel" means any mining, quarrying or processing of limestone, sand and gravel, or other mineral resources but not including oil or gas.
98. **MOBILE HOME" OR "MOBILE UNIT.** A "mobile home" or "mobile unit" means a factory-constructed, transportable structure designed as a permanent residential unit when placed upon a foundation and connected to utilities.
99. **MOBILE HOME PARK.** "Mobile home park" means any tract of land upon which at least one mobile home is used for habitation are parked, either free of charge or for revenue purposes, and including any roadway, building, structure, vehicle or enclosure used or intended for use as part of the facilities of such a park. "Mobile home park" does not include a tract of land used solely for the storage or display for sale of mobile homes.
100. **MODEL DWELLING UNIT.** "Model dwelling unit" means a dwelling unit used as a sales or lease office by a builder/developer and which is built with the purpose of displaying the

craftsmanship of that builder/developer. The unit may initially serve as a marketing tool to sell future, similar units in the building or on other lots but eventually is occupied as a residential dwelling unit.

101. **NONCONFORMING LOT.** "Nonconforming lot" means a lot lawfully existing on the effective date of this Zoning Ordinance or any amendment thereto, which, on such effective date, does not conform to the regulations of the district in which it is located.
102. **NONCONFORMING STRUCTURE.** "Nonconforming structure" means a structure lawfully existing on the effective date of this Zoning Ordinance or any amendment thereto, which, on such effective date, does not conform to the regulations of the district in which it is located.
103. **NONCONFORMING USE.** "Nonconforming use" means a use of land or a building or portion thereof, lawfully existing on the effective date of this Zoning Ordinance or any amendment thereto, which, on such effective date, does not conform to the regulations of the district in which it is located.
104. **NON-RESIDENTIAL ZONING DISTRICTS.** "Non-Residential Zoning Districts" means those Districts classified in the Codified Ordinances of the City of Delaware, Part Eleven of the Planning and Zoning Code, as O, PO/I, B-1, B-2, B-3, B-4, B-5, B-6, PBO, M-1, and M-2. (ORD 04-92 Passed 6-14-04)
105. **NUDE OR NUDITY.** The showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than full, opaque covering of any portion thereof, or female breast(s) with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.
106. **NURSING HOME.** "Nursing home" means an establishment providing full-time nursing and medical care to three (3) or more people, not related by blood or marriage, who are unable to care for themselves. Hospitals are not included in this definition.
107. **OPEN SPACE.** "Open space" means an area open to the sky that may be on the same lot with a building and may include, along with environmental features, recreation facilities such as pools, tennis courts and similar outdoor activities.
108. **OPEN SPACE.** "Open Space" means land devoted to conservation or recreational purposes and/or land designated by the city to remain undeveloped (may be specified on a zoning map). (ORD 04-92 Passed 6-14-04)
109. **OPEN SPACE, REQUIRED.** "Required open space" means the portion of the open space that is of sufficient size and shape to meet the minimum zoning requirements.
110. **OUTDOOR DISPLAY.** "Outdoor display" means the placing of merchandise in an outdoor area that is open to the general public when the merchandise on display is removed from its shipping packaging and is representative of merchandise that is available for purchase inside the building and/or is available for purchase by the general public directly from the display area.
111. **OUTDOOR STORAGE.** "Outdoor storage" means the keeping, in an area outside of a building, of any goods, material, merchandise, or vehicles in the same place for more than 24 hours, except for merchandise placed in an area for outdoor display.
112. **OVERLAY DISTRICT.** "Overlay District" means a district that is added on top of another zoning district and imposes additional regulations and requirements beyond those normally required for the underlying district.
113. **PARKING SPACE, OFF-STREET.** "Off-street parking space" means a permanently surfaced rectangular area, exclusive of any driveways or circulation areas, accessible from a street or alley, designed for parking a motor vehicle.
114. **PERFORMANCE STANDARD.** "Performance standard" means a criterion established in the interest of protecting the public health, safety and welfare from nuisance factors and other objectionable or dangerous elements generated by, or inherent in, uses of land or buildings.

115. **PLACE OF WORSHIP.** "Place of worship" means a building, structure, or other indoor or outdoor facility used for public worship. The term "place of worship" includes the words "church", "chapel", "synagogue" and "temple" and their uses and activities that are customarily related.
116. **PLANNED RESIDENTIAL DEVELOPMENT.** "Planned residential development" means an area of land to be planned and developed as a single entity, in which a variety of housing units are accommodated under more flexible standards, such as lot size and setbacks, than those that would normally apply under single-family district regulations, allowing for the clustering of houses to preserve open space while maintaining the same overall density limitations of the district in which the planned residential development is located.
117. **PROJECT BOUNDARY.** "Project boundary" means the boundary defining the tract(s) of land that is included in a proposed development to meet the minimum required project area for a planned residential multiple-family, commercial or industrial development. The term "project boundary" shall also mean "development boundary".
118. **PUBLIC SAFETY FACILITY.** A "public safety facility" means a governmentally owned and operated facility established to provide police, fire, or other safety services to the surrounding area.
119. **PUBLIC SERVICE FACILITY.** "Public service facilities" means the buildings, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants, and other public or essential service structures used by a utility, by a railroad or by a municipal or governmental agency, including the furnishing of electrical, gas, rail transport, communications, public water and sewerage services.
120. **PUBLIC USE.** "Public use" means any use of a building or land by any governmental entity for any public purpose.
121. **PUBLIC UTILITY.** "Public utility" means a public service or services for the generation, transmission and/or distribution of electricity, gas or steam, including water and irrigation systems and sanitary systems used for the collection and disposal of garbage, sewage and other wastes by means of destroying or processing materials.
122. **PUBLIC WAY.** "Public way" means a street, easement, walk, bicycle path or other way in which the general public or a public entity has a right, or which is dedicated, whether improved or not.
123. **RECESSED CEILING FIXTURE.** "Recessed Ceiling Fixture" means an outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling. (ORD 04-92 Passed 6-14-04)
124. **RECREATIONAL FACILITY, NONCOMMERCIAL.** "Noncommercial recreational facility" means a recreational facility that is privately owned and intended to serve the residents of the development, such as an apartment complex, a homeowners' association, a condominium association, an assisted living facility, and the like and may include, but is not limited to, such facilities as swimming pools, tennis courts, etc.. A non-commercial recreation facility may sell memberships or charge a fee to non-resident households, provided such households may not exceed ten per cent of the total number of households in the development.
125. **RECYCLING FACILITY.** "Recycling facility" is a building or area where recyclable materials are sorted and temporarily stored prior to shipment for remanufacture into new materials. This shall not include junkyards.
126. **RESIDENTIAL CARE FACILITY.** "Residential care facility" means a facility that provides 24-hour accommodations, supervision and personal or custodial care services, for three (3) or more unrelated individuals who are dependent on the services of others by reason of age and/or physical or mental impairment. Specific services provided by a residential care facility are limited by the Ohio Department of Health. "Residential care facility" does not

include clinics, institutions, hospitals, convalescent or nursing homes, dormitories or similar uses.

127. **RESIDENTIAL ZONING DISTRICTS.** "Residential Zoning Districts" means those districts classified in this Code as A-1, ER-1, ER-2, R-1, R-2, R-3, R-4, R-5, R-6, R-7, and R-8. (ORD 04-92 Passed 6-14-04)
128. **RESTAURANT, COUNTER SERVICE.** "Restaurant, counter service" means a retail service establishment whose principal business is the sale of foods, frozen desserts, or beverages in ready-to-consume servings, for consumption either within the restaurant building or for carry-out, and where customers are not served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter where the items are consumed.
129. **RESTAURANT, TABLE SERVICE.** "Restaurant, table service" means a retail service establishment wherein the entire business activity, or substantially all of the business activity, consists of the sale of food and service to patrons seated at tables for consumption within the building.
130. **RESEARCH AND DEVELOPMENT FACILITY.** "Research and development facility" means a building or group of buildings used for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.
131. **RETAIL ESTABLISHMENT.** "Retail establishment" means an establishment engaged in the selling of goods or merchandise to the general public for personal or household consumption, which is open to the general public during regular business hours and which has display areas that are designed and laid out to attract the general public. In determining a use to be a retail use, the Planning Commission may consider the proportion of display area vs. storage area and the proportion of the building facade devoted to display windows.
132. **RIGHT-OF-WAY.** "Right-of-way" means a strip of land taken or dedicated for use as a public way.
133. **SATELLITE EARTH STATION (DISH-TYPE).** "Satellite earth station (dish-type)" means a round parabolic antenna designed to send or receive television broadcasts from communications satellites orbiting the earth.
134. **SCHOOL, PUBLIC OR PRIVATE.** "School, public or private" means publicly or privately owned facilities providing full-time day instruction and training at the elementary, junior high and high school levels in accordance with the requirements of Chapter 3313 of the Ohio Revised Code, or facilities providing kindergarten or nursery school training and care whose annual sessions do not exceed the school sessions for full-time day schools and which are operated by a board of education or an established religious organization.
135. **SCHOOL, TRADE, BUSINESS OR CULTURAL ARTS.** "School, trade, business or cultural arts" means facilities primarily teaching usable skills that prepare students for jobs within a specific trade or facilities providing instruction on social and religious customs and activities, performing arts and/or sports. Such facilities may include beauty schools, dance instruction centers and martial arts schools.
136. **SELF-SERVICE STORAGE FACILITY OR MINI-WAREHOUSE.** "Self-service storage facility" means a facility consisting of a building or group of buildings, usually, in a controlled access compound that contains varying sizes of individual, compartmentalized and controlled-access stalls or lockers for the dead storage of customers' residential goods or wares.
137. **SETBACK.** "Setback" means the required minimum horizontal distance between a property line or other line and a structure, parking lot, or use.
138. **SETBACK LINE.** "Setback line" means the line established by the Zoning Ordinance, generally parallel to and measured from the lot line, defining the limits of a yard in which no

building or other structure may be located aboveground, except as may be provided in this Ordinance.

139. **SEXUAL ACTIVITY.** Sexual conduct or sexual contact, or both.
140. **SEXUAL CONTACT.** Any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is female, a breast, for the purpose of sexually arousing or gratifying either person.
141. **SEXUAL EXCITEMENT.** The condition of the human male or female genitals when in a state of sexual stimulation or arousal.
142. **SHADE TREE.** "Shade Tree" means a tree with foliage that usually sheds annually and is planted primarily for its high crown of foliage or overhead canopy. (ORD 04-92 Passed 6-14-04)
143. **SHRUB.** "Shrub" means a woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground. (ORD 04-92 Passed 6-14-04)
144. **SIGN.** "Sign" means any visual communication display, object, device, graphic, structure or part, situated indoors or outdoors, or attached to, painted on or displayed from a building or structure, in order to direct or attract attention to, or to announce or promote, an object, person, service, product, event, location, organization or the like, by means of letters, words, designs, colors, symbols, fixtures, images or illuminations.
145. **SITE DBH.** "Site DBH" means the total combined diameter at breast height of all major trees existing on a site. (ORD 04-92 Passed 6-14-04)
146. **SORORITY.** "Sorority" means a building, associated with an institution of higher learning, containing sleeping rooms, bathrooms, common rooms, and a central kitchen and dining room maintained exclusively for sorority members and their guests or visitors.
147. **STORY.** "Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.
148. **STREET, PRIVATE.** "Private street" means a local private way or driveway that provides vehicular access to more than one residential structure that is not and will not be dedicated to public use, but which is owned and maintained by an association, person, corporation or similar private entity.
149. **STREET, PUBLIC.** "Public street" means an avenue, highway, road, thoroughfare, boulevard, parkway or other way proposed for vehicular traffic, and any existing State, County, or City street or way shown upon a plat heretofore duly approved, filed and recorded in the office of the County Recorder that has been dedicated or deeded to the public for public use and which affords principal access to abutting property. Included is the land between the street right-of-way lines, whether improved or unimproved, and may comprise pavement, shoulder, gutters, sidewalks, division strips or other areas within the street lines.
    a). **ALLEY.** "Alley" means a means a minor street used primarily for vehicular service access to the back or side of properties abutting on another street. For the purposes of frontage calculation, alleys shall not be considered a public street.
    b). **ARTERIAL.** "Arterial" means a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
    c). **COLLECTOR.** "Collector" means a street that primarily carries traffic from local streets to other collector streets or to arterial streets.
    d). **CUL-DE-SAC.** "Cul-de-sac" means a local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
    e). **DEAD-END.** "Dead-end" means a street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.
    f). **FREEWAY.** "Freeway" means a divided high-volume traffic way for through traffic and for the connection of the major districts of the City and having limited access and grade-separated intersections.

g). **INTERIOR.** "Interior Street" means a street wholly within the boundaries of a development.

h). **LOCAL.** "Local Street" means a street that carries traffic to collector, arterial streets, or other local streets.

i). **SERVICE, MARGINAL, OR FRONTAGE STREET.** "Service, marginal, or frontage street" means a local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets.

150. **STREET RIGHT-OF-WAY.** "Street right-of-way" means a strip of land taken, dedicated, or otherwise recorded as an irrevocable right-of-passage for use as a public way. In addition to the roadway, it normally incorporates the curbs, tree lawn strips, sidewalks, water lines, sewer lines, lighting, and drainage facilities.

151. **STRUCTURE.** "Structure" means anything constructed or erected, with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, and billboards. For the purposes of this Zoning Code, fences and architectural features are separately regulated and are not considered structures.

152. **SUBDIVISION.** "Subdivision" means the division of a lot, tract or parcel into two or more lots, tracts or parcels or other divisions of land.

153. **SUBSTANTIAL ALTERATION.** "Substantial Alteration" means an alteration or expansion of existing development is substantial when such alteration or expansion involves or exceeds twenty-five percent (25%) of the total floor area of the existing building, structure, or vehicular use area. (ORD 04-92 Passed 6-14-04)

154. **THOROUGHFARE.** See "street".

155. **TOPLESS.** The showing of a female breast with less than a full opaque covering of any portion thereof below the top of the nipple.

156. **TRAILER.** "Trailer" means a structure on wheels, towed or hauled by another vehicle and used for short-term human occupancy, carrying materials, goods or objects, or as a temporary office.

157. **TREE BANK.** "Tree Bank" means a public site designated by the Director of Grounds and Facilities where a property owner or developer shall donate and plant required replacement trees when it is not feasible to plant the required trees on their project site. (ORD 02-55 PASSED MAY 13, 2002) (ORD 04-92 Passed 6-14-04)

158. **TREE BANK FUND.** "Tree Bank Fund" means an account maintained by the City of Delaware that receives cash payments in lieu of planting required replacement trees. Such funds shall be used for reforestation on public property. (ORD 04-92 Passed 6-14-04)

159. **TRUCK TERMINAL/DISTRIBUTION FACILITY.** "Distribution facility" or "truck terminal" means a facility where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.

160. **UPLIGHTING.** "Uplighting" means any light source that distributes illumination above a 90-degree horizontal plane (see illustration below). (ORD 04-92 Passed 6-14-04)

Uplighting

- Uplighting wastes energy into the sky.
- Uplighting causes glare, light trespass, and harsh illumination.
- Uplighting is sometimes ineffective.

161. USE, ACCESSORY. "Accessory use" (or "structure") means a use, object or structure constructed or installed on the same lot as, and of a nature subordinate and customarily incidental to the principal (primary) use, object or structure of a lot.
162. USE, PERMITTED, CONDITIONAL. "Conditional use" means a use, other than a principal use permitted by right, which may be permitted within a district, if specified conditions are met as set forth in Chapter 1148 and which requires a conditional use permit.
163. USE, PERMITTED. "Permitted use" means any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.
164. USE, PERMITTED BY RIGHT. "Use permitted by right" means a use approved administratively when it complies with the standards and requirements set forth for the zoning district in which it is located.
165. USE, PRINCIPAL. "Principal use" means the use that is of primary importance or which is the predominant use on a parcel of land. USE, PERMITTED, TEMPORARY. "Temporary use" means a use that is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time and does not involve the construction or alteration of any permanent structure.
166. VARIANCE. "Variance" means a modification of the strict terms of the relevant regulations.
167. VETERINARY HOSPITAL. "Veterinary hospital" means a place where animals are given medical treatment and the boarding of animals occurs only as an incidental use.
168. WIRELESS TELECOMMUNICATION FACILITY. "Wireless telecommunications facility" means any cables, wires, lines, wave guides, antennae, towers and any other equipment or facilities associated with the transmission or reception of communications as authorized by the FCC. Such facilities are further defined in Chapter 1181.
169. YARD. "Yard" means an open space on the same lot with a principal use or building extending between a building or structure and the adjoining lot lines, unoccupied and unobstructed from the ground upwards, except as otherwise permitted by this Ordinance. (ORD 02-107 Passed August 26, 2002)

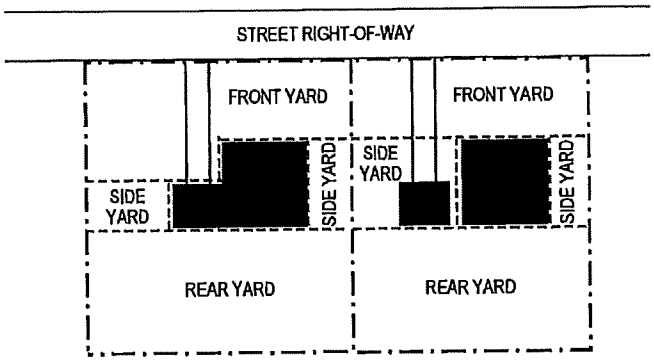


Figure 4 – Yards

Diagram of Side Yards for Corner Lots.

a). **YARD, FRONT.** "Front Yard" means a yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

b). **YARD, REAR.** "Rear yard" means a yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

c). **YARD, SIDE.** "Side yard" means a yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear side yards.

170. **YARD, REQUIRED.** "Required yard" means the space between a lot line and a setback line for a building, parking area or use that is the minimum area required to comply with the regulations of the district in which the lot is located, and within which no structures shall be located except as expressly permitted in this Ordinance.

171. **ZONING MAP.** "Zoning map" means an accurate map depicting the City of Delaware, Ohio, and indicating the boundaries of the zoning districts established by this Ordinance.

172. **ZONING ORDINANCE.** "Zoning Ordinance" or "Ordinance" means Ordinance 01-79, passed August 13, 2001 as amended, which comprises Titles Five through Nine of this Part Eleven - Planning and Zoning Code.

TERRA ALTA

Tree Replacement Requirements:

Total Number of Trees/Acre 1422 caliper inches

"Good Health" Trees/Acre = 612 caliper inches (Total replacement/inch)

"Fair Health" Trees/Acre = 119 caliper inches (Fifty Percent replacement/inch)

"Poor Health" or Ash Trees/Acre = 691 caliper inches (No replacement)

Total number of caliper inches to be replaced/acre = 672

Phase One

Single Family

(7.6 acres removed x 672 caliper inches) = 5,107 caliper inches removed

Phase Two

Single Family

(14.4 acres removed x 672 caliper inches) = 9,677 caliper inches removed

Condominiums

(6.8 acres removed x 672 caliper inches) = 4,570 caliper inches removed

Sub Total = 14,247 caliper inches removed

Phase Three

Single Family

(11.6 acres removed x 672 caliper inches) = 7,795 caliper inches removed

Condominiums

(9.9 acres removed x 672 caliper inches) = 6,653 caliper inches removed

Sub Total = 14,448 caliper inches removed

Phase Four

Single Family

(2.2 acres removed x 672 caliper inches) = 1,478 caliper inches removed

Phase Five

Single Family

(16.6 acres removed x 672 caliper inches) =11,155 caliper inches removed

Phase Six

Single Family

(3.9 acres removed x 672 caliper inches) = 2,621 caliper inches removed

Total = 49,056 caliper inches removed

Saved Tree Credits:

The spread sheet as shown on the development plan represents eight random samplings for the tree survey. These calculations have categorized those samplings by size of tree and have been divided by eight to get the number of caliper inches of credit per acre.

"Good Health"

6-11 inch trees = one caliper inch of credit for one caliper inch saved
2,373 inches/ eight x one credit = 296.6 caliper inches/acre

12-17 inch trees = two caliper inches of credit for one caliper inch saved
896 inches/eight x two credits = 224 caliper inches/acre

18-23 inch trees = three caliper inches of credit for one caliper inch saved
322 inches/eight x three credits = 120.7 caliper inches/acre

24+ inch trees = four caliper inches of credit for one caliper inch saved
123 inches/eight x four credits = 61.5 caliper inches/acre

Sub Total = 702.8 caliper inches/acre

"Fair Health"

6-11 inch trees = one half caliper inch of credit for one caliper inch saved
1132 inches/ eight x one half credit = 70.7 caliper inches/acre

12-17 inch trees = one caliper inch of credit for one caliper inch saved
520 inches/eight x one credit = 65 caliper inches/acre

18-23 inch trees = one and half caliper inches of credit for one caliper inch saved
171 inches/eight x one and half credits = 32 caliper inches/acre

24+ inch trees = two caliper inches of credit for one caliper inch saved
270 inches/eight x two credits = 67.5 caliper inches/acre

Sub Total = 235.2 caliper inches/acre

Total number of caliper inches of tree credit per acre = 938

Phase One

Single Family

(6.7 acres saved x 938 caliper inches/acre) = 6,284 caliper inches saved

Phase Two

Single Family

(12.8 acres saved x 938 caliper inches) = 12,006 caliper inches saved

Condominiums

(4.8 acres saved x 938 caliper inches) = 4,502 caliper inches saved

Sub Total = 16,508 caliper inches saved

Phase Three

Single Family

(12.1 acres saved x 938 caliper inches) = 11,349 caliper inches saved

Condominiums

(2.2 acres saved x 938 caliper inches) = 2,063 caliper inches saved

Sub Total = 13,412 caliper inches saved

Phase Four

Single Family

(8.8 acres saved x 938 caliper inches) = 8,254 caliper inches saved

Phase Five

Single Family

(5.9 acres saved x 938 caliper inches) =5,534 caliper inches saved

Phase Six

Single Family

(21.8 acres saved x 938 caliper inches) = 20,448 caliper inches saved

Total = 70,440 caliper inches saved

The developer has also agreed to install two trees per single family home, 316 homes, with a minimum two inch caliper for a total of 1,264 caliper inches and two trees per condominium unit, 167 units, with a minimum of two inch caliper for a total of 668 caliper inches.

The total number of inches saved and installed per the Terra Alta Tree Replacement Policy is 72,372 caliper inches with 49,056 caliper inches removed for a net gain of 23,316 caliper inches.

STOCKDALE FARMS
PLANNED MIXED USE DEVELOPMENT TEXT
DELAWARE, OHIO

1. DESCRIPTION OF DEVELOPMENT & RELATIONSHIP TO THE CITY OF DELAWARE COMPREHENSIVE PLAN

The Applicant is proposing a mixed residential development, known as Stockdales Farm, consisting of detached single-family homes and attached/detached single-family cluster homes. As such, the Applicant is seeking an amendment to the City of Delaware Zoning Code to permit the Property to be zoned and developed as a Planned Mixed Use (PMU) Overlay District within the existing R-2 with a RRD overlay zoning district. The Applicant believes that such amendment will provide for the highest and best use of the Property, thereby permitting quality housing stock to be constructed within the City of Delaware. Additionally, as further discussed below, the Applicant believes that such amendment is in accordance with the City of Delaware Comprehensive Plan.

The purpose of this Development Text is to set forth all supplemental information required by the Zoning Code and set forth in textual form certain development standards that will apply to the Property. Accompanying this Development Text is a Preliminary Development Plan. All terms and conditions of the Preliminary Development Plan are incorporated in this Development Text by this reference.

The Property consists of approximately 158.3 acres located east of Pollock Road and north of Braumiller Road, being located in the Highlands Subarea of the City's Land Use Element incorporated in the Comprehensive Plan. The Property has been designated for development as residential housing in the City's Future Land Use Map and has been earmarked as one of the City's Priority Growth Areas (PGAs) for development over the next five years. The PGAs establish the City's geographic preference for development and drive the City's infrastructure investment program. See, GM19 and GM19.3 of the Growth Management Element of the City's Comprehensive Plan. The proposed amendment is in keeping with the goals and policies established by the Comprehensive Plan for the following reasons:

a. The Property will be developed as residential housing as contemplated by the Land Use Element incorporated in the Comprehensive Plan.

b. The use of the Planned Mixed Use (PMU) Overlay District is consistent with the City's Objectives and Strategies in maintaining a reasonable land use balance to reflect the vision of the Comprehensive Plan. As stated in LU6.7 of the Land Use Element, planned district zoning "should be used as a flexible tool to meet the City's gross density requirements while providing a creative development plan with a mix of units, densities, and housing values within individual developments."

c. The Comprehensive Plan anticipates supporting residential development in the Highlands Subarea and encourages mixing densities and unit types, as well as small open spaces to

create interest and a sense of place within neighborhoods. See, LU22.2 of the Land Use Element.

d. Being designated as a PGA, development of the Property is consistent with the City's Capital Improvement Plan as required by the Comprehensive Plan's Growth Management Element(GM 20) and is located in the South Central trunk sewer that would serve this property.

e. Residential development in the Highlands Subarea will be served by the South Central Delaware Sanitary Trunk. See, LU22.1 of the Land Use Element.

f. The policies set forth in the Comprehensive Plan concerning expansion to the City's waste water treatment system and storm water management system will be implemented in connection with development of the Property.

g. The policies set forth in the Comprehensive Plan concerning parks and recreational facilities for Delaware residents will be implemented with development of the Property.

In summary, by the amendment to the Zoning Ordinance in connection with the development of the Property as a Planned Mixed Use (PMU) development, the goals and objectives of the Comprehensive Plan will be met. This development will provide the City of Delaware an opportunity to obtain quality housing stock in one of the City's Priority Growth Areas and will preserve in a park like setting approximately 30 acres within the subdivision as open space.

2. GENERAL DEVELOPMENT STANDARDS

a. **Purpose and Intent.** It is the intent of this development to provide a mixed residential use development with compatible and common architectural design, streetscape, signage, lighting, and pedestrian amenities throughout the entire development. Architectural and site design that is not consistent with this purpose and intent will not be accepted. This Development Text represents the zoning requirements for this area unless otherwise noted.

b. **Conformance with Codified Ordinances and City Policy.** Unless noted otherwise within this Development Text or the Preliminary Development Plan, all development will be constructed and provided in conformance with the then current Codified Ordinances and City Policy in effect at the time of application.

c. **Limitations.** Nothing in this Development Text shall prohibit additional restrictions or requirements from being placed on the approval of any Final Development Plan consistent with this Development Text or the Preliminary Development Plan.

d. **Major Modifications.** Once a Final Development Plan has been approved by City Council, any subsequent major modification to that plan shall only be permitted by resubmission and approval of a revised Final Development Plan through the procedures set forth in the Zoning Code. Major modification for the purposes of this Development

Text shall mean any modification of the approved Final Development Plan, as determined by the Director of Planning & Community Development, that results in:

(1) Any major increase in the number of or change in the type and/or mix of dwelling units or any major increase in the non-residential building area.
(2) Major change in the approved location of land uses or land use sub-areas.
(3) Substantial alteration of the basic geometry, including right-of-way width, and/or operation characteristics of any element of the approved public and private street pattern, access points, parking facilities, service access, trash storage facilities, and system of pedestrian paths that results in a change in operating characteristics or character.

e. **Minor Modifications.** Once a Final Development Plan has been approved by City Council, any subsequent minor modification to that plan shall only be permitted by resubmission and approval by the Director of Planning and Community Development of a revised Final Development Plan. Minor modification for the purposes of this Development Text shall mean any modification of the approved Final Development Plan, as determined by the Director of Planning & Community Development, that results in:

(1) Any modification that is not considered a major modification by this Zoning Text or by determination of the Director of Planning & Community Development.
(2) Any minor increase in the number of or change in the type and/or mix of dwelling units less than 5% in the total number of dwelling units.
(3) Minor change in the approved location of land uses or land use sub-areas.
(4) Minor alteration of the basic geometry, including right-of-way width, and/or operation characteristics of any element of the approved public and private street pattern, access points, parking facilities, service access, trash storage facilities, and system of pedestrian paths that results in a change in operating characteristics or character.
(5) Minor structural alterations that do not alter the overall design intent of the buildings.

f. **Tree Removal and Replacement.** The Stockdale Farm Subdivision site is a unique development opportunity for the City of Delaware and the Developer. While the site is heavily treed in certain areas, the Developer working in concert with the City desires to create a high quality subdivision taking advantage of the topography of the site while saving as many trees as possible. At the preliminary development plan stage, for planning purposes only, the Developer for purposes of tree removal has assumed selected cutting of the single family and cluster housing parcels. Every effort will be made to save as many trees as possible on the single family and cluster housing parcels, especially on the perimeter of the single family and cluster housing parcels. It is assumed that at the time of development, certain tree parcels, reserves and preservation easements will be created. It should also be noted that in connection with single family lot development, every effort has been extended to create tree buffers along boundaries and in backyards. Consequently, the Developer respectfully requests that the City adopt the following Tree Replacement Plan which shall be specific to the Stockdale Farms development and is reflective of the diverse and unique site elements which are present at this particular site. Thus, the Tree Replacement Plan enumerated herein creates an innovative and unique

approach to the issue of saving trees on this particular site. Instead of focusing on the economics and environmental issues of trees lost to development, this Tree Replacement Plan focuses on efforts to save trees (particularly large, mature trees), providing an incentive to save large, mature trees, compensating for trees lost, and, ultimately, creating a higher quality development for the City of Delaware than would be expected under a standard subdivision.

The following Tree Replacement Plan shall be the controlling regulation for the Terra Alta development:

(1) *Tree Survey.* An estimate of the total number, type, size, and health of trees to be preserved and replaced has been provided according to a set of representative tree survey sites as determined and verified by the City of Delaware and as authorized by the current Zoning Code. Attached within the Preliminary Development Plan exhibits is an estimate of overall tree impact based on the Tree Replacement Plan.

(2) *Calculation of Replacement Trees.* Only trees six (6) caliper inches and greater that are removed in the development of the Subdivision and construction of housing units shall be replaced according to the following schedule:

A. Trees considered in good health as determined by a Certified Arborist or Landscape architect and verified by the City of Delaware shall be replaced on a 100% replacement schedule meaning every good tree removed shall be replaced with tree(s) that have a total caliper equal to or greater than the total caliper of the tree removed.
B. Trees considered in fair health as determined by a Certified Arborist or Landscape architect and verified by the City of Delaware shall be replaced on a 50% replacement schedule meaning every fair tree removed shall be replaced with tree(s) that have a total caliper equal to or greater than 50% of the total caliper of the tree removed.
C. Trees considered in poor health or ash trees as determined by a Certified Arborist or Landscape architect and verified by the City of Delaware shall be exempt from replacement. However, to the maximum extent allowed by local, state, and federal regulations, poor trees and ash trees located in areas that are not required for development shall be left undisturbed on-site provided such trees are not considered hazardous to life or property as determined by the City of Delaware.

(3) *Tree Preservation.* The Developer will include a significant amount of tree preservation areas, distributed throughout the Subdivision, which shall be recorded on each individual final subdivision plat as applicable and will be permanently recorded with such. The Preliminary Development Plan notes the tree preservation areas preliminarily contemplated, but which could change with the detailed investigation that occurs with final submission. The City will consider reasonable proposed changes at the time of final submission.

(4) *Tree Replacement Fee.*

A. Single-Family Unit. A $500 per single-family detached dwelling unit tree replacement fee shall be charged on each single-family detached dwelling unit at the time of building permit application. This fee is to be paid per the usual and customary procedures of the City, which currently requires payment of all required building and zoning permit fees prior to issuance of the permit but not at the time of application. Assuming approval of 245 such housing units x $500 = $122,500 paid to the City specifically for its Tree Fund.

B. Cluster Home Units. A $200 per cluster dwelling unit tree replacement fee shall be charged on each cluster dwelling unit at the time of building permit application. This fee is to be paid per the usual and customary procedures of the City, which currently requires payment of all required building and zoning permit fees prior to issuance of the permit but not at the time of application. Assuming approval of 78 such cluster units x $200 = $15,600 paid to the City specifically for its Tree Fund.

(5) *Required Trees Not Considered Replacement Trees.* Trees that are required by the current Zoning Code, such as but not limited to street trees and front yard trees, shall not be considered Replacement Trees.

(6) *Replacement Tree Criteria.* To receive credit as a Replacement Tree, a tree shall be required to have a minimum caliper of two (2) inches. Evergreen (pine for example) trees shall be calculated as two (2) feet in height equals one (1) inch in caliper with a minimum required height of six (6) feet. For example, a pine tree six (6) feet in height would net three (3) caliper inches of replacement tree credit. Trees meeting this criterion are referred to herein as "Replacement Trees."

(7) *Credit for Tree Preservation.* In recognition of the Developer's efforts to save trees in the design, layout and development of the subdivision through the provisions of this Tree Replacement Plan, the Developer shall receive credit against the replacement required by Section 2 of this Tree Replacement Plan for all single family home tree replacement pursuant to Section 7, all condominium tree replacement pursuant to Section 8, and in accordance with the following schedule for permanently preserved trees:

A. <u>Good Tree Credit Schedule</u>

(1) Trees six (6) caliper inches but less than twelve (12) caliper inches saved shall receive one (1) caliper inch credit for each caliper inch saved.

(2) Trees twelve (12) caliper inches but less than eighteen (18) caliper inches saved shall receive two (2) caliper inches credit for each caliper inch saved.

(3) Trees eighteen (18) caliper inches but less than twenty-four (24) caliper inches saved shall receive three (3) caliper inches credit for each caliper inch saved.

(4) Trees greater than (24) caliper inches saved shall receive four (4) caliper inches for each caliper inch saved.

B. Fair Tree Credit Schedule

(1) Trees six (6) caliper inches but less than twelve (12) caliper inches saved shall receive one-half (1/2) caliper inch credit for each caliper inch saved.

(2) Trees twelve (12) caliper inches but less than eighteen (18) caliper inches saved shall receive one (1) caliper inch credit for each caliper inch saved.

(3) Trees eighteen (18) caliper inches but less than twenty-four (24) caliper inches saved shall receive one and one-half (1-1/2) caliper inches credit for each caliper inch saved.

(4) Trees greater than (24) caliper inches saved shall receive two (2) caliper inches for each caliper inch saved.

(10) *Credit for Removal of Ash Trees.* The removal of ash trees from the site that would not otherwise be removed as a result of development (i.e., ash trees removed from reserves and preservation easements) shall be given a credit of one (1) caliper inch for every $100 cost of ash tree removal as submitted by the developer and as certified by the City.

(11) *Replacement Completion.* Fulfillment of this Tree Replacement Plan as written and in total shall result in no additional fees-in-lieu-of or other replacement being required.

(12) *Expiration.* These tree replacement requirements shall expire upon the completion of the Stockdale Farms Subdivision development. The completion of development shall be considered the acceptance of final public improvements and expiration of any required maintenance period for Stockdale Farms as it relates to the tree replacement aspects of this Tree Replacement Plan, however, the provisions of Sections 4, 5, 6, 7 and 8 shall continue in full force and effect with respect to each dwelling unit until such time as each dwelling unit in the Stockdale Farms Subdivision receives a Final Certificate of Occupancy. After the completion of development or receipt of a Final Certificate of Occupancy, as applicable, the tree preservation and replacement requirements of the then current Zoning Code shall apply.

g. **Master Association.** A master homeowners association will be created for the entire development. The master homeowners association shall be responsible for maintenance and upkeep of all Reserves, entrance features and common open space located on the Property. Any declaration shall be reviewed and approved by the City prior to the recording of the declaration. By majority vote of the property owners, the association shall be transferred to the homeowners when 75% of the units have received a certificate of occupancy, unless the Developer establishes to the satisfaction of the City Director of Planning and Community Development that less than 75% of the units have been sold to third party buyers, in which event such transfer shall be deferred at the election of the Developer until such time as 75% of the units have been sold to third party buyers.

h. **Common Open Space.** The common open space for the development of the Property shall contain approximately 30 acres. All open space will be owned and maintained by the Homeowners Association for the Development subject to all necessary easements and agreements in connection with the overall development of the Property. The identified areas shall satisfy all common open space requirements. All common open space shall be improved, if improvements are necessary or required, concurrent with the public improvements with the respective phase in which the improvement is located.

i. **Parkland.** The Parkland grant required by the Zoning Code shall be satisfied by the dedication of approximately 17.45 acres of land located primarily in the middle of the subdivision. The City may subsequently grant any covenants, easements, or restrictions to a third party for the purposes of holding the same. Applicant shall grant to the City an easement for a bikepath along the north side of Braumiller Road and along the existing stream bed but maintained by the Homeowners Association, as depicted on the Preliminary Development Plan and as designed and constructed by the Applicant. The parkland and bike paths shall be open to the public with signage identifying such. Prior to or concurrent with the submittal of the Preliminary Subdivision Plat, the Applicant shall submit for review and approval a Parkland and Open Space Improvement Plan. All public parkland shall be improved, if improvements are necessary or required, concurrent with the public improvements with the respective phase in which the improvement is located.

j. **Utilities to be Located Underground.** All new utilities serving the Property shall be located underground except for the existing electric transmission line. Additionally, and if determined to be economically feasible, any existing utilities that will serve the Property that are located above ground, including those along either side of Pollock Road or the north side of Braumiller Road adjacent to the site, shall be relocated underground. The Applicant and the City shall work together to ensure that any technical and financial information provided by the respective utility company is fair and reasonable.

k. **Composite Utility Plan Required.** Prior to the installation of any non-City owned utility, a composite utility plan shall be submitted for review and approval by the City. Such plan shall depict the location and type of all non-City owned utilities including the location and type of any above ground pedestal, transformer, meter, cabinet, and other such above ground structures that support the respective utility. Any above ground structure shall be inconspicuously located, dark green in color, and if located in any front yard shall be screened with landscaping as approved by the City.

l. **Removal of Existing Farm Fencing.** Unless demonstrated to the City that such fencing is not in the ownership of the Applicant, all existing farm fencing and barbed wire fencing shall be removed from the site at minimum on a lot by lot basis.

m. **Construction Trailers.** Construction trailers shall meet all requirements of the current Zoning Code and shall be removed once construction activity has moved to another phase of the development. For example, once the public improvements have been accepted in

Phase 2 any construction trailer located in Phase 1 shall be relocated to Phase 2 provided the respective builder is or will be constructing lots in the subsequent phase.

n. **Sidewalks and Multi-Use Paths.** Multi-use paths will be constructed and accepted concurrently with the public improvements in which the multi-use path is located. Sidewalks will be constructed concurrently with the construction of each lot. However, once ninety (90) percent of the lots in a respective phase have obtained a certificate of occupancy, any sidewalk not yet installed in the respective phase shall be installed within six (6) months from the date of issuance of the certificate of occupancy establishing the ninety (90) percent lot completion. Sidewalks within the cluster development shall be installed prior to the issuance of the first certificate of occupancy for the cluster development. Sidewalks and multi-use paths located within a cluster development shall be installed with each respective phase of the cluster development as shown on the approved Final Development Plan.

3. SUB-AREAS

The Development is separated into two main sub-areas to represent the distinct areas of development. Sub-Area A is to be developed with detached single-family dwellings on subdivided lots. Sub-Area B is to be developed with a mix of attached and/or detached cluster dwelling units.

4. SUB-AREA A – SUBDIVIDED SINGLE-FAMILY STANDARDS

a. **Uses.** The following uses shall be considered permitted or conditionally permitted in Sub-Area A as represented in the chart below by P or C, respectively, and as defined by attached Chapter 1121 of the Zoning Code. Any use not listed in the chart shall be considered a prohibited use unless amended by action of the Planning Commission and City Council through a Zoning Amendment process.

(1) **Permitted Uses.** Permitted uses are permitted by-right and shall meet all development standards specified within this Development Text and the Zoning Code, as applicable.

(2) **Conditionally Permitted Uses.** In addition to all standards specified within this Development Text, uses listed as conditionally permitted uses shall meet all the then current Zoning Code standards for approval of a Conditional Use Permit current at the time of application for the specific conditional use as well as any other regulations contained within the Zoning Code and applicable to the conditional use.

(3) **Accessory Uses and Structures.** Although not specified in the chart below, accessory uses, which are considered allowed uses, include those items that are customarily incidental and secondary to the principal use of the land. Such items include but are not limited to signs, fences, trash receptacles and enclosures, and off-street parking areas.

Land Use Category	Stockdale Farms Uses
(a) Residential	
(1) Detached single-family dwelling	P
(2) Minor home occupation	P
(b) Recreational/Open Space	
(1) Park, playground	P
(2) Non-commercial recreation facility (including homeowner association controlled facilities)	P

b. **Density & Mix of Dwelling Unit Type.** The overall Sub-Area A density and mix of dwelling unit types shall not exceed that approved on the Preliminary Development Plan.

c. **Lot Standards.** The minimum lot sizes and frontages shall be that depicted on the Preliminary Subdivision Plat.

d. **Building Setback Standards.** The following standards shall apply for minimum principal building setbacks (including accessory structures attached to the principal structure) based on the type of dwelling unit.

Minimum Building Setbacks*	Stockdale Farms
(a) Setback from Pollock Road and Braumiller Road, including non-reserve lots backing to lots fronting Braumiller Road	100 ft Pollack Road /90 ft Braumiller Road.
(b) Setback from all other public rights-of-way	30 ft.
(c) Side setback for lots having a front lot dimension at the building line of 80 feet or more	10 ft. (per side)
(d) Side setback for lots having a front lot dimension at the building line of less than 80 feet	20% of the front lot dimension at the building line shall be the total side yard setback on both sides, with a minimum setback of 7 ft. (per side)
(e) Rear setback	40 ft.

*Side and rear yard setbacks shall not apply to minor architectural projections such as eaves, chimneys and bay windows.

e. **Floor Area Requirements.** Each dwelling unit shall provide for the following minimum floor area, exclusive of basements (unless walk-out units), unfinished attic spaces, garages, and any attached or detached accessory buildings.

1)

A. One story ranch – 1,800 sq. ft. – plus 200 sq per bedroom in excess of 2 bedrooms per base code.
B. Two story – 2,000 sq. ft. – plus 200 sq per bedroom in excess of 2 bedrooms per base code.

f. **Maximum Building Height.** The maximum height of any principal building or structure shall be 35 feet as measured from the average elevation of the finished grade at the front of the building to the highest point of the roof.

g. **Building Design.** Unless otherwise modified within this Development Text, all dwellings shall meet the building design requirements of Chapter 1171, R-2 District standards for detached single-family dwellings.

(1) To create a cohesive and unified design throughout the entire development yet provide a diversity of housing types each building shall be consistent in overall design, color, material, and architectural pattern and include a similar and/or repeating pattern of design elements such as architectural styles, roof and building massing, window proportion, or other elements as determined through the Final Development Plan review process.

(2) Representative home elevations (all sides) shall be reviewed and approved by the Planning Commission as part of the Final Development Plan. Minor variations thereafter shall be potentially administratively approvable as written in this Development Text.

(3) Exterior Material and Trim Standards.

A. At least 50% of the front elevation of all homes constructed on the Property will consist of brick, stone, cultured stone, wood siding, SmartSide, fibrous cement siding, or other approved material, excluding foundations, garage doors, entry doors, roofs, gutters, downspouts and windows.
B. All vinyl siding products used on homes constructed on the Property shall be architectural grade, Vinyl Siding – Higher End, as defined in Chapter 1171.08 (c) (19) on all elevations.
C. Trim board around all corners, windows, and doors shall be a minimum of 4 inches all around.
D. Standing seam metal roofs are encouraged on select architectural elements of front elevations, such as porches or front entrance features.
E. EIFS or similar products are prohibited as an exterior material.
F. Frieze trim a minimum of 4 inches wide is required under all overhangs and gables.
G. All home elevations shall be reviewed and approved by the Director of Planning & Community Development to establish compliance with the Building Design requirements of this Development Text.
H. All homes will have, at a minimum, dimensional shingles.

(4) Design Standards

A. Materials on each home shall be varied to provide variety throughout the community.
B. All front elevations shall include a variety of styles, colors, and/or materials types of materials including as an example, but not limited to, vinyl shake siding.
C. All homes will have not less than a 2 car attached garage.
D. The principal roof structure on all homes will have a roof pitch of not less than 6/12.
E. Minimum 8 inch overhangs and rakes.
F. Lintels and sills in masonry walls shall be brick soldier course, limestone, or sandstone, along with other manufactured stone products.
G. Although porch railing and column details are encouraged to vary from home to home, porch columns shall have a minimum 6 x 6 inch cross section or diameter.
H. Treated lumber shall be painted or stained, except when used on outdoor decks.
I. Where wood burning fireplaces are utilized the exposed chimney shall be faced with brick or stone at a minimum. All direct vent fireplaces shall be located in a side or rear yard and screened from view when visible from a public street.
J. All homes shall provide an identifiable entry with entry coverings and stoops being a minimum of 3 feet deep or the minimum necessary for building code regulations, which ever is greater. Any porch shall be a minimum depth of 6 feet.
K. Front elevations shall be designed to de-emphasize the visual impact of the garage. All garage doors facing a public street shall be architecturally upgraded to include design elements consistent with the design of the home and development including matching the door color to the predominant color of the main structure, incorporate a glass course, add trim packages to give the appearance of stable doors, man doors, hinged swing doors, and other similar architectural elements. .
L. Side elevations shall include multiple windows and design elements that provide visual interest as well as allow light into the unit.
M. Rear elevations facing a public right-of-way shall have a minimum of two windows.

h. **Accessory Structures.** Fences (other than decorative fencing along front entrance paths and front porches) are prohibited in any front yard and must meet the standard fence specifications as provided with the Final Development Plan. Privacy fences are prohibited except around spas and hot tubs.. Attached decks may extend up to five (5) feet into a required rear setback provided the encroachment does not adversely impact any easement. All other accessory structures shall meet the requirements of the current Zoning Code.

i. **Landscaping and Screening.** All landscaping shall meet the requirements of the then current Zoning Code and the Gateways & Corridors Plan unless modified herein.

(1) All street tree plantings shall meet the requirements and approval process of the Zoning Code unless modified in this Development Text.
(2) Street trees shall be a minimum of 1.75 caliper inches as measured at breast height at the time of installation or per City Arborist.

(3) Along the Braumiller Road, an earth mound, no less than 3 feet and not more than 6 feet in height as measured from the proposed finish grade elevations of the adjacent dwelling with a mix of deciduous and coniferous plantings providing, at the time of installation, a minimum 60% year round opacity at a combined mound and landscaping height of no less than 10 feet at planting shall be provided. Such mounding shall not interfere with any required sight distance.
(4) A typical landscaping plan for each unit type shall be submitted and approved with the Final Development Plan. This typical landscaping shall set forth the minimum amount of required landscaping for each unit type at the time of building of each structure prior to the issuance of a Certificate of Occupancy. Landscaping species may be varied on a permit by permit basis.
(5) Ground mounted equipment shall be screened from view using plant materials providing 100% year round opacity. Air conditioning units shall be located in manner that minimizes the view from the public right-of-way.
(6) For the purposes of aesthetics and aquatic health, all ponds shall have a fountain/aerator .

j. **Pedestrian Connectivity.** Pedestrian connectivity shall be provided throughout the Sub-Area with stub connections to other sub-areas and future development. Concrete sidewalks shall be provided on both sides of all public streets and multi-use paths of appropriate width and material shall be provided as shown on the approved Final Development Plan per engineering requirements.

k. **Open Spaces.** Open spaces shall be landscaped and designed in a manner consistent with the overall development. Landscaping and design plans for all open spaces shall be submitted and approved with the Final Development Plan and include, at a minimum, the following:

(1) Sidewalks or multi-use paths shall be provided throughout the open space to link the amenities of the open space to the adjacent public sidewalk or pathway network and provide active recreation throughout as approved on the Preliminary Development Plan.
(2) Crosswalks leading to open spaces shall be provided and as acceptable by the City Engineer.
(3) Amenities such as benches, gazebos, or other such features are encouraged in the open spaces as depicted on the Preliminary Development Plan.
(4) All open spaces shall be constructed with the public infrastructure with the respective phase in which the open space is located. Landscaping shall be installed at the first time of year in which it is appropriate to install such plant material provided the acceptance of public improvements occurs during an inappropriate time for planting and the incomplete landscaping is bonded with the City.

l. **Entry Features and Signs.** With the Final Development Plan, a comprehensive entry feature and signage plan shall be submitted. All signs shall be designed and located in a manner that is appropriate and consistent with the overall design of the Sub-Area. Internally illuminated signs are prohibited, but externally illuminated and backlighting of lettering is permitted.

5. SUB-AREA B– SINGLE-FAMILY CLUSTER HOUSING STANDARDS

a. The maximum number of cluster homes shall be 78 units located in Phase V of the Preliminary Development Plan.

b. **Uses.** The following uses shall be considered permitted or conditionally permitted in Sub-Areas B as represented in the chart below by P or C, respectively, and as defined by Chapter 1121 of the Zoning and per the Preliminary Development Plan. Any use not listed in the chart shall be considered a prohibited use unless amended by action of the Planning Commission and City Council through a Zoning Amendment process.

(1) **Permitted Uses.** Permitted uses are permitted by-right and shall meet all development standards specified within this Development Text and the Zoning Code, as applicable.

(2) **Conditionally Permitted Uses.** In addition to all standards specified within this Development Text, uses listed as conditionally permitted uses shall meet all the then current Zoning Code standards for approval of a Conditional Use Permit current at the time of application for the specific conditional use as well as any other regulations contained within the Zoning Code and applicable to the conditional use.

(3) **Accessory Uses and Structures.** Although not specified in the chart below, accessory uses, which are considered allowed uses, include those items that are customarily incidental and secondary to the principal use of the land. Such items include but are not limited to signs, fences, trash receptacles and enclosures, and off-street parking areas.

Land Use Category	**Stockdale Farms Uses**
(c) Residential	
(1) Detached single-family dwelling in a cluster setting	P
(2) Attached single-family dwelling in a cluster setting	P
(3) Minor home occupation	P
(d) Recreational/Open Space	
(1) Park, playground	P
(2) Non-commercial recreation facility (including homeowner association controlled facilities)	P

b. **Density & Mix of Dwelling Unit Type.** The overall Sub-Area B densities and mixes of dwelling unit types shall not exceed that approved on the Preliminary Development Plan.

c. **Lot Standards.** The minimum lot sizes and frontages shall be that depicted on the Preliminary Subdivision Plat.

d. **Building Setback Standards.** The following standards shall apply for minimum principal building setbacks (including accessory structures attached to the principal structure) based on the type of dwelling unit.

Minimum Building Setbacks*	**Stockdale Farms**
(a) Setback from public rights-of-way (excluding interior streets)	30 ft.
(b) Setback from interior streets and private streets edge of pavement or back of curb (whichever is greater)	20 ft.
(c) Setback from parkland and reserves	10 ft.
(d) Building separation end wall to end wall (side of building to side of building)	10 ft.
(e) Building separation from any main wall (front or rear of building)	20 ft.
(f) Perimeter site setback	30 ft.

*Side and rear yard setbacks shall not apply to minor architectural projections such as eaves, chimneys and bay windows.

e. **Floor Area Requirements.** Each dwelling unit shall provide for the following minimum floor area, exclusive of basements unless (walk-out units), unfinished attic spaces, garages, and any attached or detached accessory buildings.

(1) Minimum floor area t

A. One bedroom – 1,200 sq. ft.
B. Two or more bedroom unit – 1,400 sq. ft. plus an additional 200 sq. ft. for each bedroom in excess of two.

f. **Maximum Building Height.** The maximum height of any principal building or structure shall be 35 feet as measured from the average elevation of the finished grade at the front of the building to the highest point of the roof.

g. **Building Design.** Unless otherwise modified within this Development Text, all dwellings shall meet the building design requirements of Chapter 1171, R-5 and R-6 District standards for detached single-family dwellings and R-5 and R-6 District multi-family standards for attached single-family dwellings.

(1) To create a cohesive and unified design throughout the entire development yet provide a diversity of housing types each building shall be consistent in overall

design, color, material, and architectural pattern and include a similar and/or repeating pattern of design elements such as architectural styles, roof and building massing, window proportion, or other elements as determined through the Final Development Plan review process.

(2) All home elevations (all sides) shall be reviewed and approved by the Planning Commission as part of the Final Development Plan. Minor variations thereafter shall be potentially administratively approvable as written in this Development Text.

(3) Exterior Material and Trim Standards.

A. At least 50% of the front elevation of all homes constructed on the Property will consist of brick, stone, cultured stone, wood siding, SmartSide, fibrous cement siding, or other approved material excluding foundations, garage doors, entry doors, roofs, gutters, downspouts and windows.
B. All vinyl siding products used on homes constructed on the Property shall be architectural grade, Vinyl Siding – Higher End, as defined in Chapter 1171.08 (c) (19) on all elevations.
C. Trim board around all corners, windows, and doors shall be a minimum of 4 inches all around.
D. Minimum 8 inch overhand and rakes.
E. Standing seam metal roofs are encouraged on select architectural elements of front elevations, such as porches or front entrance features.
F. EIFS or similar products are prohibited as an exterior material.
G. All exposed foundation walls shall be faced with brick, stone or stucco.
H. Frieze trim a minimum of 4 inches wide is required under all overhangs and gables.
I. All home elevations shall be reviewed and approved by the Director of Planning & Community Development to establish compliance with the Building Design requirements of this Development Text.
J. All homes will have, at a minimum, dimensional shingles.

(5) Design Standards

A. Exterior Materials on each building shall be varied to provide variety throughout the community.
B. All homes will have not less than a 1 car attached garage.
C. The principal roof structure on all homes will have a roof pitch of not less than 6/12.
D. Lintels and sills in masonry walls shall be brick soldier course, limestone, or sandstone, along with other manufactured stone products.
E. Although porch railing and column details are encouraged to vary from home to home, porch columns shall have a minimum 6 x 6 inch cross section or diameter.
F. Treated lumber shall be painted or stained, except when used on exterior decks.
G. Where wood burning fireplaces are utilized the exposed chimney shall be faced with brick or stone at a minimum. All direct vent fireplaces shall be located in a side or rear yard and screened from view when visible from a public street.

H. All homes shall provide an identifiable entry with entry coverings and stoops being a minimum of 3 feet deep or the minimum necessary for building code regulations, which ever is greater. Any porch shall be a minimum depth of 4 feet.

I. Front elevations shall be designed to de-emphasize the visual impact of the garage. All garage doors facing a public street shall be architecturally upgraded to include design elements consistent with the design of the home and development including matching the door color to the predominant color of the main structure, incorporate a glass course, add trim packages to give the appearance of stable doors, man doors, hinged swing doors, and other similar architectural elements. In the event garage doors facing a public street are not architecturally upgraded as provided in the preceding sentence, detached single-family garages facing a public street shall be setback a minimum of 2 feet from the primary wall of the home facing the public street and garages of front loaded attached single-family dwelling units shall not extend closer to the street than the primary wall facing the street.

J. Side elevations shall include multiple windows and design elements that provide visual interest as well as allow light into the unit.

K. Rear elevations facing a public right-of-way shall have a minimum of two windows.

h. **Accessory Structures.** Fences (other than decorative fencing along front entrance paths and front porches) are prohibited in any front yard. Privacy fences, except those immediately adjacent to a deck or patio and shown on an approved Final Development Plan, are prohibited. Attached decks may extend up to five (5) feet into a required rear setback provided that encroachment does not adversely impact any easement. All other accessory structures shall meet the requirements of the current Zoning Code.

i. **Landscaping and Screening.** All landscaping shall meet the requirements of the then current Zoning Code and the Gateways & Corridors Plan unless modified herein.

(1) All street tree plantings shall meet the requirements and approval process of the Zoning Code unless modified in this Development Text.

(2) A dense landscape buffer shall be provided along the eastern property line adjacent to the large lot single family residences and shall be submitted and approved with the Final Development Plan.

(3) Street trees shall be a minimum of 1.75 caliper inches as measured at breast height at the time of installation or per City Arborist.

(4) A typical landscaping plan for each condominium regime shall be submitted and approved with the Final Development Plan. This typical landscaping shall set forth the minimum amount of required landscaping for each unit at the time of building of each structure prior to the issuance of a Certificate of Occupancy. Landscaping species may be varied on a permit by permit basis.

(5) Ground mounted equipment shall be screened from view using plant materials providing 100% year round opacity. Air conditioning units shall be located in manner that minimizes the view from the public right-of-way.

(6) For the purposes of aesthetics and aquatic health, all ponds shall have a fountain.

j. **Pedestrian Connectivity.** Pedestrian connectivity shall be provided throughout the Sub-Area with stub connections to other sub-areas and future development. Concrete sidewalks in width, shall be provided on both sides of all public streets and as appropriate and necessary on private streets and multi-use paths of appropriate width and material shall be provided as shown on approved Final Development Plan per engineering requirements.

k. **Open Spaces.** Open spaces shall be landscaped and designed in a manner consistent with the overall development. Landscaping and design plans for all open spaces shall be submitted and approved with the Final Development Plan and include, at a minimum, the following:

(1) Sidewalks or multi-use paths shall be provided throughout the open space to link the amenities of the open space to the adjacent public sidewalk and provide active recreation throughout.
(2) Crosswalks leading to open spaces and public parkland shall be acceptable to the City Engineer.
(3) Amenities such as benches, gazebos, or other such features are encouraged in the open spaces.
(4) All open spaces shall be constructed with the public infrastructure with the respective phase in which the open space is located. Landscaping shall be installed at the first time of year in which it is appropriate to install such plant material provided the acceptance of public improvements occurs during an inappropriate time for planting and the incomplete landscaping is bonded with the City.
(5) For the purposes of aesthetics and aquatic health, all ponds shall have a fountain.

l. **Entry Features and Signs.** With the Final Development Plan, a comprehensive entry feature and signage plan shall be submitted. All signs shall be designed and located in a manner that is appropriate and consistent with the overall design of the sub-area. Internally illuminated signs are prohibited but signage with backlight lettering is permitted.

m. **Cluster Housing Association.** Sub-Area B all units and property developed within each shall be governed by a homeowners association as reviewed and approved by the City. By majority vote of the property owners, the association shall be transferred to the homeowners when 75% of the units have received a certificate of occupancy, unless the Developer establishes to the satisfaction of the Director of Planning and Community Development that less than 75% of the units have been sold to third party buyers, in which event such transfer shall be deferred at the election of the Developer until such time as 75% o the units have been sold to third party buyers.

n. **Private Street Width.** All private streets shall have a width (including gutters) of 28 feet unless parking is restricted to one side of street, in which event, such width is reduced to 24 feet or as approved on the final development plan per engineering requirements..

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EXHIBIT C

PROPOSED CURRENT DEVELOPMENT PROGRAM

A. Proposed New Community Development Program

(i) Site Description

The District is located in the City. As proposed, the District will encompass approximately 471.42 acres located in the Central Ohio metropolitan area, as depicted and more particularly described in Exhibits A-1 and A-2, respectively.

(ii) The New Community Development Program

The Developer's objective is to develop residential housing in the City of Delaware. The Developer's development philosophy is to produce real estate products of the high quality by devoting attention to planning, design and construction. The District will provide residents with high-quality development projects and uses and supporting amenities. In connection with the approval of this Petition, the Developer will file a Declaration of Covenants, Restrictions and Agreements for Terra Alta New Community Authoritywith the Delaware County Recorder"Declaration").

The current plan presents an arrangement of land uses meeting the applicable zoning regulations of the City (see Exhibit B).

B. Proposed Land Acquisition and Land Development Activities

The Developer owns all the approximately 471.42 acres of the land within the proposed District as described in Exhibits A-1 and A-2 to this Petition. The land assembled is completely contiguous and the developments and neighborhoods of the community will be unified by identifiable motifs, such as entry features, harmonious design guidelines, and hiking and bike trails, and amenities.

C. Proposed Land Development (including Community Facilities) and Services

A New Community Authority created pursuant to Chapter 349 of the Revised Code may be authorized to acquire and develop all the categories of "land development" (including the construction of "community facilities") set forth in Sections 349.01(H) and (I) of the Revised Code. The "community facilities" and "land development" that are to be financed or otherwise paid for by the Authority include but are not limited to installing or construction water distribution systems, sewers, sewage collection systems, gas and electric lines, roads streets, curbs, gutters, sidewalks, storm drainage facilities, and other installations or work, whether within or without the new community district, and the process of clearing and grading land therefore, and all real property, buildings, structures or other facilities, including related fixtures, equipment, and furnishings, to be owned, operated, financed, constructed, and maintained by the Authority in furtherance of "community activities" (as defined in Section 349.01(N)), including

community buildings, centers and plazas, telecommunications facilities, recreational facilities, natural resource facilities including parks and other open space land, lakes and streams, community streets and parking facilities, pathway and bikeway systems, pedestrian underpasses and overpasses, lighting facilities, design amenities or other community facilities, and buildings needed in connection with water supply or sewage disposal installations, or energy facilities including those for renewable or sustainable energy sources, and gas or electric lines or installation. The Authority may also provide such other land development or community facilities and services permitted under Chapter 349 of the Revised Code as are determined by the Authority.

The Authority will provide any necessary maintenance of land development or community facilities, unless and until that land development or those community facilities become the maintenance responsibility of others. Maintenance services will be provided by contracting for those services or employing staff paid by the Authority.

D. Proposed Method of Financing the Community Facilities and Services

The financing for the Land Development and Community Facilities and payment of their operation and maintenance costs is expected to be provided pursuant to the terms of agreements by and among the Developer and the Authority.

The Land Development and Community Facilities and related maintenance and services expected to be financed or paid for from a Community Development Charge based on the assessed valuation of each parcel in the maximum amount not to exceed 7.5 mills (the "Community Development Charge"), as provided for in the Declaration as the same may be amended or supplemented in accordance with its terms.

Further discussion of the financial plan for the District is included in Exhibit D to this Petition.

E. Projected Total Residential Population of the New Community

It is estimated that 2250 residents are expected to reside within the District at full build-out. The only employees expected to work within the District at full build-out are those individuals engaged in performing operation and maintenance of community facilities or residential amenities.

EXHIBIT D

PRELIMINARY ECONOMIC FEASIBILITY ANALYSIS

A. Area Development Pattern and Demand

The City of Delaware grew 13% from 2010 to 2017 to a population of 39,267. This is consistent with the growth rate in Delaware County over the last decade to an estimated population of 200,464 in 2017 according to the United States Bureau of the Census. Delaware County is the fastest growing county in Ohio, with its growth rate of 15.1% from 2010 to 2017 far outpacing the State which saw a 1% growth rate for the same period. The Delaware City School District in 2013 had a population of 36,181.

All of this growth in the City and County of Delaware is consistent with demographic patterns in the larger Columbus Metropolitan Statistical Area (the "Columbus MSA"). In contrast to stagnant or declining populations throughout much of the Northeast and Midwest regions of the United States, the Columbus Chamber of Commerce reported a 10.6% growth in population for the Columbus and central Ohio area between 2000 and 2010. Growth projections developed by the Mid-Ohio Regional Planning Commission show a continuing population increase, with an additional 600,000 residents in the region expected by the year 2050.

Development in the District will help meet the housing needs occasioned by this growth.

B. Location and Proposed New Community District Size

The Developer has assembled approximately 471.42 acres of land in the City of Delaware that will be included in the District. The location of this property is shown on the map attached to this Petition as Exhibit A-l.

C. Present and Future Socio-Economic Conditions

(i) Demographic and Economic Patterns

According to the U.S. Census, the average price for a single family residential home in the City between 2012 through 2016 was $161,100 and the average household income during that time span was $58,472. Approximately 94% of the City's population over the age of 25 has earned a high school degree or higher.

According to the Ohio Department of Job and Family Services, Bureau of Labor Market Information, Ohio is projected to see job growth of 5.3% between 2014 through 2024 and the Columbus MSA is projected to see job growth of 6.1% during the same time span.

(ii) Area Assets and Amenities

Recreation. Delaware State Park, a 1,300-acre reservoir containing dense woodlands and expansive meadows, is located approximately 6 miles north of the District and provides recreational camping, boating, and fishing opportunities. Four golf courses are also located in the City.

Also located in the County is the Columbus Zoo and Aquarium which draws visitors from around the nation, and the City of Delaware annually hosts the Little Brown Jug, one of three races in harness racing's Triple Crown which draws more than 55,000 people to the City.

Higher Education. The City of Delaware is home to Ohio Wesleyan University, a private four-year liberal arts institution as well as a campus of the Columbus State Community College. Also in the county there is the Delaware Campus of The Ohio State University. And within commuting distance of the City of Delaware there are several other institutions of higher education including; the main campus of The Ohio State University, Ohio Dominican College, Capital University, Denison University, Otterbein University, and Franklin University.

Downtown Delaware. The City of Delaware features a beautiful and historic downtown including an historic business district which features several buildings on the National Register of Historic Places. The downtown area is anchored by Ohio Wesleyan University and features a bevy of retail and commercial businesses as well as an ever growing number of restaurants, bars, and microbreweries. First floor occupancy in downtown buildings currently sits at 96%. The Ohio Wesleyan University's Shelby Stadium is a significant attraction in the downtown area and is the home of Ohio's only professional lacrosse team, the Ohio Machine, a member organization of Major League Lacrosse whose games average more than 3,000 fans in attendance per game. The downtown area is supported by Main Street Delaware which hosts events throughout the year including First Friday, The Main Street Famers Market, Santa House, Carriage Rides, and the March for Art, among many others.

Shopping. Polaris Centers of Commerce, a large mixed-use development with over 5 million square feet of office and 4 million square feet of retail, is located approximately 10 miles south of the District. The Center has a two-level shopping mall, recreation and entertainment opportunities, growing restaurant and hotel businesses, and stations more than 180 companies.

The Tanger Outlets, a 350,000 square foot retail facility opened in 2017 and jointly developed by Simon Property Group and Tanger Outlets features 75 different retail stores and is within a few minutes drive of the District.

D. Public Services Provision

(i) Safety Services

(ii) Police and fire and related safety services will be provided to the District by the City of Delaware.

(iii) Transportation Access

As detailed on the map attached as Exhibit D, the assemblage begins at Pollock Road, extending east to Berlin Station Road. Currently, most traffic enters the area on U.S. Highway 23 which connects to the Interstate System at I-270 on the north side of Columbus.

The John Glenn Columbus International Airport is located to the south and within a 35-minute drive from the District and the Delaware Municipal Airport which is located within the

City of Delaware was recently upgraded to accommodate small jet aircraft through a project funded by the Federal Aviation Administration.

(iv) Zoning and Other Accommodations

The Developer has or will obtain the rezoning and other accommodations required for its planned development of the District. The zoning of the property is described in Exhibit B.

(v) Schools

The District's property lies in the Delaware City School District (approximately 244.90 acres) and the Olentangy Local School District (approximately 226.52 acres).

According to the State of Ohio Department of Education, in its Fiscal Year 2016-17 the Delaware City School District had an average daily enrollment of approximately 5,279 students and an adjusted per pupil expenditures of $8,402.

According to the State of Ohio Department of Education, in its Fiscal Year 2016-17 the Olentangy Local School District had an average daily enrollment of approximately 19,916 students and an adjusted per pupil expenditures of $9,062.

The Development is expected to have a positive financial impact on the Delaware City School District. The Delaware City School District annual budget for Fiscal Year 2016-17 was approximately $57.1 million, and the Developer has projected that, at the District's current tax rates, at full build-out the portion of the Development in that District will generate approximately $1,720,645 of property tax revenues per year for the District. The development of the District will also provide so-called "move-up housing" within the School District for families desiring to move into a new home but stay within the School District.

(vi) Utilities

Sewer and Water. Sewer and water services are currently expected to be provided to the District by the City of Delaware.

Electric, Gas. Gas will be provided to the District by Columbia Gas or Suburban Natural Gas. Electric service will be provided to the District by American Electric Power or Consolidated Electric Cooperative, Inc.

Cable/Internet Service. Cable and internet service will be provided by Spectrum or "WOW!".

E. Financial Plan

(i) Charge Covenant Filing

A Declaration prepared by the Developer will be filed with the Delaware County Recorder in connection with the approval of this Petition for the purpose of creating covenants running with the land to establish the obligation of current and future landowners to pay the Authority's Community Development Charge once the Authority is formed and that Charge is

implemented by the Authority's Board of Trustees. The Community Development Charge is based on the Assessed valuation of real property and the Declaration has been filed on all Property in the District.

(ii) Maximum Amount of Community Development Charge

The maximum amount of the Community Development Charge for each parcel of Property in the District established by the Declaration is 7.5 mills multiplied by the assessed valuation of the parcel (7.5 mills is 75 cents for each one thousand dollars ($1,000) of assessed valuation). Assessed valuation is approximately 35% of the true value of the property assessed on the tax duplicate of the Delaware County Auditor, but it shall have the meaning ascribed to it in the Declaration.

The Community Development Charge can be reduced by annual action of the Board of Trustees.

(iii) Projected Community Development Charge Revenues

Revenues from the Community Development Charge have been projected by the Developer based on anticipated development plans and expected property values that are expected to be created as those plans are implemented. The estimated annual revenues from the Community Development Charge are currently projected to reach approximately $820,000 annually at full build-out and aggregating more than $30,000,000 by 2061.

(iv) Apportioning Community Development Charge Revenues

Community Development Charge revenues will be apportioned by the Board of Trustees of the Authority to costs of Land Development and Community Facilities including but not limited to all costs referred to in Section 133.15(B) of the Ohio Revised Code, associated operating and maintenance costs, third-party consultant fees and expenses, and legal and financial advisory fees and expenses, and costs of administering the Authority. It is contemplated that, after the payment in full of the bonds and notes referred to in (vi) below, Community Development Charge will be apportioned to operating and maintenance costs and the costs of administering the Authority.

(v) Charge Collection

Collection of the Community Development Charge will be administered under the direction of the Board of Trustees of the Authority. The Charge is payable annually or semiannually on due dates to be determined by the Authority. The Authority will have a first lien on each parcel subject to the Community Development Charge.

As permitted by Section 349.07 of the Ohio Revised Code, the Authority may certify the Community Development Charge to the Delaware County Auditor, who will enter that Charge on the tax list and duplicate of real property and certify it to the Delaware County Treasurer for collection on real property tax bills. Delinquent payments of the Community Development Charge may also be collected in the same manner provided for the collection of delinquent real property taxes.

(vi) Issuance of Community Authority Bonds and Notes.

The Authority may issue bonds or notes under Section 349.08 of the Revised Code to pay not to exceed $7,000,000 (exclusive of any amounts for a reserve fund for or costs of issuance of those bonds or notes) of the costs of Land Acquisition, Land Development or the acquisition or construction of Community Facilities or parts thereof, with those bonds or notes payable from the Community Development Charge.

F. Developer's Management Capability

The Developer is an Ohio limited liability company formed in 2017 for the residential development of the approximately 471.42 acres included in the District that are now owned or controlled by the Developer. The Developer's current business address is 207 North Fourth Street Columbus, Ohio 43215. Members of the Developer include Vincent Romanelli, a founder and principal in central Ohio builder Romanelli and Hughes Building Company, and Martin L. Savko, Sr. and Stephen N. Savko, principals in central Ohio excavation and land development company Nickolas Savko & Sons.

Romanelli & Hughes was founded in 1970 and for nearly 50 years, the name Romanelli & Hughes has been synonymous with luxury, craftsmanship and excellence in building new custom homes in Central Ohio. Romanelli & Hughes provides development and architectural services as well as design and energy efficiency solutions to meet the specific needs of a variety of customers. With over 100 years of combined construction experience Romanelli & Hughes have built a talented team of designers, architects and energy-efficiency experts. All of this expertise under one roof gives customers both value and convenience. Romanelli & Hughes and its affiliates have been developer for many communities over it history including: Harvest Wind, Verona, Coffman Park, Cortona, Liberty Bluff, London Crossing, Marisol, Monterra, and Nelson Farms.

Nickolas Savko & Sons was founded in 1946. Today, the Savko family celebrates its third generation joining the company. It has all the resources, including the experienced manpower combined with the right machinery, to handle any size site development project. Nickolas Savko & Sons has been directly involved in homebuilding and development for more than 70 years, and has built infrastructure for an average of 2000 housing lots annually. The company has been the main contractor on more than ten (10) "Parade of Homes" developments in the past 30 years and is the development contractor for Jerome Village, The New Albany Company, and other developments in Central Ohio.

PETITIONER' S RESPONSES TO CONCERNS RAISED BY THE CITY'S STAFF REPORT AND CITY COUNCIL ISSUES OR CONCERNS RAISED AT PREVIOUS COUNCIL MEETING OR IN DIRECT COMMUNICATIONS WITH PETITION'S REPRESENTATIVES

PAST SCHOOL LEVIES

Delaware City Schools

Dates of Elections	Types of Levy	Total Votes	Votes for Levy	Votes Against Levy	% Votes for Levy	% Votes Against Levey
November 7, 2017	8.35 for 5 Years	8,816	5,404	3,412	61.3%	38.7%
March 15, 2016	8.44 Mills	11,219	7,301	3,918	65.1%	34.9%
November 4, 2014	3 Mills for 5 Years	9,490	6,107	3,383	64.4%	35.6%
November 11, 2011	835 for 5 Years	11,317	5,950	5,367	52.6%	47.4%
	TOTAL AVERAGE	**40,842**	**24,762**	**16,080**	**60.6%**	**39.4%**

Olentangy Local Schools

March 15, 2016	Bond Issue	31,683	18,352	13,331	57.9%	42.1%
	Precinct 3F	463	337	126	72.8%	27.2%
	Precinct 3G	443	338	105	76.3%	23.7%
	TOTAL PRECINCTS	906	675	231	74.5%	25.5%
May 3, 2011	7.9 Mills/.5 Mills Bond	18,102	9,641	8,461	53.3%	46.7%
	Precinct 3F	258	159	99	61.6%	38.4%

City of Delaware - Municipal Income Tax (Increase)
Roads & Bridges - 0.15% increase to a rate of 2.0%
Vote for not more than 1
01 = For the Income Tax
02 = Against the Income Tax

	VOTES	PERCENT
	6,817	39.61
	10,392	60.39
	17,209	100.00

7,758	45.1	(IF PRECINCTS 3F AND 4F
9,451	54.9	VOTED UNANIMOUSLY
17,209	100.0	FOR THE INCREASE)

	01	02	Total	Yes%	No%
0028 DELAWARE CITY 1-A	255	327	582	43.81	56.19
0029 DELAWARE CITY 1-B	383	517	900	42.56	57.44
0030 DELAWARE CITY 1-C	280	465	745	37.58	62.42
0031 DELAWARE CITY 1-D	220	281	501	43.91	56.09
0032 DELAWARE CITY 1-E	141	226	367	38.42	61.58
0033 DELAWARE CITY 1-F	254	315	569	44.64	55.36
0034 DELAWARE CITY 1-G	266	383	649	40.99	59.01
0035 DELAWARE CITY 2-A	396	526	922	42.95	57.05
0036 DELAWARE CITY 2-B	401	509	910	44.07	55.93
0037 DELAWARE CITY 2-C	197	419	616	31.98	68.02
0038 DELAWARE CITY 2-D	164	311	475	34.53	65.47
0039 DELAWARE CITY 2-E	83	192	275	30.18	69.82
0040 DELAWARE CITY 2-F	260	385	645	40.31	59.69
0041 DELAWARE CITY 2-G	281	442	723	38.87	61.13
0042 DELAWARE CITY 3-A	236	195	431	54.76	45.24
0043 DELAWARE CITY 3-B	188	410	598	31.44	68.56
0044 DELAWARE CITY 3-C	140	313	453	30.91	69.09
0045 DELAWARE CITY 3-D	336	334	670	50.15	49.85
0046 DELAWARE CITY 3-E	289	374	663	43.59	56.41
0047 DELAWARE CITY 3-F	199	562	761	26.15	73.85
0048 DELAWARE CITY 3-G	214	443	657	32.57	67.43
0049 DELAWARE CITY 4-A	394	435	829	47.53	52.47
0050 DELAWARE CITY 4-B	342	369	711	48.10	51.90
0051 DELAWARE CITY 4-C	257	383	640	40.16	59.84
0052 DELAWARE CITY 4-D	93	285	378	24.60	75.40
0053 DELAWARE CITY 4-E	382	612	994	38.43	61.57
0054 DELAWARE CITY 4-F	166	379	545	30.46	69.54

Yes	No	Total
1799	2514	4313
41.71%	58.29%	100%

Yes	No	Total
1782	2784	4566
39.03%	60.97%	100%

Yes	No	Total
1602	2631	4233
37.85%	62.15%	100%

Yes	No	Total
1634	2463	4097
39.88%	60.12%	100%

GREEN PRECINCTS PASSED BY ONLY 43 VOTES
YELLOW PRECINCTS IN COMMUNITY AUTHORITY
RED PRECINCTS WITH HIGHEST PERCENT OF NO VOTES

FEES AND CHARGES

PROPERTY OWNERSHIP	TERRA ALTA	ROGERS	STOCKDALE FARM	TOTAL
AREAGE	244.90	68.27	158.25	471.42
SCHOOL DISTRICT	DCS	OLS	OLS	
NUMBER OF HOUSING DWELLING UNITS	477	73	322	872
FEE OR CHARGES				
REZONING	$25,450	$7,327	$0	$32,777
PRELIMINARY PLAN / PLAT	$25,240	$7,577	$16,250	$49,067
FINAL PLAN / PLAT	$25,490	$7,877	$16,590	$49,957
SUBTOTAL	$76,180	$22,781	$32,840	$131,801
BUILDING PERMIT / METER	$884,600	$146,000	$628,400	$1,659,000
SANITARY SEWER CAPACITY FEE	$2,568,645	$393,105	$1,733,970	$4,695,720
WATER CAPACITY FEE	$2,695,050	$412,450	$1,819,300	$4,926,800
IMPACT FEES	$911,614	$150,964	$637,972	$1,700,550
ENGINEERING FEES	$202,725	$31,025	$136,850	$370,600
SHSC / TRANSPORTATION CHARGE	$0	$0	$0	$0
TOTAL FEES	**$7,338,814**	**$1,156,325**	**$5,022,652**	**$13,617,615**
* AVERAGE ANNUAL UTILITY CHARGE AT BASE RATE	$497,249.00			

TOTAL ESTIMATED PROJECT FEES TO BE PAID TO CITY

$13,617,615.00

TOTAL ESTIMATED ANNUAL INCOME TO BE PAID TO CITY

$1,720,645.00

INCOME TAX

SECTION	TYPE OF HOUSES	NUMBER OF UNITS	AVERAGE HHI	CITY TAX	TOTAL TAX
TERRA ALTA	SINGLE FAMILY	210	165,000	3052.50	$641,025.00
	EMPTY NESTER	96	140,000	2590.00	$248,640.00
	CONDO	136	140,000	0.00	$0.00
ROGERS	SINGLE FAMILY	73	210,000	3885.00	$283,605.00
STOCKDALE	SINGLE FAMILY	244	200,000	3700.00	$902,800.00
	EMPTY NESTER	23	150,000	2775.00	$63,825.00
TOTAL		AVERAGE HOUSEHOLD INCOME	174,105	TOTAL ANNUAL INCOME	$2,139,895.00
			CREDIT ON 50% OF CITY RATE		$1,069,947.50

MEDIAN HOUSEHOLD INCOME	54,367	U.S. CENSUS BUREAU
MEDIAN HOUSEHOLD INCOME	57,000	* STATISTICAL ATLAS
POWELL MEDIAN INCOME	147,344	

DOES NOT INCLUDE INCOME TAXES RECEIVED DURING CONSTRUCTION

PROPERTY TAXES BREAKDOWN
PHASES - TERRA ALTA

		AVERAGE SALE PRICE	TOTAL SALE VALUATION	$ DELAWARE TWP	$ DELAWARE CORP	SCHOOLS
TERRA ALTA (DELAWARE CITY SCHOOLS)						
SINGLE FAMILY	210	$375,000.00	$78,750,000.00	$115,741.43	$78,671.25	$3,294,617.22
CONDO'S	136	$275,000.00	$37,400,000.00			
RANCH EMPTY NESTER	131	$350,000.00	$45,850,000.00			
TOTAL	477	TOTAL	$162,000,000.00			
		AVERAGE	$349,056.00			
ROGERS (OLENTANGY)						
SINGLE FAMILY	73	$575,000.00	$41,975,000.00			
STOCKDALE (OLENTANGY)						
RANCH EMPTY NESTER	78	$350,000.00	$27,300,000.00			
SINGLE FAMILY	244	$475,000.00	$115,900,000.00			
TOTAL	322	TOTAL	$143,200,000.00			
		AVERAGE	$501,553.00	$120,079.50	$74,777.06	$3,834,042.83
SUBTOTAL	(10 ACRES NOT DEVELOPED AT PRESENT TIME)			$235,820.93	$153,448.31	$7,128,660.05
TOTAL UNITS	872	TOTAL HOUSING	$347,175,000.00		TOTAL REVENUE SCHOOLS AND GOVERNMENT	$7,517,929.29
		AVERAGE PRICE	$424,283.00			

STAFF REPORT ISSUE 2:

ADDITIONAL CITY STAFF TIME FOR NCA MATTERS.

Response:

Unlike the Delaware South and North New Community Authorities created in 2007, and the City's Proximate City status in the original Berkshire Landing Community Authority created in 2013 and as expanded in 2018, the proposed Terra Alta New Community Authority is much more limited in scope. The proposed authority is limited only to community facilities within the immediate confines of the residential development and/or improvements outside of the development but immediately adjacent thereto.

Unfortunately, nothing can totally stop citizens from contacting the City for whatever reason. The HOA will be professionally managed and similarly the NCA will likely be professionally managed with a local Board of Trustees approved by the City of Delaware and the Developer.

At the time of Purchase, the real estate contract will contain disclosure of this NCA and HOA. Document regarding both will be provided to each purchaser with all contact information. See contract language attached.

3.3 Demand for Financing Evidence:
If Seller does not receive Buyer's written notice or documents as required in paragraphs 3.1, 3.2(a), 3.2(b)(i), or 3.2(c) (the "Financing Evidence"), the Seller may, at any time until 7 calendar days before the closing date set forth in paragraph 16.1, notify the Buyer or Buyer's Broker in writing that Seller has not received the required Financing Evidence, specifying which type of Financing Evidence is overdue (a "Demand for Financing Evidence"). If Seller receives the required Financing Evidence within 3 calendar days after delivery of Seller's Demand for Financing Evidence, the parties shall proceed with the transaction. If Seller does not receive the required Financing Evidence within 3 calendar days after delivery of the Demand for Financing Evidence, Seller may, at any time thereafter until the Financing Evidence has been received, terminate this contract by delivering written notice of termination to the Buyer or Buyer's Broker, at which time the Earnest Money Deposit shall be released to the Buyer. Seller's election to terminate pursuant to this paragraph 3.3 is Seller's sole legal remedy for Buyer's failure to deliver the Financing Evidence, acts as a bar to any additional legal or equitable claims that Seller may have against the Buyer, and constitutes Seller's consent to the release of the Earnest Money Deposit. **Failure of the Seller to timely deliver the written Demand for Financing Evidence constitutes a waiver of Seller's right to terminate pursuant to this provision.**

4. Taxes and Assessments:
4.1 The real estate taxes for the premises for the current year may change as a result of the transfer of the premises, or as a result of a change in the tax rate and valuation. Buyer and Seller understand that real estate valuations may be subject to retroactive change by governmental authority.
Seller shall pay or credit at closing:
(a) all delinquent taxes, including penalty and interest;
(b) all assessments which are a lien on the premises as of the date of the contract;
(c) all agricultural use tax recoupments for years prior to the year of closing;
(d) all other unpaid real estate taxes and community development charges imposed pursuant to Chapter 349 of the Ohio Revised Code which are a lien for years prior to closing; and
(e) a portion of such taxes and community development charges for the year of closing shall be prorated through the date of closing based on a 365 day year. If taxes are undetermined for the year of closing, the proration shall be based on the most recent available tax rate and valuation, giving effect to applicable exemptions, recently voted millage, change in valuation, etc., whether or not certified.

These adjustments shall be final, except for the following: (none if nothing inserted)
_____.

4.2 The community development charge, if any, applicable to the premises was created by a covenant in an instrument recorded at (insert county) _____, Vol._____, Page number _____ or Instrument number_____. **(Note: If the foregoing blanks are not filled in and a community development charge affects the premises, this contract may not be enforceable by the Seller or binding upon the Buyer pursuant to Section 349.07 of the Ohio Revised Code.)**

4.3 Seller warrants that no improvements or services (site or area) have been installed or furnished, nor notification received from public authority or owner's association of future improvements of which any part of the costs may be assessed against the premises, except the following: (none if nothing inserted)
_____.

STAFF REPORT ISSUE 3:

REQUESTED NCA WILL SET PRECEDENT FOR FUTURE REQUEST.

Response:

There is no precedent to set when we can speak to future request. Chapter 349 of the Ohio Revised Code, does not limit a developer, including the City of Delaware, from filing a petition seeking an NCA. The City has limitations in denying such a request as set forth in Council Issue 3.

The precedent has been set. The City of Delaware created the Delaware South New Community Authority (2007) (7.5 mills), the Delaware North New Community Authority was created in 2007 (7.5 mills), and has approved and become part of the Berkshire Landing Community Authority of 2015 and expanded in 2018 (9.5 mills) as the Proximate City.

In Central Ohio, five (5) commercial development NCA's have been created since 2007. Ten (10) residential development NCA's have been created since 1992, and eight (8) specific purpose NCA's have been created since 1999 for a total of twenty-three (23) NCA's in Central Ohio.

From a reading of and for purposes of this Chapter 349, the city of Delaware and/or a present developer are considered one and the same.

STAFF REPORT ISSUE 4:

HOA VS. NCA CONFUSION OVER CHARGES FOR HOA AND THOSE OF NCA.

Response:

There should be no confusion. HOA fees will be billed monthly or quarterly from the firm engaged by the HOA to process all HOA matters as determined by the HOA Board and/or membership.

The NCA charges are to be billed and collected as part of each residential real estate property bill.

All charges will be disclosed to all purchasers at time of closing, and the initial HOA fees will be collected at that time.

COUNCIL ISSUE 1:

WHAT ARE ALLOWABLE NCA EXPENSES AND OR COST?

Response:

Section 349.01 sets forth and defines and therefore limits the terms of how Chapter 349 should be interpreted and applied.

(G) "Land acquisition" means the acquisition of real property and interests in real property as part of a new community development program.

(H) "Land development" means the process of clearing and grading land, making, installing, or constructing water distribution systems, sewers, sewage collection systems, steam, gas, and electric lines, roads, streets, curbs, gutters, sidewalks, storm drainage facilities, and other installations or work, whether within or without the new community district, and the construction of community facilities.

(I) "Community facilities" means all real property, buildings, structures, or other facilities, including related fixtures, equipment, and furnishings, to be owned, operated, financed, constructed, and maintained under this chapter or in furtherance of community activities, including public, community, village, neighborhood, or town buildings, centers and plazas, auditoriums, day care centers, recreation halls, educational facilities, health care facilities including hospital facilities as defined in section 140.01 of the Revised Code, telecommunications facilities, including all facilities necessary to provide telecommunications service as defined in section 4927.01 of the Revised Code, recreational facilities, natural resource facilities, including parks and other open space land, lakes and streams, cultural facilities, community streets and off-street parking facilities, pathway and bikeway systems, pedestrian underpasses and overpasses, lighting facilities, design amenities, or other community facilities, and buildings needed in connection with water supply or sewage disposal installations, or energy facilities including those for renewable or sustainable energy sources, and steam, gas, or electric lines or installation.

(J) "Cost" as applied to a new community development program means all costs related to land acquisition and land development, the acquisition, construction, maintenance, and operation of community facilities and offices of the community authority, and of providing furnishings and equipment therefor, financing charges including interest prior to and during construction and for the duration of the new community development program, planning expenses, engineering expenses, administrative expenses including working capital, and all other expenses necessary and incident to the carrying forward of the new community development program.

COUNCIL ISSUE 2:

WHY REQUEST FOR AN NCA IS ARISING NOW SINCE THE RESIDENTIAL PROJECT HAS COMMENCED?

Response:

This is not a new request. Applicant and Attorney for the Applicant have been discussing the use of the NCA for at least the last 18 months with the Officials of the City of Delaware.

Applicant and Attorney for Applicant can and will testify to efforts and discussions that have taken place.

Applicant found it necessary to proceed with the construction of the development due to contract commitments while negotiating for the creation of NCA continue with the City.

COUNCIL ISSUE 3:

POSSIBLE GUIDELINES FOR FUTURE NCA'S AND NOT TO OPEN THIS FLOODGATE.

Response:

NCA's are organizations created by the authority of this State of Ohio by and through actions of the Ohio Legislature.

Chapter 349 of the Ohio Revised code sets forth the statutory authority to create such an organization.

I could find nothing that would limit this use of an NCA upon the filing of proper petition.

It appears that to deny a request for NCA, this approving government can only do so per a finding under Section 349.03 (A) (8), the City of Delaware has found that the establishment of said district will not be conducive to the public health, safety, convenience or welfare.

It is unknown if limitations can be put on the creation of NCA except as set forth in ORC Chapter 349.

I have taken the liberty of drafting some suggested limitations you might want to consider. However, such limitations at the local level may not survive judicial review of legislative intent and/or meaning of Chapter 349.

Possible Criteria for NCA Qualifying Standards

1. The Standard must be a minimum of 450 attached or free standing housing units by one developer.

2. The standard must be a minimum of 450 attached or free standing housing units by multiple developers.

    a. In the case of multiple developers, all land being so developed must be contiguous to each parcel of undeveloped land.

3. There must be a minimum of $20,000,000 for any commercial development consisting of the raw land cost and capital improvements to the proposed commercial use.

4. Additionally, the residential or commercial project may be less than 450 attached or single family housing units or $20,000,000.00 in raw land cost and capital improvements; if said project contributes meaningful funds or otherwise resulting in the construction of a completed road or infrastructure project identified in the Delaware County Master Thoroughfare plan or the City of Delaware's Capital Improvement on Road Plan Project or otherwise extends city utilities to an area presently contiguous to the City of Delaware.

5. The city may grant for the waiver of size and/or grant of funds if City Council deems the project to be of significant improvement to the overall growth of the City.

COUNCIL ISSUE 4:

OTHER NCA ISSUE – POWERS AND AUTHORITY OF NEW COMMUNITY AUTHORITY

Response:

Section 349.06 sets forth the Powers and Authority of the New Community Authority.

349.06 Power and authority of new community authority.

In furtherance of the purposes of this chapter, a new community authority may:

(A) Acquire by purchase, lease, gift, or otherwise, on such terms and in such manner as it considers proper, real and personal property or any estate, interest, or right therein, within or without the new community district;

(B) Improve, maintain, sell, lease or otherwise dispose of real and personal property and community facilities, on such terms and in such manner as it considers proper;

(C) Landscape and otherwise aesthetically improve areas within the new community district, including but not limited to maintenance, landscaping and other community improvement services;

(D) Provide, engage in, or otherwise sponsor recreational, educational, health, social, vocational, cultural, beautification, and amusement activities and related services primarily for residents of , visitors to, employees working within, or employers operating businesses in the district, or any combination thereof.

(E) Fix, alter, impose, collect and receive service and user fees, rentals, and other charges to cover all costs in carrying out the new community development program;

(F) Adopt, modify, and enforce reasonable rules and regulations governing the use of community facilities;

(G) Employ such managers, administrative officers, agents, engineers, architects, attorneys, contractors, sub-contractors, and employees as may be appropriate in the exercise of the rights, powers and duties conferred upon it, prescribe the duties and compensation for such persons, require bonds to be given by any such persons and by officers of the authority for the faithful performance of their duties, and fix the amount and surety therefor; and pay the same;

(H) Sue and be sued in its corporate name;

(I) Make and enter into all contracts and agreements and execute all instruments relating to a new community development program, including contracts with the developer and other persons or entities related thereto for land acquisition and land development; acquisition, construction, and maintenance of community facilities; the provision of community services and management and coordinating services; with federal, state, interstate, regional, and local agencies and political subdivisions or combinations thereof in connection with the financing of such program, and with any municipal corporation or other public body, or combination thereof, providing for the acquisition, construction, improvement, extension, maintenance or operation of joint lands or facilities or for the provision of any services or activities relating to and in furtherance of a new community development program, including the creation of or participation in a regional transit authority created pursuant to the Revised Code;

(J) Apply for and accept grants, loans or commitments of guarantee or insurance including any guarantees of community authority bonds and notes, from the United States, the state, or other public body or other sources, and provide any consideration which may be required in order to obtain such grants, loans or contracts of guarantee or insurance. Such loans or contracts of guarantee or insurance may be evidenced by the issuance of bonds as provided in section 349.08 of the Revised Code;

COUNCIL ISSUE 4:

OTHER NCA ISSUE – POWERS AND AUTHORITY OF NEW COMMUNITY AUTHORITY -- (Continued)

(K) Procure insurance against loss to it by reason of damage to its properties resulting from fire, theft, accident, or other casualties, or by reason of its liability for any damages to persons or property occurring in the construction or operation of facilities or areas under its jurisdiction or the conduct of its activities;

(L) Maintain such funds or reserves as it considers necessary for the efficient performance of its duties;

(M) Enter agreements with the boards of education of any school districts in which all or part of the new community district lies, whereby the community authority may acquire property for, may construct and equip, and may sell, lease, dedicate, with or without consideration, or otherwise transfer lands, schools, classrooms, or other facilities, whether or not within the new community district, from the authority to the school district for school and related purposes;

(N) Prepare plans for acquisition and development of lands and facilities, and enter into agreements with city, county, or regional planning commissions to perform or obtain all or any part of planning services for the new community district;

(O) Engage in planning for the new community district, which may be predominantly residential and open space, and prepare or approve a development plan or plans therefor, and engage in land acquisitions and land development in accordance with such plan or plans;

(P) Issue new community authority bonds and notes and community authority refunding bonds, payable solely from the income source provided in section 349.08 of the Revised Code, unless the bonds are refunded by refunding bonds, for the purpose of paying any part of the cost as applied to the new community development program or parts thereof;

(Q) Enforce any covenants running with the land of which the new community authority is the beneficiary, including but not limited to the collection by any and all appropriate means of any community development charge deemed to be a covenant running with the land and enforceable by the new community authority pursuant to section 349.07 of the Revised Code; and to waive, reduce, or terminate any community development charge of which it is the beneficiary to the extent not needed for any of the purposes provided in section 349.07 of the Revised Code, the procedure for which shall be provided in such covenants, and if new community authority bonds have been issued pledging any such community development charge, to the extent not prohibited in the resolution authorizing the issuance of such new community authority bonds or the trust agreement or indenture of mortgage securing the bonds;

(R) Appropriate for its use, under sections 163.01 to 163.22 of the Revised Code, any land, easement, rights, rights-of-way, franchises, or other property in the new community district required by the authority for community facilities. The authority may not so appropriate any land, easement, rights, rights-of-way, franchises, or other property that is not included in the new community district.

(S) Enter into any agreements as may be necessary, appropriate, or useful to support a new community development program, including, but not limited to, cooperative agreements or other agreements with political subdivisions for services, materials, or products; for the administration, calculation, or collection of community development charges; or for sharing of revenue derived from community development charges, community facilities, or other sources. The agreements may be made with or without consideration as the parties determine.

Amended by 131st General Assembly File No. TBD, HB 64, §101.01, eff. 9/29/2015.
Amended by 129th General AssemblyFile No.64, HB 225, §1, eff. 3/22/2012.
Amended by 128th General AssemblyFile No.31, HB 313, §1, eff. 7/7/2010.

Effective Date: 01-10-1991 .

EST 1808
CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEM NO: 11

DATE: 10/08/2018

ORDINANCE NO: 18-88

RESOLUTION NO:

READING: SECOND

PUBLIC HEARING: YES
October 8, 2018 at 8:00 p.m.

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Darren Shulman, City Attorney
David Efland, Planning Director
Bruce Pijanowski, Chief of Police

TITLE OF PROPOSED ORDINANCE/RESOLUTION:
AN ORDINANCE AMENDING SECTION 549.08 OF THE CITY OF DELAWARE'S CODIFIED ORDINANCES, RELATING TO POINTING AND DISCHARGING FIREARMS.

BACKGROUND:
This issue has come to the forefront for pre-existing ranges for firearms, BB ranges, and archery ranges as a result of the pending final annexation for the Simon Kenton Council, Boy Scouts of America property located along US23 south. That use and site has long had a small BB range, firearm range, and archery range. The use is clearly pre-existing and lawfully created as far as the City is aware, under the regulations applicable at the time of their creation for the property within the township. This may not be the last such pre-existing use which might seek annexation to the city and wish to simply maintain what already might lawfully exist on a site. For example, the Delaware County Sheriff range on US42 might one day seek to annex into the city. The proposed revision is the most minor revision which would still allow a pre-existing use of this type. Additionally, as proposed, the revision requires that a site be zoned for planned mixed use zoning which is operated, managed, and under the supervision of an approved institutional or governmental use. This zoning step

would provide City Council site specific review of this component of a site in addition to the stipulations of the proposed section herein.

It is the opinion of Staff that the Simon Kenton Council, Boy Scouts of America site would fulfill the operational and pre-existing use stipulations proposed in section 549.08. The property owner would have to bring forward and be approved for the required zoning in order to maintain the operation of these uses. The draft proposed zoning text for the Boy Scouts property currently includes very specific language to this effect and further does not allow expansion of these components.

This change will require holding a public hearing. Currently, that is slated for October 8, 2018. The final annexation hearing is slated for October 22, 2018. This leaves a third and final reading for the amendment proposed herein to coincide with the October 22, 2018 final annexation hearing as the applicant has indicated that maintaining these pre-existing uses is vital to their operation, mission, and consideration of being annexed.

REASON WHY LEGISLATION IS NEEDED:
Pre-existing ranges have not been heretofore accounted for within the codified ordinances. There is a pending annexation which includes these uses.

COMMITTEE RECOMMENDATION:
N/A

FISCAL IMPACT(S):
N/A

POLICY CHANGES:
This would still restrict the pointing and discharge of firearms within the city while accounting and allowing for pre-existing lawfully created uses only if City Council approves corresponding zoning for a property and if such uses are operated under supervision of an approve institutional or governmental use.

PRESENTER(S):
Darren Shulman, City Attorney
David Efland, planning Director
Bruce Pijanowski, Chief of Police

RECOMMENDATION:
Approval after second reading/public hearing to coincide with passage of Ordinance No. 18-80, annexation known as The Central Ohio Boy Scouts of America.

ATTACHMENT(S)
N/A

ORDINANCE NO. 18-88

AN ORDINANCE AMENDING SECTION 549.08 OF THE CITY OF DELAWARE'S CODIFIED ORDINANCES, RELATING TO POINTING AND DISCHARGING FIREARMS.

WHEREAS, Section 549.08 has not been amended to account for pre-existing use; and

WHEREAS, Council is considering annexation of the Simon Kenton Council of the Boy Scouts of America property located on US23 south which conatins pre-existing BB gun, fire arm, and archery ranges.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Delaware; State of Ohio:

SECTION 1. 549.08 of the City of Delaware Codified Ordinances shall be amended as follows:

549.08. - Pointing and discharging firearms.

(a) Except as provided in subsections (c), ~~and~~ (d), **AND (E)** hereof, no person shall discharge any air gun, rifle, shotgun, revolver, pistol or other firearm, or make use of any sling or arrow, within the corporate limits of the Municipality.

(b) No person shall, intentionally and without malice, point or aim a firearm at or toward another or discharge a firearm so pointed or aimed.

(c) This section does not extend to cases in which firearms, slings or arrows are used in self-defense, in the discharge of official duty or in justifiable homicide.

(d) This section does not extend to cases in which BB guns and other air guns, or slings or arrows, are used in the confines of dwellings, provided such use is under adult supervision and is approved by the Chief of Police.

(e) **THIS SECTION DOES NOT EXTEND TO USES PERMITTED AS A LAWFUL PRE-EXISTING USE IN AN APPROVED PLANNED MIXED USE ZONING DISTRICT WHICH IS OPERATED, MANAGED, AND UNDER THE SUPERVISION OF AN APPROVED INSTITUTIONAL OR GOVERNMENTAL AGENCY OR USE.**

(**F**) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

SECTION 2. 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, 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 Revised Code.

VOTE ON RULE SUSPENSION: YEAS____ NAYS____
ABSTAIN ____

PASSED: _____, 2018 YEAS____ NAYS____
ABSTAIN ____

ATTEST: _____ _____
CITY CLERK MAYOR

EST 1808
CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEM NO: 12 DATE: 10/08/2018

ORDINANCE NO: 18-87 RESOLUTION NO:

READING: SECOND PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: William L. Ferrigno, P.E., Director of Public Works/City Engineer

TITLE OF PROPOSED ORDINANCE/RESOLUTION:
AN ORDINANCE SUPPLEMENTING THE 2018 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR LAND DEVELOPMENT-ENGINEERING PROFESSIONAL SERVICES, AND DECLARING AN EMERGENCY.

BACKGROUND:
The Public Works Department – Division of Traffic & Engineering Services – utilizes engineering consulting firms to supplement in-house staff efforts to provide plan review and construction inspection services for land development projects. The majority of the cost to provide these services is reimbursed through a flat fee invoiced before the services are provided.

REASON WHY LEGISLATION IS NEEDED:
The Land Development activity in the City of Delaware currently remains very high. The original 2018 appropriation of $650,000 is projected to be spent by the end of October. Construction activity is very high this year, and pre-construction meetings are still being scheduled for projects to begin later in the year. However, plan review expenditures are down drastically from 2017 as in-house staff has performed the majority of the review to date. Starting in 2018, the Public Works and Finance Departments are working diligently together to track hours (and assign costs) for in-house staff working on land development projects.

COMMITTEE RECOMMENDATION:
None

FISCAL IMPACT(S):
An additional $150,000 is being requested at this time to cover a projected total professional services expense amount of $800,000 for 2018. Plan review and construction inspection flat fees invoiced as of 9/4/18 total $1,135,000.

POLICY CHANGES:
None

PRESENTER(S):
William L. Ferrigno, P.E., Director of Public Works/City Engineer

RECOMMENDATION:
Approval at Third Reading

ATTACHMENT(S)

ORDINANCE NO. 18-87

AN ORDINANCE SUPPLEMENTING THE 2018 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR LAND DEVELOPMENT-ENGINEERING PROFESSIONAL SERVICES, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Delaware and it's agents, provide both plan review and construction inspection services through the Public Works Department – Division of Traffic & Engineering Services, for infrastructure elements of development projects; and

WHEREAS, the provision of plan review and construction inspection services is an integral part in assuring the quality of new infrastructure constructed within and dedicated to the City; and

WHEREAS, the cost to the City of providing these services is charged to and reimbursed back to the City by the individual developers; and

WHEREAS, the amount included in the 2018 Budget to pay for these services is not sufficient based on current and projected development activity this year; and

WHEREAS, a supplemental appropriation will be necessary to continue to perform plan reviews and provide construction inspection on new development in 2018.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. That there is hereby appropriated from the unencumbered balance of the General Fund $400,000 increasing the following account within Engineering:

Professional Services–Development (101-0065-5231) $150,000

SECTION 2. 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, 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.

SECTION 3. EMERGENCY CLAUSE. That this ordinance is hereby declared to be an emergency measure necessary to provide for the public

peace, safety, health and welfare of the City and for the further reason to provide for the timely review of development plans and for the continued utilization of construction inspection services, and as such will be in full force and effect immediately upon its passage.

VOTE ON RULE SUSPENSION: YEAS____NAYS____
ABSTAIN ____

VOTE ON EMERGENCY CLAUSE: YEAS____ NAYS____
ABSTAIN ____

PASSED: _____, 2018 YEAS____ NAYS____
ABSTAIN ____

ATTEST: _____ _____
CITY CLERK MAYOR

EST 1808
CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEM NO: 13	DATE: 10/08/2018
ORDINANCE NO: 18-89	RESOLUTION NO:
READING: SECOND	PUBLIC HEARING: YES October 22, 2018 at 7:30 p.m.

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Darren Shulman, City Attorney

TITLE OF PROPOSED ORDINANCE/RESOLUTION:
AN ORDINANCE AMENDING SECTION 917.14 OF THE SANITARY SEWER REGULATIONS OF THE STREETS, UTILITIES, AND PUBLIC SERVICES CODE TO ADD A FIFTY PERCENT (50%) SURCHARGE FOR NON-CITY CUSTOMERS.

BACKGROUND:
Annexation is a requirement for the City to provide sewer services. The City has been approached by a group of non-residents that request city services because the package plant that currently provides sewer services to them is failing and the EPA wants to ends its use. Former Public Utilities Director, Brad Stanton, Finance Director, Dean Stelzer, and City Manager R. Thomas Homan have been with the homeowners association to find a solution to provide sewer services to their area.

REASON WHY LEGISLATION IS NEEDED:
This property will likely never annex into the City. Therefore, staff recommends implementing an out of city surcharge similar to the current charge for water. One reason for this amendment is to provide further stability in sewer funding. While sewer services are generally covered by sewer fees, in the event of a shortfall, general income tax dollars could be used. Out of city residents do not pay taxes, and therefore, they would not contribute income tax dollars to cover any cost of providing sewer services beyond sewer fees. In this particular case, the sewer infrastructure in the development was not built to city specifications and will likely lead to costly maintenance. As part of the agreement, each lot will

pay a $1,000 fee to cover upcoming repair and maintenance on the sewer. However, given the permanent nature of sewer service, when these funds have been spent, the City will continue to be required to pay for required upkeep. An additional likely side effect of the surcharge will be to provide an incentive for those seeking sewer services to annex, which is consistent with the City's current policy.

COMMITTEE RECOMMENDATION:
N/A

FISCAL IMPACT(S):
This will collect 50% more revenue for non-city sewer customers.

POLICY CHANGES:
The City's general policy is to require annexation as a condition of providing sewer services. This change is being recommended in recognition of the fact that these properties will likely never annex into the City.

PRESENTER(S):
Darren Shulman, City Attorney
Blake Jordan, Public Utilities Director

RECOMMENDATION:
Approval

ATTACHMENT(S):
None

ORDINANCE NO. 18-89

AN ORDINANCE AMENDING SECTION 917.14 OF THE SANITARY SEWER REGULATIONS OF THE STREETS, UTILITIES, AND PUBLIC SERVICES CODE TO ADD A FIFTY PERCENT (50%) SURCHARGE FOR NON-CITY CUSTOMERS.

WHEREAS, pursuant to Delaware Codified Ordinance Section 917.21(c) notes that properties outside of the city can be provided sewer service on the condition that they annex within sixty days of the property becoming contiguous to the City of Delaware; and

WHEREAS, sewer service has been requested for property that is unlikely to ever annex into the City; and

WHEREAS, Delaware Codified Ordinance Sections 913.07 and 913.15 allow the City to offer water service outside of the city limits but requires an additional charge of fifty percent (50%); and

WHEREAS, recognizing the fact that some new connections will not annex into the City, Council desires to mirror the out of city water fee structure for sewer service.

NOW, THEREFORE, Be It Ordained by the Council of the City of Delaware, State of Ohio:

SECTION 1. The Sewerage Service Charges Levied Section is amended as follows:

917.14 Sewerage service charges levied.

(b)(9) There shall be added to the schedule of user charge rates set forth in Section 917.14(b)(1) a fifty percent (50%) additional charge for all sewer service outside the City limits.

This provision may be waived by the City Manager, with the concurrence of City Council, upon a finding of the existence of a specific necessity.

SECTION 2. 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, 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 Revised Code.

VOTE ON RULE SUSPENSION: YEAS____NAYS____
ABSTAIN ____

PASSED: _____, 2018 YEAS____ NAYS____
ABSTAIN ____

ATTEST: _____ _____
CITY CLERK MAYOR

EST 1808
CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEM NO: 14 | DATE: 10/08/2018

ORDINANCE NO: 18-80 | RESOLUTION NO:

READING: THIRD | PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Dave Efland, Planning and Community Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:
AN ORDINANCE ACCEPTING THE ANNEXATION OF 221.341± ACRES OF LAND MORE OR LESS, DESCRIPTION AND MAP ARE ATTACHED HERETO AS EXHIBITS "A" AND "B" FOR THE ANNEXATION KNOWN AS THE CENTRAL OHIO BOY SCOUTS OF AMERICA – CAMP LAZARUS ANNEXATION BY MICHAEL R. SHADE, AGENT FOR THE PETITIONERS.

BACKGROUND:
This process involves several steps and actions by the County and City in order for an annexation to ultimately be accepted by the City. The City took the first city step in the process which required determination of services the City could provide – the Resolution of Services passed June 11, 2018 via Resolution 18-36. The legislation before City Council currently is the final acceptance of annexation which would bring the property into the City. City Council must decide to accept, accept with conditions, or deny the annexation. If no action is taken by the ORC dictated time frame ending on November 1, 2018, ORC dictates that the annexation will be denied. The applicant wishes to begin the rezoning process prior to final action by City Council and thus multiple readings of this legislation are anticipated with passage anticipated prior to the ORC required date of November 1, 2018. The last scheduled City Council meeting date prior to November 1 is the meeting of October 22, 2018. The anticipated zoning request for this unique set of uses is to a Planned Mixed Use Overlay. Additionally, there is a small shooting range that has existed on this site and is still used by the Camp. Section 549.08 – Pointing and Discharging

Firearms of the City of Delaware Codified Ordinances generally prohibits the discharging of firearms for a range. The City Attorney, Chief of Police, and Director of Planning have been working on an amendment to this section to allow for the continuation of this use but to ensure it is limited to very a specific pre-existing situation such as this. This legislation is anticipated to be introduced at the City Council meeting of September 24, 2018 for first reading and the setting of a public hearing on October 8, 2018 to allow it to be reviewed and decided concurrently with the annexation review on October 22, 2018.

REASON WHY LEGISLATION IS NEEDED:
The Ohio Revised Code provides the process that annexations must follow throughout Ohio. This legislation is the final City step in the process to formally accept the annexation of the property. The City has until November 1, 2018 to pass this acceptance of annexation Ordinance or it is considered by ORC to be denied. The applicant wishes to begin the rezoning process prior to final action by City Council and thus multiple readings of this legislation are anticipated with passage anticipated prior to the ORC required date of November 1, 2018.

COMMITTEE RECOMMENDATION:

FISCAL IMPACT(S):

POLICY CHANGES:

PRESENTER(S):
Dave Efland, Planning and Community Development Director

RECOMMENDATION:
Approval by third reading coinciding with the passage of the Ordinance No. 18-88, an ordinance amending Section 549.08 of the City of Delaware's Codified Ordinances, relating to pointing and discharging firearms.

ATTACHMENT(S)
County Resolution
Petition
Map
City Resolution

ORDINANCE NO. 18-80

AN ORDINANCE ACCEPTING THE ANNEXATION OF 221.341± ACRES OF LAND MORE OR LESS, DESCRIPTION AND MAP ARE ATTACHED HERETO AS EXHIBITS "A" AND "B" FOR THE ANNEXATION KNOWN AS THE CENTRAL OHIO BOY SCOUTS OF AMERICA – CAMP LAZARUS ANNEXATION BY MICHAEL R. SHADE, AGENT FOR THE PETITIONERS.

WHEREAS, Michael R. Shade, agent for the petitioners, has filed with the Delaware County Commissioners for annexation of 221.341 acres of land, more or less, the description and map are attached hereto as Exhibits A and B; and

WHEREAS, Michael R. Shade, as agent for the petitioners on June 6, 2018 delivered to the Clerk of the Delaware City Council the notice of his filing of the annexation petition with the Board of County Commissioners of Delaware County and its clerk on June 6, 2018; and

WHEREAS, the Ohio Revised Code requires that within 20 days following the date the petition is filed, the City Council shall, by resolution, adopt a statement as to what services, if any, the City will provide and an approximate date by which it will provide them to the territory proposed for annexation, upon annexation, which was completed when City Council passed a Resolution of Services on June 11, 2018 via Resolution 18-36; and

WHEREAS, the proposed annexation applied for in the petition to the Delaware County Commissioners has been approved, by them for annexation to the City of Delaware on June 25 2018 (See attached) The territory to be annexed is described in the attached Exhibits "A" and "B"; and

WHEREAS, the certified transcript of the proceedings for annexation, with an accurate map of the territory, together with the petition of annexation and other papers relating to the proceedings of the County Commissioners, are on file with the Clerk of Council, and have been for more than sixty days.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. That Council hereby accepts the annexation of 221.341 acres of land, description and plat of which are hereby attached as Exhibits "A" and "B" on the annexation known as the Joshua Morgan Annexation by Michael R. Shade, agent for the petitioners with the following conditions that:

1. That upon annexation to the City of Delaware of 221.341± acres more or less as delineated on the attached Exhibits A and B, the Applicant/Property Owner at their sole expense shall provide and install all necessary lines, hydrants, and other appurtenances as required by the City in order to receive city utility services.

SECTION 2. That the Clerk of Council is directed to make five copies of this ordinance, to each of which shall be attached a copy of the map accompanying the petition for annexation, a copy of the transcript of proceedings of the Board of County Commissioners relating thereto, and a certificate as to the correctness thereof. The Clerk shall then forthwith deliver one copy to the Secretary of State, and shall file notice of annexation with the Board of Elections, the County Auditor, the County Recorder, and the County Engineer within thirty days after it becomes effective, and the Clerk shall do all other things required by law.

SECTION 3. 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, 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 Revised Code.

PASSED: _____, 2018 YEAS____ NAYS____
ABSTAIN ____

ATTEST: _____ _____
CITY CLERK MAYOR

Delaware County Commissioners

Jeff Benton
Barb Lewis
Gary Merrell

County Administrator
Michael Frommer

Deputy Administrators
Dawn Huston
Seiji Kille

Clerk to the Commissioners
Jennifer Walraven

July 3, 2018

RECEIVED
JUL 05 2018

Elaine McClosky
City of Delaware Clerk
1 S Sandusky Street
Delaware, OH 43015

RE: Annexation of 221.341 acres
Liberty Township to the City of Delaware

Dear Ms. McClosky:

The Delaware County Commissioners in Regular Session on June 25, 2018 adopted a Resolution granting Prayer of Petition for 221.341 acres, more or less, from Liberty Township to City of Delaware.

I am herewith forwarding a certified copy of the Commissioners' Journal Resolution, a copy of the annexation petition and a copy of all other papers in the Commissioners' annexation folder.

If you have questions, please call me at 740-833-2105.

Sincerely,

Sarah Dinovo

Sarah Dinovo,
Assistant Clerk to the Commissioners

Delaware County Commissioners

Jeff Benton
Barb Lewis
Gary Merrell

County Administrator
Michael Frommer

Deputy Administrators
Dawn Huston
Seiji Kille

Clerk to the Commissioners
Jennifer Walraven

RESOLUTION NO. 18-708

IN THE MATTER OF GRANTING ANNEXATION PETITION, FROM AGENT FOR THE PETITIONER, MICHAEL R. SHADE, REQUESTING ANNEXATION OF 221.341 ACRES OF LAND IN LIBERTY TOWNSHIP TO THE CITY OF DELAWARE:

It was moved by Mr. Benton, seconded by Mr. Merrell to approve the following resolution:

WHEREAS, on May 24, 2018, the Clerk to the Board of the Delaware County Commissioners received an annexation petition filed by Michael R. Shade, agent for the petitioners, of 221.341 acres, more or less, from Liberty Township to the City of Delaware; and

WHEREAS, pursuant to section 709.023 of the Revised Code, if the Municipality or Township does not file an objection within 25 days after filing of the annexation petition, the Board at its next regular session shall enter upon its journal a resolution granting the proposed annexation; and

WHEREAS, 25 days have passed and the Clerk of the Board has not received an objection from the City of Delaware or the Township of Liberty;

THEREFORE, BE IT RESOLVED, the Delaware County Board of Commissioners grants the annexation petition request to annex 221.341 acres, more or less, in Liberty Township to the City of Delaware.

Vote on Motion	Mr. Merrell	Aye	Mr. Benton	Aye	Mrs. Lewis	Absent

I, Sarah Dinovo, Assistant Clerk to the Board of Commissioners hereby certify that the foregoing is a true and correct copy of a resolution of the Board of Commissioners of Delaware County duly adopted June 25, 2018 and appearing upon the official records of the said Board.

Sarah Dinovo
Assistant Clerk to the Commissioners

Delaware County Commissioners

Jeff Benton
Barb Lewis
Gary Merrell

County Administrator
Michael Frommer

Deputy Administrators
Dawn Huston
Seiji Kille

Clerk to the Commissioners
Jennifer Walraven

RESOLUTION NO. 18-708

IN THE MATTER OF GRANTING ANNEXATION PETITION, FROM AGENT FOR THE PETITIONER, MICHAEL R. SHADE, REQUESTING ANNEXATION OF 221.341 ACRES OF LAND IN LIBERTY TOWNSHIP TO THE CITY OF DELAWARE:

It was moved by Mr. Benton, seconded by Mr. Merrell to approve the following resolution:

Whereas, on May 24, 2018, the Clerk to the Board of the Delaware County Commissioners received an annexation petition filed by Michael R. Shade, agent for the petitioners, of 221.341 acres, more or less, from Liberty Township to the City of Delaware; and

Whereas, pursuant to section 709.023 of the Revised Code, if the Municipality or Township does not file an objection within 25 days after filing of the annexation petition, the Board at its next regular session shall enter upon its journal a resolution granting the proposed annexation; and

Whereas, 25 days have passed and the Clerk of the Board has not received an objection from the City of Delaware or the Township of Liberty;

Therefore, Be It Resolved, the Delaware County Board of Commissioners grants the annexation petition request to annex 221.341 acres, more or less, in Liberty Township to the City of Delaware.

BE IT FURTHER RESOLVED that the Delaware County Board of Commissioners hereby directs the Clerk of the Board to deliver a certified copy of the entire record of the annexation proceedings, including all resolutions of the Board, signed by a majority of the members of the Board, the petition, map, and all other papers on file, and the recording of the proceedings, if a copy is available, to the auditor or clerk of the City of Delaware

Vote on Motion	Mr. Benton	Mr. Merrell	Mrs. Lewis	Absent

Jeff Benton County Commissioner	Absent Barb Lewis County Commissioner	Gary Merrell County Commissioner

EST 1808

CITY OF

DELAWARE

OHIO

RESOLUTION CERTIFICATION

I, Elaine McCloskey, being the duly appointed as Clerk of City Council of Delaware, Ohio, do hereby swear and attest that the attached document is a true and correct copy of Resolution No. 18-36 as passed on June 11, 2018 by the Delaware City Council.

Elaine McCloskey

Elaine McCloskey
Clerk of City Council

SEAL

RECEIVED
2018 JUN 12 PM 3:09
DELAWARE COUNTY
COMMISSIONERS

This Resolution Certification dated this 12 day of June in the year 2018.

RESOLUTION NO. 18-36

A RESOLUTION INDICATING WHAT SERVICES THE CITY OF DELAWARE WILL PROVIDE TO 221.341± ACRES OF LAND, MORE OR LESS, DESCRIPTION AND MAP ARE ATTACHED HERETO AS EXHIBITS "A" AND "B" FOR THE ANNEXATION KNOWN AS THE CENTRAL OHIO BOY SCOUTS OF AMERICA –CAMP LAZARUS ANNEXATION BY MICHAEL R. SHADE, AGENT FOR THE PETITIONERS.

WHEREAS, Michael R. Shade, agent for the petitioners, has filed with the Delaware County Commissioners for annexation of 221.341 acres of land, more or less, the description and map are attached hereto as Exhibits A and B; and

WHEREAS, Michael R. Shade, as agent for the petitioners on May 29, 2018 delivered to the Clerk of the Delaware City Council the notice of his filing of the annexation petition with the Board of County Commissioners of Delaware County and its clerk on May 24, 2018; and

WHEREAS, the Ohio Revised Code requires that within 20 days following the date the petition is filed, the City Council shall, by resolution, adopt a statement as to what services, if any, the City will provide and an approximate date by which it will provide them to the territory proposed for annexation, upon annexation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Delaware, State of Ohio:

SECTION 1. That upon annexation to the City of Delaware of 221.341± acres more or less as delineated on the attached Exhibits A and B, the City will provide the following services by the approximate date indicated as to each, provided all necessary lines, hydrants, and other apparatus are installed by the property owner as required by the City and said services shall be provided under the same conditions and same costs as they are provided to other residents in the City of Delaware:

(a) Water - upon acceptance of annexation
(b) Sanitary Sewer - upon acceptance of annexation
(c) Refuse – upon acceptance of annexation
(d) Fire – upon acceptance of annexation
(e) Police – upon acceptance of annexation
(f) Road maintenance-upon acceptance of annexation

SECTION 2. That the Council of the City of Delaware, pursuant to Ohio Revised Code Section 709.023(D), hereby consents to the annexation.

SECTION 3. 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 Resolution were taken in an open meeting of this Council, 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 Revised Code.

SECTION 4. That the Clerk of Council shall prepare and furnish to the agent for the petitioners a certified copy of this resolution and file with the Delaware County Board of County Commissioners on or before 20 days from the filing of the annexation petition.

SECTION 5. That if the territory is annexed and becomes subject to zoning by the City of Delaware and the City permits uses in the annexed territory that the City determines are clearly incompatible with the uses permitted under the current county or township zoning regulations in the adjacent land remaining within the township from which the territory was annexed, the Council of the City of Delaware will require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed and the adjacent land remaining within the township for purposes of this ordinance, buffer includes open space, landscaping, fences, walls, and other structured elements; streets and street rights of way; and bicycle and pedestrian paths and sidewalks.

SECTION 6. That this resolution shall take effect and be in force immediately after this passage.

PASSED: June 11, 2018 YEAS 7 NAYS 0
ABSTAIN 0

ATTEST: Elaine McCluskey
CITY CLERK

MAYOR

RECEIVED
JUN 06 2018

Michael R. Shade
Agent for Petitioners
P.O. Box 438, Delaware, Ohio 43015
(740) 363-9232
Fax (740) 363-0146

June 4, 2018

Elaine McCloskey
Clerk of City Council
City of Delaware, Ohio
City Hall
1 S. Sandusky Street
Delaware, Ohio 43015

Nancy Denutte
Fiscal Officer of Liberty Township
10104 Brewster Lane, Suite 125
Powell, Ohio 43065

Re: **PETITION FOR LEE FAMILY PARTNERSHIP, AND FAMILY MEMBERS, YOUNG ZA RO AND ROBERT TAEK RO, MEDIA INVESTMENTS, LLC AND THE CENTRAL OHIO BOY SCOUTS OF AMERICA ANNEXATION TO THE CITY OF DELAWARE, OHIO FROM THE TOWNSHIP OF LIBERTY CONSISTING OF 221.341 ACRES:**
EXPEDITED TYPE 2 ANNEXATION

Please find enclosed copies of the Notice of Proof of Service filed with the office of the Board of Commissioners of Delaware County, Ohio this 4th day of June, 2018.

Please do not hesitate to contact me should you have questions.

Very truly yours,

Michael R. Shade
Agent for Petitioners

Enclosure

PETITION FOR LEE FAMILY PARTNERSHIP, AND FAMILY MEMBERS, YOUNG ZA RO AND ROBERT TAEK RO, MEDIA INVESTMENTS, LLC AND THE CENTRAL OHIO BOY SCOUTS OF AMERICA ANNEXATION TO THE CITY OF DELAWARE, OHIO FROM THE TOWNSHIP OF LIBERTY CONSISTING OF 221.341 ACRES: EXPEDITED TYPE 2 ANNEXATION

STATE OF OHIO
COUNTY OF DELAWARE, ss.

Pursuant to the requirements of Section 709.023(B) ORC, Michael R. Shade, being first duly sworn, deposes and says that the following statements are true:

1. Affiant is the Agent for the Petitioners in the above referenced petition;

2. Affiant is the person who delivered the required statutory notices;

3. On May 24, 2018, the affiant mailed duplicate originals of the attached letter of notice ("notice") to Elaine McCloskey, Clerk of City Council of the City of Delaware, Ohio, by certified mail, return receipt number 7015 1520 0000 6497 4610 and to Nancy Denutte, Fiscal Officer of Liberty Township, by certified mail, return receipt number 7015 1520 0000 6497 4627. A complete copy of the petition for annexation and all attachments accompanied each notice. The return receipts are attached.

4. On May 24, 2018, the affiant mailed a letter of notice ("notice") to each owner of a tract, parcel or lot which adjoins, abuts, or is across the road from the area of the above named annexation by regular first class United States mail. A copy of each notice is attached. No Notice as part of this Proof of Service was sent to adjoining lands owned by the Petitioner. Petitioner was notified by separate mailing. A complete copy of the Petition for Annexation and all attachments accompanied each notice

Further affiant sayeth naught.

MICHAEL R. SHADE, Agent for the Petitioners

Sworn to and subscribed in my presence this 4th day of June, 2018.

NOTARY PUBLIC

NOTARIAL SEAL STATE OF OHIO

KELSEY J. CORDING
Notary Public, State of Ohio
My Commission Expires 08-20-2019

DELAWARE COUNTY COMMISSIONERS
2018 JUN -4 PM 1:48
RECEIVED

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Elaine McCloskey, Clerk of City Council
City of Delaware, Ohio
City Hall
1 S. Sandusky Street
Delaware, Ohio 43015

9590 9402 2906 7094 2273 34

2. Article Number (Transfer from service label)

7015 1520 0000 6497 4610

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Lisa Brame

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature
☐ Adult Signature Restricted Delivery
■ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
Mail Restricted Delivery
500)
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
■ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Nancy Denutte
Fiscal Officer of Liberty Township
10104 Brewster Lane, Suite 125
Powell, Ohio 43065

9590 9402 2906 7094 2273 41

2. Article Number (Transfer from service label)

7015 1520 0000 6497 4627

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name) Charles Hurt

C. Date of Delivery 5/29/18

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature
☐ Adult Signature Restricted Delivery
■ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
Mail Restricted Delivery
500)
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
■ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

Michael R. Shade
Agent for Petitioners
P.O. Box 438, Delaware, Ohio 43015
(740) 363-9232
Fax (740) 363-0146

May 24, 2018

Elaine McCloskey
Clerk of City Council
City of Delaware, Ohio
City Hall
1 S. Sandusky Street
Delaware, Ohio 43015

Nancy Denutte
Fiscal Officer of Liberty Township
10104 Brewster Lane, Suite 125
Powell, Ohio 43065

Re: **PETITION FOR LEE FAMILY PARTNERSHIP AND FAMILY MEMBERS, YOUNG ZA RO AND ROBERT TAEK RO, MEDIA INVESTMENTS, LLC AND THE CENTRAL OHIO BOY SCOUTS OF AMERICA ANNEXATION TO THE CITY OF DELAWARE, OHIO FROM THE TOWNSHIP OF LIBERTY CONSISTING OF 221.341 ACRES: EXPEDITED TYPE 2 ANNEXATION**

Pursuant to the requirements of Chapter 709 and the Annexation Guidelines adopted by the Board of County Commissioners of Delaware County, Ohio, you are hereby notified that a petition for the above referenced annexation (Petition herein), a copy of which is enclosed, was filed with the Board of County Commissioners of Delaware County, Ohio and its clerk on May 24, 2018 at approximately 9:21 o'clock a.m. This is an Expedited Type 2 Annexation proceeding under the Guidelines and Procedures adopted by Resolution of the Board of Delaware County Commissioners for the processing of an annexation proceeding and is being submitted pursuant to the provisions of Section 709.021 ORC when owners unanimously request annexation and Section 709.023 ORC when the area being annexed is not to be excluded from the township. As you can see from the "Map of the Territory to be Annexed to the City of Delaware" attached to the Petition, the Petitioners are seeking annexation of 230.259 acres. This action matter will come before the Board of Delaware County Commissioners of Delaware County, Ohio on June 25, 2018 at 9:30 a.m. at the Commissioner's Hearing Room, 101 N. Sandusky Street, Delaware, Ohio 43015

A duplicate original of this letter is being mailed to each of you by certified mail, return receipt requested, number 7015 1520 0000 6497 4610 as to the Clerk of the Council of the City of Delaware and number 7015 1520 0000 6497 4627 as to the Fiscal Officer of Liberty Township.

Please do not hesitate to contact me should you have questions.

Very truly yours,

Michael R. Shade
Agent for Petitioners

Enclosure

Michael R. Shade
Agent for Petitioners
P.O. Box 438, Delaware, Ohio 43015
(740) 363-9232
Fax (740) 363-0146

May 24, 2018

Elaine McCloskey
Clerk of City Council
City of Delaware, Ohio
City Hall
1 S. Sandusky Street
Delaware, Ohio 43015

Nancy Denutte
Fiscal Officer of Liberty Township
10104 Brewster Lane, Suite 125
Powell, Ohio 43065

Re: **PETITION FOR LEE FAMILY PARTNERSHIP AND FAMILY MEMBERS, YOUNG ZA RO AND ROBERT TAEK RO, MEDIA INVESTMENTS, LLC AND THE CENTRAL OHIO BOY SCOUTS OF AMERICA ANNEXATION TO THE CITY OF DELAWARE, OHIO FROM THE TOWNSHIP OF LIBERTY CONSISTING OF 221.341 ACRES: EXPEDITED TYPE 2 ANNEXATION**

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Please do not hesitate to contact me should you have questions.

Very truly yours,

Michael R. Shade
Agent for Petitioners

Enclosure

Michael R. Shade
Agent for Petitioners
P.O. Box 438, Delaware, Ohio 43015
(740) 363-9232
Fax (740) 363-0146

May 24, 2018

RONALD D. FRAZIER
ALICE A. FRAIZER
4477 CHAPMAN RD
DELAWARE OH 43015

Re: **PETITION FOR LEE FAMILY PARTNERSHIP AND FAMILY MEMBERS, YOUNG ZA RO AND ROBERT TAEK RO, MEDIA INVESTMENTS, LLC AND THE CENTRAL OHIO BOY SCOUTS OF AMERICA ANNEXATION TO THE CITY OF DELAWARE, OHIO FROM THE TOWNSHIP OF LIBERTY CONSISTING OF 221.341 ACRES: EXPEDITED TYPE 2 ANNEXATION**

Dear Property Owner:

The Delaware County Auditor's Office shows you are the owner of a tract, parcel or lot assigned permanent tax parcel number 41942002002000 which adjoins or is across the road from the lands of CENTRAL OHIO BOY SCOUTS OF AMERICA Annexation. Accordingly, pursuant to the requirements of Chapter 709 ORC (Ohio Revised Code) and the Annexation Guidelines adopted by the Board of County Commissioners of Delaware County, Ohio, you are hereby notified that a petition for the above referenced annexation, a copy of which is enclosed, was filed with the Board of County Commissioners of Delaware County, Ohio and its Clerk on May 24, 2014 at approximately 9:21 o'clock a.m. This is an Expedited Type 2 Annexation proceeding under the Guidelines and Procedures adopted by Resolution of the Board of Delaware County Commissioners for the processing of an annexation proceeding and is being submitted pursuant to the provisions of Section 709.021 ORC when owners unanimously request annexation and Section 709.023 ORC when the area being annexed is not to be excluded from Liberty Township, Delaware County, Ohio.

This action matter will come before the Board of Delaware County Commissioners of Delaware County, Ohio on June 25, 2018 at 9:30 a.m. at the Commissioner's Hearing Room, 101 N. Sandusky Street, Delaware, Ohio 43015.

Very truly yours,

Michael R. Shade
Agent for Petitioners

Enclosures

Michael R. Shade
Agent for Petitioners
P.O. Box 438, Delaware, Ohio 43015
(740) 363-9232
Fax (740) 363-0146

May 24, 2018

FRAZIER FARMS LTD.
4477 CHAPMAN RD
DELAWARE OH 43015

Re: **PETITION FOR LEE FAMILY PARTNERSHIP AND FAMILY MEMBERS, YOUNG ZA RO AND ROBERT TAEK RO, MEDIA INVESTMENTS, LLC AND THE CENTRAL OHIO BOY SCOUTS OF AMERICA ANNEXATION TO THE CITY OF DELAWARE, OHIO FROM THE TOWNSHIP OF LIBERTY CONSISTING OF 221.341 ACRES: EXPEDITED TYPE 2 ANNEXATION**

Dear Property Owner:

The Delaware County Auditor's Office shows you are the owner of a tract, parcel or lot assigned permanent tax parcel numbers 41942002001000 and 41941003008001 which adjoins or is across the road from the lands of CENTRAL OHIO BOY SCOUTS OF AMERICA Annexation. Accordingly, pursuant to the requirements of Chapter 709 ORC (Ohio Revised Code) and the Annexation Guidelines adopted by the Board of County Commissioners of Delaware County, Ohio, you are hereby notified that a petition for the above referenced annexation, a copy of which is enclosed, was filed with the Board of County Commissioners of Delaware County, Ohio and its Clerk on May 24, 2014 at approximately 9:21 o'clock a.m. This is an Expedited Type 2 Annexation proceeding under the Guidelines and Procedures adopted by Resolution of the Board of Delaware County Commissioners for the processing of an annexation proceeding and is being submitted pursuant to the provisions of Section 709.021 ORC when owners unanimously request annexation and Section 709.023 ORC when the area being annexed is not to be excluded from Liberty Township, Delaware County, Ohio.

This action matter will come before the Board of Delaware County Commissioners of Delaware County, Ohio on June 25, 2018 at 9:30 a.m. at the Commissioner's Hearing Room, 101 N. Sandusky Street, Delaware, Ohio 43015.

Very truly yours,

Michael R. Shade
Agent for Petitioners

Enclosures

Michael R. Shade
Agent for Petitioners
P.O. Box 438, Delaware, Ohio 43015
(740) 363-9232
Fax (740) 363-0146

May 24, 2018

FRAZIER FARMS LTD.
ATTN: BRENDA C. FRAZIER
STATUTORY AGENT
4477 CHAPMAN ROAD
DELAWARE, OH 43015

Re: **PETITION FOR LEE FAMILY PARTNERSHIP AND FAMILY MEMBERS, YOUNG ZA RO AND ROBERT TAEK RO, MEDIA INVESTMENTS, LLC AND THE CENTRAL OHIO BOY SCOUTS OF AMERICA ANNEXATION TO THE CITY OF DELAWARE, OHIO FROM THE TOWNSHIP OF LIBERTY CONSISTING OF 221.341 ACRES: EXPEDITED TYPE 2 ANNEXATION**

Dear Property Owner:

The Delaware County Auditor's Office shows you are the owner of a tract, parcel or lot assigned permanent tax parcel numbers 41942002001000 and 41941003008001 which adjoins or is across the road from the lands of CENTRAL OHIO BOY SCOUTS OF AMERICA Annexation. Accordingly, pursuant to the requirements of Chapter 709 ORC (Ohio Revised Code) and the Annexation Guidelines adopted by the Board of County Commissioners of Delaware County, Ohio, you are hereby notified that a petition for the above referenced annexation, a copy of which is enclosed, was filed with the Board of County Commissioners of Delaware County, Ohio and its Clerk on May 24, 2014 at approximately 9:21 o'clock a.m. This is an Expedited Type 2 Annexation proceeding under the Guidelines and Procedures adopted by Resolution of the Board of Delaware County Commissioners for the processing of an annexation proceeding and is being submitted pursuant to the provisions of Section 709.021 ORC when owners unanimously request annexation and Section 709.023 ORC when the area being annexed is not to be excluded from Liberty Township, Delaware County, Ohio.

This action matter will come before the Board of Delaware County Commissioners of Delaware County, Ohio on June 25, 2018 at 9:30 a.m. at the Commissioner's Hearing Room, 101 N. Sandusky Street, Delaware, Ohio 43015.

Very truly yours,

Michael R. Shade
Agent for Petitioners

Enclosures

Michael R. Shade
Agent for Petitioners
P.O. Box 438, Delaware, Ohio 43015
(740) 363-9232
Fax (740) 363-0146

May 24, 2018

CITY OF DELAWARE
1 SOUTH SANDUSKY STREET
DELAWARE, OH 43015

Re: **PETITION FOR LEE FAMILY PARTNERSHIP AND FAMILY MEMBERS, YOUNG ZA RO AND ROBERT TAEK RO, MEDIA INVESTMENTS, LLC AND THE CENTRAL OHIO BOY SCOUTS OF AMERICA ANNEXATION TO THE CITY OF DELAWARE, OHIO FROM THE TOWNSHIP OF LIBERTY CONSISTING OF 221.341 ACRES: EXPEDITED TYPE 2 ANNEXATION**

Dear Property Owner:

The Delaware County Auditor's Office shows you are the owner of a tract, parcel or lot assigned permanent tax parcel number 99999952000000 which adjoins or is across the road from the lands of CENTRAL OHIO BOY SCOUTS OF AMERICA Annexation. Accordingly, pursuant to the requirements of Chapter 709 ORC (Ohio Revised Code) and the Annexation Guidelines adopted by the Board of County Commissioners of Delaware County, Ohio, you are hereby notified that a petition for the above referenced annexation, a copy of which is enclosed, was filed with the Board of County Commissioners of Delaware County, Ohio and its Clerk on May 24, 2014 at approximately 9:21 o'clock a.m. This is an Expedited Type 2 Annexation proceeding under the Guidelines and Procedures adopted by Resolution of the Board of Delaware County Commissioners for the processing of an annexation proceeding and is being submitted pursuant to the provisions of Section 709.021 ORC when owners unanimously request annexation and Section 709.023 ORC when the area being annexed is not to be excluded from Liberty Township, Delaware County, Ohio.

This action matter will come before the Board of Delaware County Commissioners of Delaware County, Ohio on June 25, 2018 at 9:30 a.m. at the Commissioner's Hearing Room, 101 N. Sandusky Street, Delaware, Ohio 43015.

Very truly yours,

Michael R. Shade
Agent for Petitioners

Enclosures

Michael R. Shade
Agent for Petitioners
P.O. Box 438, Delaware, Ohio 43015
(740) 363-9232
Fax (740) 363-0146

May 24, 2018

BOARD OF EDUCATION
DELAWARE JOINT VOCATIONAL
SCHOOL DISTRICT
4565 COLUMBUS PIKE
DELAWARE OH 43015

Re: **PETITION FOR LEE FAMILY PARTNERSHIP AND FAMILY MEMBERS, YOUNG ZA RO AND ROBERT TAEK RO, MEDIA INVESTMENTS, LLC AND THE CENTRAL OHIO BOY SCOUTS OF AMERICA ANNEXATION TO THE CITY OF DELAWARE, OHIO FROM THE TOWNSHIP OF LIBERTY CONSISTING OF 221.341 ACRES: EXPEDITED TYPE 2 ANNEXATION**

Dear Property Owner:

The Delaware County Auditor's Office shows you are the owner of a tract, parcel or lot assigned permanent tax parcel number 41944001001000 which adjoins or is across the road from the lands of CENTRAL OHIO BOY SCOUTS OF AMERICA Annexation. Accordingly, pursuant to the requirements of Chapter 709 ORC (Ohio Revised Code) and the Annexation Guidelines adopted by the Board of County Commissioners of Delaware County, Ohio, you are hereby notified that a petition for the above referenced annexation, a copy of which is enclosed, was filed with the Board of County Commissioners of Delaware County, Ohio and its Clerk on May 24, 2014 at approximately 9:21 o'clock a.m. This is an Expedited Type 2 Annexation proceeding under the Guidelines and Procedures adopted by Resolution of the Board of Delaware County Commissioners for the processing of an annexation proceeding and is being submitted pursuant to the provisions of Section 709.021 ORC when owners unanimously request annexation and Section 709.023 ORC when the area being annexed is not to be excluded from Liberty Township, Delaware County, Ohio.

This action matter will come before the Board of Delaware County Commissioners of Delaware County, Ohio on June 25, 2018 at 9:30 a.m. at the Commissioner's Hearing Room, 101 N. Sandusky Street, Delaware, Ohio 43015.

Very truly yours,

Michael R. Shade
Agent for Petitioners

Enclosures

Michael R. Shade
Agent for Petitioners
P.O. Box 438, Delaware, Ohio 43015
(740) 363-9232
Fax (740) 363-0146

May 24, 2018

DISTRICT BOARD OF TRUSTEES
COLUMBUS STATE COMMUNITY COLLEGE
100 CORNERSTONE DR.
DELAWARE OH 43015

Re: **PETITION FOR LEE FAMILY PARTNERSHIP AND FAMILY MEMBERS, YOUNG ZA RO AND ROBERT TAEK RO, MEDIA INVESTMENTS, LLC AND THE CENTRAL OHIO BOY SCOUTS OF AMERICA ANNEXATION TO THE CITY OF DELAWARE, OHIO FROM THE TOWNSHIP OF LIBERTY CONSISTING OF 221.341 ACRES: EXPEDITED TYPE 2 ANNEXATION**

Dear Property Owner:

The Delaware County Auditor's Office shows you are the owner of a tract, parcel or lot assigned permanent tax parcel number 41944003001000 which adjoins or is across the road from the lands of CENTRAL OHIO BOY SCOUTS OF AMERICA Annexation. Accordingly, pursuant to the requirements of Chapter 709 ORC (Ohio Revised Code) and the Annexation Guidelines adopted by the Board of County Commissioners of Delaware County, Ohio, you are hereby notified that a petition for the above referenced annexation, a copy of which is enclosed, was filed with the Board of County Commissioners of Delaware County, Ohio and its Clerk on May 24, 2014 at approximately 9:21 o'clock a.m. This is an Expedited Type 2 Annexation proceeding under the Guidelines and Procedures adopted by Resolution of the Board of Delaware County Commissioners for the processing of an annexation proceeding and is being submitted pursuant to the provisions of Section 709.021 ORC when owners unanimously request annexation and Section 709.023 ORC when the area being annexed is not to be excluded from Liberty Township, Delaware County, Ohio.

This action matter will come before the Board of Delaware County Commissioners of Delaware County, Ohio on June 25, 2018 at 9:30 a.m. at the Commissioner's Hearing Room, 101 N. Sandusky Street, Delaware, Ohio 43015.

Very truly yours,

Michael R. Shade
Agent for Petitioners

Enclosures

Michael R. Shade
Agent for Petitioners
P.O. Box 438, Delaware, Ohio 43015
(740) 363-9232
Fax (740) 363-0146

May 24, 2018

STATE OF OHIO
1952 BELCHER C-4 DR
COLUMBUS OH 43224

Re: **PETITION FOR LEE FAMILY PARTNERSHIP AND FAMILY MEMBERS, YOUNG ZA RO AND ROBERT TAEK RO, MEDIA INVESTMENTS, LLC AND THE CENTRAL OHIO BOY SCOUTS OF AMERICA ANNEXATION TO THE CITY OF DELAWARE, OHIO FROM THE TOWNSHIP OF LIBERTY CONSISTING OF 221.341 ACRES: EXPEDITED TYPE 2 ANNEXATION**

Dear Property Owner:

The Delaware County Auditor's Office shows you are the owner of a tract, parcel or lot assigned permanent tax parcel number 41944002002000 which adjoins or is across the road from the lands of CENTRAL OHIO BOY SCOUTS OF AMERICA Annexation. Accordingly, pursuant to the requirements of Chapter 709 ORC (Ohio Revised Code) and the Annexation Guidelines adopted by the Board of County Commissioners of Delaware County, Ohio, you are hereby notified that a petition for the above referenced annexation, a copy of which is enclosed, was filed with the Board of County Commissioners of Delaware County, Ohio and its Clerk on May 24, 2014 at approximately 9:21 o'clock a.m. This is an Expedited Type 2 Annexation proceeding under the Guidelines and Procedures adopted by Resolution of the Board of Delaware County Commissioners for the processing of an annexation proceeding and is being submitted pursuant to the provisions of Section 709.021 ORC when owners unanimously request annexation and Section 709.023 ORC when the area being annexed is not to be excluded from Liberty Township, Delaware County, Ohio.

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Very truly yours,

Michael R. Shade
Agent for Petitioners

Enclosures

Michael R. Shade
Agent for Petitioners
P.O. Box 438, Delaware, Ohio 43015
(740) 363-9232
Fax (740) 363-0146

May 24, 2018

CENTRAL OHIO BOY SCOUTS OF AMERICA
4422 COLUMBUS PIKE
DELAWARE OH 43015

Re: **PETITION FOR LEE FAMILY PARTNERSHIP AND FAMILY MEMBERS, YOUNG ZA RO AND ROBERT TAEK RO, MEDIA INVESTMENTS, LLC AND THE CENTRAL OHIO BOY SCOUTS OF AMERICA ANNEXATION TO THE CITY OF DELAWARE, OHIO FROM THE TOWNSHIP OF LIBERTY CONSISTING OF 221.341 ACRES: EXPEDITED TYPE 2 ANNEXATION**

Dear Property Owner:

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Very truly yours,

Michael R. Shade
Agent for Petitioners

Enclosures

RECEIVED
MAY 29 2018

Michael R. Shade
Agent for Petitioners
P.O. Box 438, Delaware, Ohio 43015
(740) 363-9232
Fax (740) 363-0146

May 24, 2018

CITY OF DELAWARE
1 SOUTH SANDUSKY STREET
DELAWARE, OH 43015

Re: **PETITION FOR LEE FAMILY PARTNERSHIP AND FAMILY MEMBERS, YOUNG ZA RO AND ROBERT TAEK RO, MEDIA INVESTMENTS, LLC AND THE CENTRAL OHIO BOY SCOUTS OF AMERICA ANNEXATION TO THE CITY OF DELAWARE, OHIO FROM THE TOWNSHIP OF LIBERTY CONSISTING OF 221.341 ACRES: EXPEDITED TYPE 2 ANNEXATION**

Dear Property Owner:

The Delaware County Auditor's Office shows you are the owner of a tract, parcel or lot assigned permanent tax parcel number 99999952000000 which adjoins or is across the road from the lands of CENTRAL OHIO BOY SCOUTS OF AMERICA Annexation. Accordingly, pursuant to the requirements of Chapter 709 ORC (Ohio Revised Code) and the Annexation Guidelines adopted by the Board of County Commissioners of Delaware County, Ohio, you are hereby notified that a petition for the above referenced annexation, a copy of which is enclosed, was filed with the Board of County Commissioners of Delaware County, Ohio and its Clerk on May 24, 2014 at approximately 9:21 o'clock a.m. This is an Expedited Type 2 Annexation proceeding under the Guidelines and Procedures adopted by Resolution of the Board of Delaware County Commissioners for the processing of an annexation proceeding and is being submitted pursuant to the provisions of Section 709.021 ORC when owners unanimously request annexation and Section 709.023 ORC when the area being annexed is not to be excluded from Liberty Township, Delaware County, Ohio.

This action matter will come before the Board of Delaware County Commissioners of Delaware County, Ohio on June 25, 2018 at 9:30 a.m. at the Commissioner's Hearing Room, 101 N. Sandusky Street, Delaware, Ohio 43015.

Very truly yours,

Michael R. Shade
Agent for Petitioners

Enclosures

Michael R. Shade
Agent for Petitioners
P.O. Box 438, Delaware, Ohio 43015
(740) 363-9232
Fax (740) 363-0146

May 24, 2018

Elaine McCloskey
Clerk of City Council
City of Delaware, Ohio
City Hall
1 S. Sandusky Street
Delaware, Ohio 43015

Nancy Denutte
Fiscal Officer of Liberty Township
10104 Brewster Lane, Suite 125
Powell, Ohio 43065

Re: **PETITION FOR LEE FAMILY PARTNERSHIP AND FAMILY MEMBERS, YOUNG ZA RO AND ROBERT TAEK RO, MEDIA INVESTMENTS, LLC AND THE CENTRAL OHIO BOY SCOUTS OF AMERICA ANNEXATION TO THE CITY OF DELAWARE, OHIO FROM THE TOWNSHIP OF LIBERTY CONSISTING OF 221.341 ACRES: EXPEDITED TYPE 2 ANNEXATION**

Pursuant to the requirements of Chapter 709 and the Annexation Guidelines adopted by the Board of County Commissioners of Delaware County, Ohio, you are hereby notified that a petition for the above referenced annexation (Petition herein), a copy of which is enclosed, was filed with the Board of County Commissioners of Delaware County, Ohio and its clerk on May 24, 2018 at approximately 9:21 o'clock a.m. This is an Expedited Type 2 Annexation proceeding under the Guidelines and Procedures adopted by Resolution of the Board of Delaware County Commissioners for the processing of an annexation proceeding and is being submitted pursuant to the provisions of Section 709.021 ORC when owners unanimously request annexation and Section 709.023 ORC when the area being annexed is not to be excluded from the township. As you can see from the "Map of the Territory to be Annexed to the City of Delaware" attached to the Petition, the Petitioners are seeking annexation of 230.259 acres. This action matter will come before the Board of Delaware County Commissioners of Delaware County, Ohio on June 25, 2018 at 9:30 a.m. at the Commissioner's Hearing Room, 101 N. Sandusky Street, Delaware, Ohio 43015

A duplicate original of this letter is being mailed to each of you by certified mail, return receipt requested, number 7015 1520 0000 6497 4610 as to the Clerk of the Council of the City of Delaware and number 7015 1520 0000 6497 4627 as to the Fiscal Officer of Liberty Township.

Please do not hesitate to contact me should you have questions.

Very truly yours,

Michael R. Shade
Agent for Petitioners

Enclosure

BOARD OF COUNTY COMMISSIONERS OF
DELAWARE COUNTY, OHIO

PETITION FOR LEE FAMILY PARTNERSHIP, AND FAMILY MEMBERS, YOUNG ZA RO AND ROBERT TAEK RO, MEDIA INVESTMENTS, LLC AND THE CENTRAL OHIO BOY SCOUTS OF AMERICA ANNEXATION TO THE CITY OF DELAWARE, OHIO FROM THE TOWNSHIP OF LIBERTY CONSISTING OF 221.341 ACRES: EXPEDITED TYPE 2 ANNEXATION

Petitioner

Lee Family Partnership, et.al.
894 Blackwater Road
Chillicothe, OH 45601

Media Investments LLC
C/O Melodi Ross
7221 Pineville Matthews Rd., Suite 600
Charlotte, North Carolina 28226

Boy Scouts of America
Simon Kenton Council
807 Kinnear Road
Columbus, OH 43212

Agent for Petitioners

Michael R. Shade
Attorney at Law
1 West Winter Street, Suite 410
Delaware, Ohio 43015
Phone: (740) 363-9232
Fax:.(740)363-0146
Email : mrs@ss-dta.com

2018 MAY 24 AM 9:21
RECEIVED

PETITION FOR LEE FAMILY PARTNERSHIP, MEDIA INVESTMENTS, LLC AND THE CENTRAL OHIO BOY SCOUTS OF AMERICA ANNEXATION TO THE CITY OF DELAWARE, OHIO FROM THE TOWNSHIP OF LIBERTY CONSISTING OF 221.341 ACRES: EXPEDITED TYPE 2 ANNEXATION

To: **The Board of County Commissioners of Delaware County, Ohio**

1. The undersigned petitioner ("the Petitioner" herein), being all of the owners of real estate in the following described territory consisting of 221.341 acres situated in the Township of Liberty County of Delaware, which area is contiguous with, adjacent to, and/or surrounded by the City of Delaware in part, to wit: see the legal description attached hereto as Exhibit A and the attached map, both of which are incorporated by reference herein ("described territory"), respectfully petition that the described territory be annexed to the City of Delaware, Ohio.

The description of the described territory ("the description" herein) and map were prepared by Karen S. Coffman, P.S., Registered Surveyor No. 7845, Scioto Land Surveying Service, Inc., for annexation purposes, from information of record in the Delaware County Courthouse. All record references, unless otherwise noted, are to public records on file at the Delaware County Recorder's Office; all statutory references, unless otherwise noted, are to the Ohio Revised Code.

2. In support of this Petition, the petitioners state that there are within the described territory sought to be annexed three (3) owner of the real estate. The real estate within area to be annexed and included in the description is owned as indicated on the following table:

Name of Petitioner	Address	Acreage Information	Deed Reference	Parcel ID No.
LEE FAMILY PARTNERSHIP AND FAMILY MEMBERS: YOUNG ZA RO ROBERT TAEK RO	894 BLACKWATER RD CHILLICOTHE OH 45601	Part of the Total Lands owned by Owner consisting of 41.352 acres. **Total Lands Consisting of .291 Acres Located in the ROW of Columbus Pike and Been Annexed As Part of This Annexation.**	Official Record Vol. 594, Pages 204;	419-410-04-029-000

MEDIA INVESTMENTS, LLC	4425 Columbus Pike Delaware, OH 43015 (Property Address) C/O Melodi Ross 7221 Pineville Matthews Rd. Suite 600 Charlotte, North Carolina 28226 (Mailing Address)	Part of the Total Lands owned by Owner consisting of 5.756 acres. **Total Lands Consisting of .246 Acres Located in the ROW of Columbus Pike and Being Annexed As Part of This Annexation.**	Official Record Vol. 874, Pages 1013;	419-410-04-030-000 419-410-04-031-000
Central Ohio Boy Scouts of America (Formally known as Boy Scouts of America, Central Ohio Council and the Columbus Council Boy Scouts of America)	4422 Columbus Pike, Delaware, OH 43015	Land Owned 231.517 acres. Lands in the ROW and Other Lands Not Being Annexed Consisting of 10.713 Acres. **Total Lands of this Petitioner to be Annexed is 220.804 Acres**	Deed Book Vol. 168, Page 81; Deed Book Vol. 169, Page 75; Deed Book Vol. 216, Page 656	419-440-02-001-000 419-440-02-003-000 419-410-03-009-000
	Total Lands to be Annexed	**221.341 Acres**		

All public road rights of way abutting any part of the described territory are not being annexed into and will not be in the City of Delaware, Ohio except where the annexation is over lands on both sides of any roadway.

3. Michael R. Shade is hereby appointed Agent for the undersigned Petitioner ("the Agent" herein), as required by § 709.02 and the Agent's address is 1 West Winter Street, Suite 410, P.O. Box 438, Delaware, Ohio 43015. The agent is hereby authorized to make any amendment and/or decision which in his absolute and complete discretion is necessary or proper under the circumstances then existing and is specifically authorized to make any such amendment in order to correct any discrepancy or mistake noted by the Delaware County Engineer in his examination of the Petition and Plat. Any such amendment shall be made by the presentation of an amended description and map to the Board of County Commissioners on, before, or after the date set for hearing on this Petition.

4. An accurate map marked "Map of Territory to be Annexed to the City of Delaware" is attached hereto and made part of this petition.

5. A list containing the required information concerning all tracts, lots and parcels adjacent to or across the road from the area sought to be annexed is being filed by the Agent at the time of the filing of this Petition.

6. No island of unincorporated area is being created by this annexation.

7. This petition is filed as an Expedited II annexation proceeding under the Guidelines and Procedures adopted by Resolution of the Board of Delaware County Commissioners for the processing of annexation proceedings and is being submitted pursuant the provisions of § 709.021 when owners unanimously request annexation and § 709.023 when the area being annexed is not to be excluded from the township. The area sought to be annexed shall not upon the annexation be excluded from Liberty Township, Delaware County, Ohio in conformity with the provisions of § 709.023.

8. The City of Delaware, Ohio will pass and submit to the Board of County Commissioners of Delaware County, Ohio a resolution of services within twenty (20) days of the date of the filing of this petition and file same with the Clerk of the Board of County Commissioners of Delaware County, Ohio.

9. The current zoning in the Township of Liberty, Delaware County, Ohio is presently Farm Residential District (FR-1). The comprehensive plan duly adopted by the City of Delaware, Ohio anticipates that any future use for the area would be for Institutional, Mixed Use and Low and Medium Density Residential Uses with Camp Lazarus as a Major Open Space and Greenway Area. This proposed use may somewhat be an incompatible land use to the Farm Residential District in the Township of Liberty, Delaware County, Ohio but may not be incompatible to the long-term use plan for the area. The City of Delaware, Ohio will pass a resolution requiring that any buffering necessary as provided in Section 702.023 of the Ohio Revised Code shall be complied with and will follow the buffering requirements of the City of Delaware, Ohio Zoning Ordinances. Said resolution of services and buffering will be passed and submitted to the Board of County Commissioners of Delaware County, Ohio by the City of Delaware, Ohio within twenty (20) day of the date of the filing of this petition and file same with the Clerk of the Board of County Commissioners of Delaware County, Ohio.

WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE.

WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE.

Signatures of Petitioner:

LEE FAMILY PARTNERSHIP
AND LEE FAMILY MEMBERS

By: _____ Dated: April 24, 2018
Robert Lee, Authorized Member and
Authorized Family Member

WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE.

Signatures of Petitioner:

MEDIA INVESTMENTS, LLC

By: _____ Dated: April 30, 2018
Charles R. Davis, Managing Member

WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE.

Signatures of Petitioner:

BOY SCOUTS OF AMERICA
SIMON KENTON COUNCIL

_____ Dated: May 11, 2018
Jeffery R. Moe, Scout Executive/CEO

EXHIBIT A

SCIOTO LAND SURVEYING SERVICE, INC.

173 North Sandusky Street Delaware, Ohio 43015 740.369.7577 karen@sciotolandsurveying.com

DESCRIPTION OF 221.341 ACRES LOCATED IN LIBERTY TOWNSHIP TO BE ANNEXED TO THE CITY OF DELAWARE EXPEDITED TYPE II ANNEXATION UNDER ORC SECTIONS 709.021 AND 709.023

Situated in the Township of Liberty, County of Delaware, State of Ohio, being part of Farm Lots 1, 2, 8, and 20, Quarter-Township 4, Township 4, Range 19 in the United States Military Lands, being all of the 29.25 acre tract conveyed to The Columbus Council Boy Scouts of America in Deed Book 168, Page 81, being all of the 63.5 acre tract conveyed to The Columbus Council Boy Scouts of America in Deed Book 169, Page 75, being part of the 100 acre tract conveyed to The Columbus Council Boy Scouts of America in Deed Book 168, Page 81, being all of the 38.767 acre tract conveyed to Boy Scouts of America, Central Ohio Council in Deed Book 216, Page 656, being part of the 41.35 acre tract conveyed to Lee Family Partnership, Young Za Ro, and Robert Taek Ro in Official Records Volume 594, Page 204, and being part of the 1.71 acre and 4.05 acre tract conveyed to Media Investments, LLC in Official Records Volume 874, Page 1013, and being more particularly described as follows:

BEGINNING at the intersection of the northern right-of-way of Township Road 98 (Winter Road) and the west line of Farm Lot 8, also being the east line of Farm Lot 7, also being the east line of a 106 acre tract conveyed to the State of Ohio in Deed Book 363, Page 160;

thence along the east line of Farm Lot 7, and along the east line of Farm Lot 2, also being the said east line of the 106 acre tract **North 00° 00′ 00″ East 1086.68 feet** to the northeast corner of the said 106 acre tract;

thence along the north line of the said 106 acre tract **North 89° 30′ 00″ West 4048.32 feet** to the eastern right-of-way of Township Road 118 (Chapman Road);

thence along the said eastern right-of-way of Township Road 118 **North 17° 13′ 32″ East 677.29 feet** to an angle point;

thence continuing along the said eastern right-of-way of Township Road 118 **North 08° 41′ 43″ East 389.28 feet** to a point on the south line of a 33.45 acre tract conveyed to Ronald D. and Alice A. Frazier in Official Records Volume 1452, Page 747;

thence along the said south line of the 33.45 acre tract **North 82° 46′ 40″ East 1941.46 feet**;

thence along an east line of the said 33.45 acre tract **North 07° 17′ 30″ East 85.87 feet**;

thence along a south line of the said 33.45 acre tract **South 82° 48′ 00″ East 125.00 feet**;

thence along an east line of the said 33.45 acre tract **North 42° 05′ 00″ East 86.00 feet**;

< continued >

thence continuing along an east line of the said 33.45 acre tract **North 07° 15′ 00″ East 495.00 feet** to the southeast corner of a 20.582 acre tract conveyed to Frazier Farms II, Ltd. in Official Records Volume 732, Page 2367, also being the southwest corner of a 43.366 acre tract conveyed to Frazier Farms, Ltd. in Official Records Volume 133, Page 2666;

thence along the south line of the said 43.366 acre tract, and the extension thereof to the eastern right-of-way of U.S. 23 **South 84° 27′ 12″ East 2407.54 feet** to a point on the corporation line of the City of Delaware;

thence along the eastern-right-of-way of U.S. 23, also being the corporation line of the City of Delaware **South 36° 59′ 49″ East 339.01 feet** to a point;

thence continuing along the eastern-right-of-way of U.S. 23, also being the corporation line of the City of Delaware **South 36° 24′ 50″ East 522.08 feet** to a point on the south line of the aforesaid 1.71 acre tract conveyed to Media Investments, LLC, also being the north line of Farm Lot 1;

thence along the said south line of the 1.71 acre tract and the extension thereof, also being the north line of Farm Lot 1 **North 86° 20′ 42″ West 188.67 feet** to a point in the western right-of-way of said U.S. 23;

thence along the said western right-of-way of U.S. 23 **South 36° 24′ 50″ East 171.46 feet**;

thence continuing along the said western right-of-way of U.S. 23, with a curve to the right, having a central angle of 01° 03′ 40″, a radius of 12184.01 feet, an arc length of 225.65 feet, and a chord which bears **South 35° 53′ 00″ East,** a chord distance of **225.64 feet**;

thence continuing along the said western right-of-way of U.S. 23 **South 35° 21′ 10″ East 1618.24 feet** to the intersection of the western right-of-way of U.S. 23 and the northern right-of-way of Township Road 98;

thence along the said northern right-of-way line of Township Road 98 **South 04° 34′ 41″ West 98.58 feet**;

thence continuing along the said northern right-of-way of Township Road 98, with a curve to the left, having a central angle of 36° 46′ 14″, a radius of 471.00 feet, an arc length of 302.27 feet, and a chord which bears **South 26° 22′ 08″ West,** a chord distance of **297.11 feet**;

thence continuing along the said northern right-of-way line of Township Road 98 **South 48° 43′ 37″ West 44.26 feet**;

< continued >

thence continuing along the said northern right-of-way of Township Road 98 **North 84° 08' 09" West 1610.82 feet**;

thence continuing along the said northern right-of-way of Township Road 98 **South 79° 01' 25" West 716.70 feet** to the **POINT OF BEGINNING;**

containing 221.341 acres;

there being approximately 87.858 acres in Farm Lot 1, and 91.988 acres in Farm Lot 2, and 1.202 acres in Farm Lot 8, and 40.293 acres in Farm Lot 20;

there being approximately 0.246 acres from 4.05 acre and 1.71 acre tracts conveyed to Media Investments, LLC in Official Records Volume 874, Page 1013, and 0.291 acres from a 41.35 acre tract conveyed to the Lee Family Partnership, Young Za Ro, and Robert Taek Ro in Official Records Volume 594, Page 204, and 220.804 acres from multiple parcels owned by the Boy Scouts of America described on the attached survey;

The total length of the annexation perimeter is 17175.01 feet, of which 861.09 feet is contiguous to the City of Delaware, being 5.01% contiguous. This annexation does not create any islands of township property.

This description is written for annexation purposes only and is not intended for the transfer of lands.

Karen S. Coffman, Surveyor
Registration No. 7845

STATE OF OHIO
KAREN S
COFFMAN
S-7845
REGISTERED
PROFESSIONAL SURVEYOR

DELAWARE COUNTY ENGINEER
Map Department

I hereby certify the within to be a true copy of the original on file in the Map Department

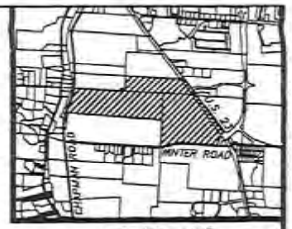
Chris E. Bauserman, P.E., P.S.,
County Engineer

Supervisor, 5/15/18
Date

SCIOTO LAND SURVEYING SERVICE, INC.
173 North Sandusky Street Delaware, Ohio 43015 740.369.7577 karen@sciotolandsurveying.com

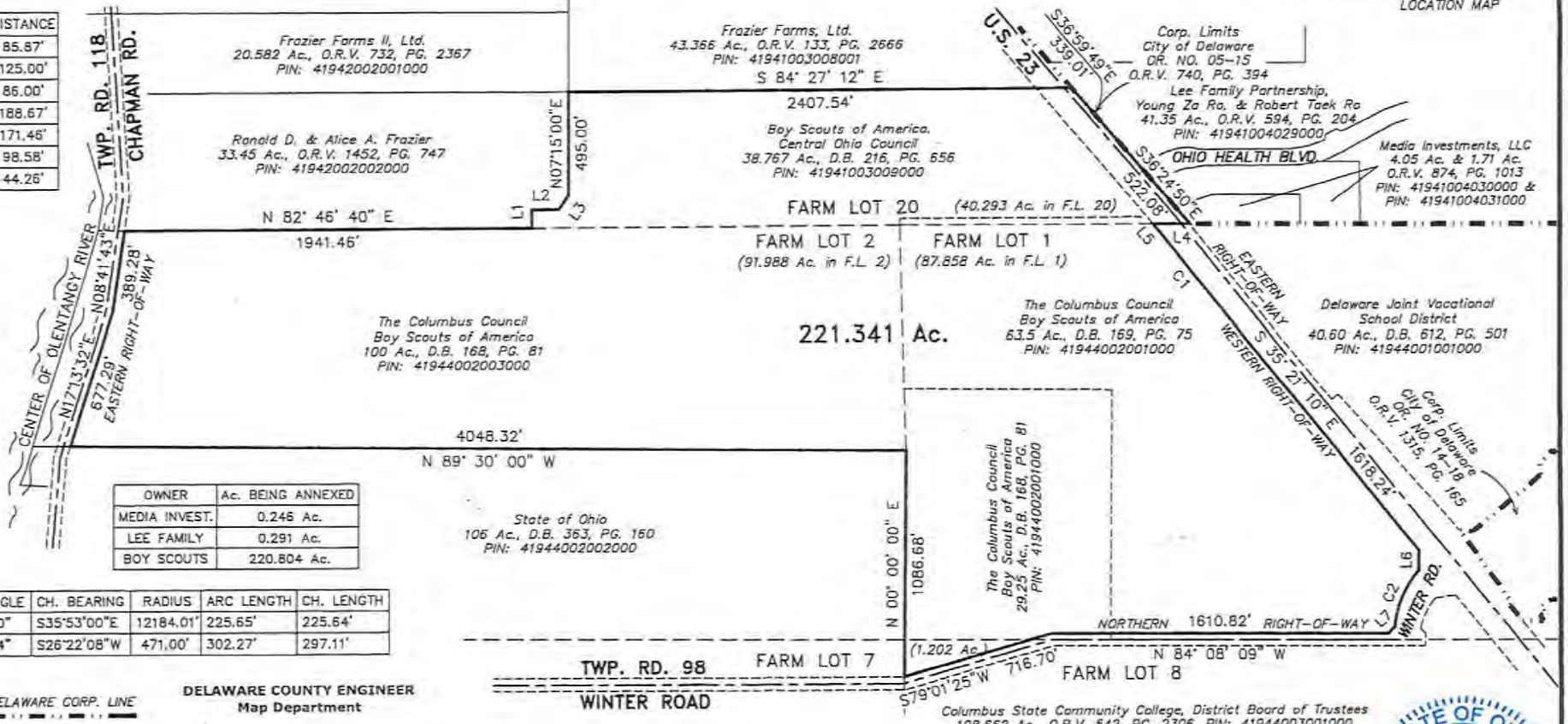
MAP OF TERRITORY TO BE ANNEXED
THE CITY OF DELAWARE, DELAWARE COUNTY, OHIO

PART OF FARM LOTS 1, 2, 8, & 20, QUARTER-TOWNSHIP 4, TOWNSHIP 4, RANGE 19, U.S.M.L.
LIBERTY TOWNSHIP, DELAWARE COUNTY, OHIO



LOCATION MAP

LINE	DIRECTION	DISTANCE
L1	N07°17'30"E	85.87'
L2	S82°48'00"E	125.00'
L3	N42°05'00"E	86.00'
L4	N86°20'42"W	188.67'
L5	S36°24'50"E	171.46'
L6	S04°34'41"W	98.58'
L7	S48°43'37"W	44.26'



OWNER	Ac. BEING ANNEXED
MEDIA INVEST.	0.246 Ac.
LEE FAMILY	0.291 Ac.
BOY SCOUTS	220.804 Ac.

CURVE	DELTA ANGLE	CH. BEARING	RADIUS	ARC LENGTH	CH. LENGTH
C1	01° 03' 40"	S35°53'00"E	12184.01'	225.65'	225.64'
C2	36° 46' 14"	S26°22'08"W	471.00'	302.27'	297.11'

EXISTING CITY OF DELAWARE CORP. LINE

PROPOSED CITY OF DELAWARE CORP. LINE

AREA TO BE ANNEXED

DELAWARE COUNTY ENGINEER
Map Department

I hereby certify the within to be a true copy of the original on file in the Map Department

Chris E. Bauserman, P.E., P.S.,
County Engineer

Supervisor 5/15/18
Date

NOTE:
Expedited Type 2 Annexation

This annexation does not create any unincorporated islands.

Total perimeter of the annexation area is 17175.01 feet, of which 861.09 feet is contiguous with the City of Delaware annexed by Ordinance Number 05-15. The calculated total percentage of perimeter contiguity with the municipality is 5.01%.

THIS PLAT IS FOR ANNEXATION PURPOSES ONLY AND IS BASED ON RECORD DATA AND IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

KAREN S. COFFMAN, SURVEYOR
Registration No. 7845

OCTOBER 4, 2017
DATE

STATE OF OHIO
KAREN S COFFMAN
S-7845
REGISTERED
PROFESSIONAL SURVEYOR

EXHIBIT A

LIST OF PROPERTY OWNERS

North of Property to be Annexed	Acres	PIN
RONALD D. FRAZIER ALICE A. FRAIZER 4477 CHAPMAN RD DELAWARE OH 43015	33.450	41942002002000
FRAZIER FARMS LTD. 4477 CHAPMAN RD DELAWARE OH 43015	20.582 43.366	41942002001000 41941003008001
FRAZIER FARMS LTD. ATTN: BRENDA C. FRAZIER STATUTORY AGENT 4477 CHAPMAN ROAD DELAWARE, OH 43015		

East of Property to be Annexed

LEE FAMILY PARTNERSHIP 894 BLACKWATER RD CHILLICOTHE OH 45601 (Petitioner)	41.352	41941004029000
CITY OF DELAWARE 1 SOUTH SANDUSKY STREET DELAWARE, OH 43015	ROW	99999952000000
MEDIA INVESTMENTS LLC 5695 AVERY RD DUBLIN OH 43016 (Petitioner)	4.050 1.706	41941004030000 41941004031000
MEDIA INVESTMENTS LLC Attn: JOHN M. HOPFINGER STATUTORY AGENT 5695 AVERY ROAD DUBLIN, OH 43016		

BOARD OF EDUCATION DELAWARE JOINT VOCATIONAL SCHOOL DISTRICT 4565 COLUMBUS PIKE DELAWARE OH 43015	40.601	41944001001000
CENTRAL OHIO BOY SCOUTS OF AMERICA 4422 COLUMBUS PIKE DELAWARE OH 43015 (Petitioner) (Part of Annexation)	91.489	41944002001000

<u>South of Property to be Annexed</u>

CENTRAL OHIO BOY SCOUTS OF AMERICA 4422 COLUMBUS PIKE DELAWARE OH 43015 (Petitioner) (Part of Annexation)	91.489	41944002001000
DISTRICT BOARD OF TRUSTEES COLUMBUS STATE COMMUNITY COLLEGE 100 CORNERSTONE DR. DELAWARE OH 43015	106.80	41944003001000

<u>West of Property to be Annexed</u>

STATE OF OHIO 1952 BELCHER C-4 DR COLUMBUS OH 43224	106.00	41944002002000
CENTRAL OHIO BOY SCOUTS OF AMERICA 4422 COLUMBUS PIKE DELAWARE OH 43015 (Petitioner) (Part of Annexation)	100.00	41944002003000

DELAWARE COUNTY MAP DEPARTMENT
COUNTY ADMINISTRATION BUILDING
140 N. SANDUSKY STREET
DELAWARE, OHIO
43015

CHRIS E. BAUSERMAN, P.E., P.S.
DELAWARE COUNTY ENGINEER

May 15, 2018

The Board of Delaware County Commissioners
101 North Sandusky Street
Delaware, Ohio 43015

Re: Proposed 221.341 Acre Annexation in Delaware Township to the City of Delaware

Dear Honorable Board:

We have reviewed the attached Annexation Map and Written Description for the above referenced proposal. Said Map and Description are hereby approved in accordance with the Board of Delaware County Commissioner's Resolutions No. 02-955, dated July 22, 2002, which are entitled "Establishing General Orders for the Hearing of Annexation Petitions" and with those applicable sections of Ohio Revised Code Section 709.02. The actual petition document itself was not submitted to this department for review and therefore its content is not a part of this approval.

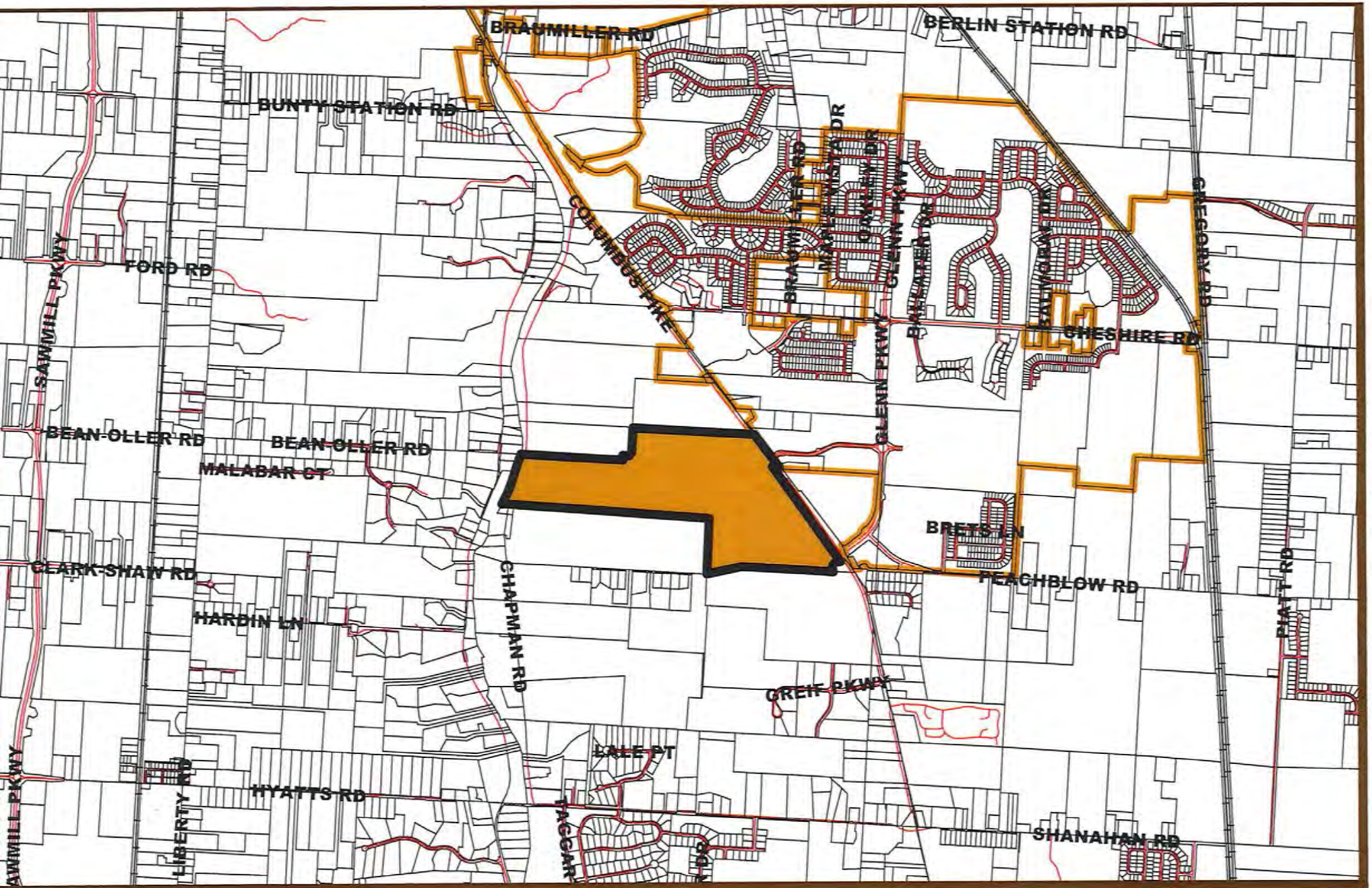
Respectfully Submitted,

Chris E. Bauserman, P.E., P.S.
Delaware County Engineer

Jack Jennings, P.S.
Supervisor

Enclosures

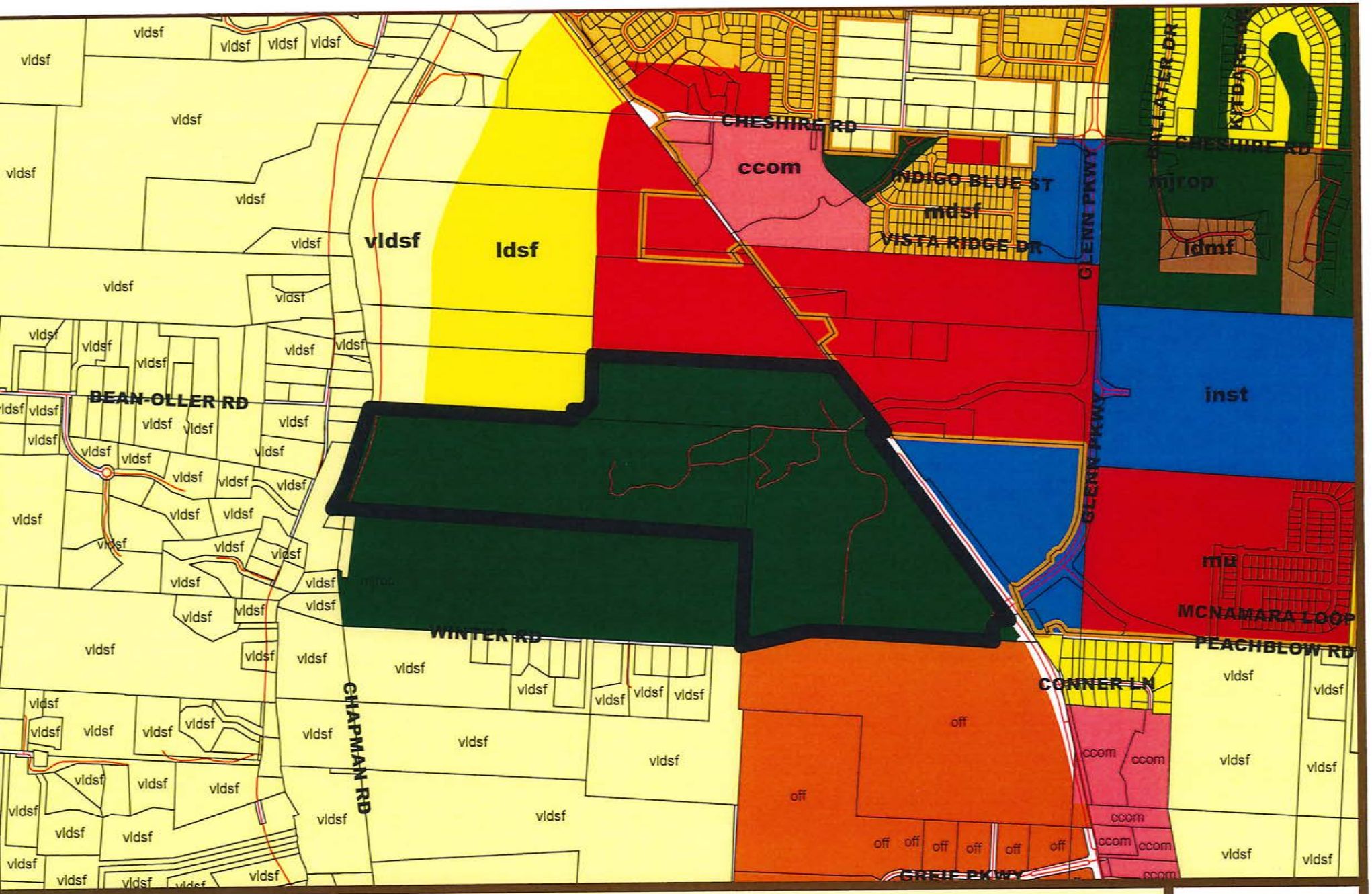
OFFICE: 740-833-2450 (DELAWARE) OR 740-548-7313, EXT.2450 (COLUMBUS) - FAX: 740-833-2449 - EMAIL: DELGO_MAP@CO.DELAWARE.OH.US



EST 1808
CITY OF
DELAWARE
OHIO

Annexation Petition
Camp Lazarus - Boy Scouts of America
Location Map

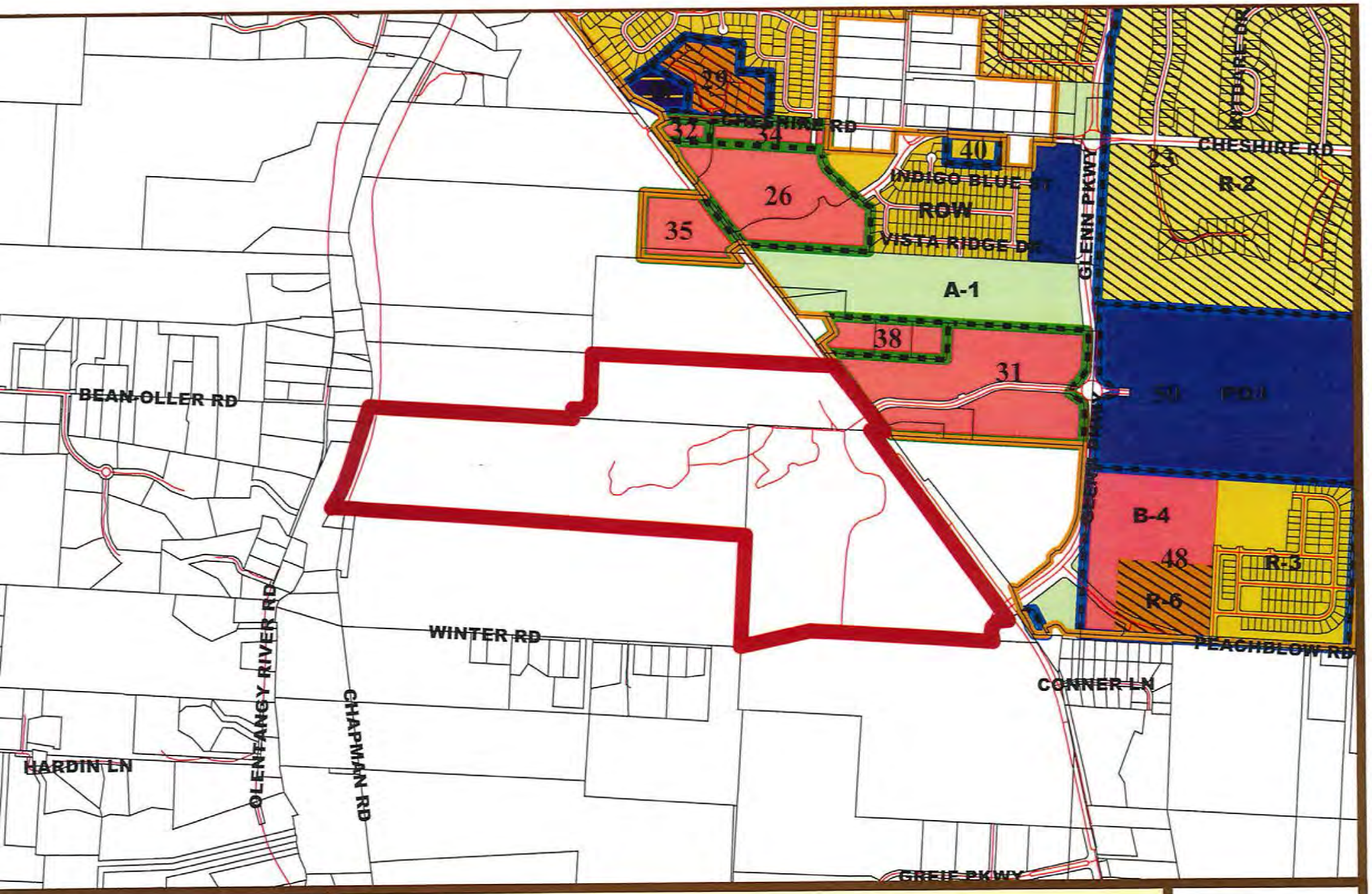
N



EST 1808
CITY OF
DELAWARE
OHIO

Annexation Petition
Camp Lazarus - Boy Scouts of America
Comprehensive Plan Map

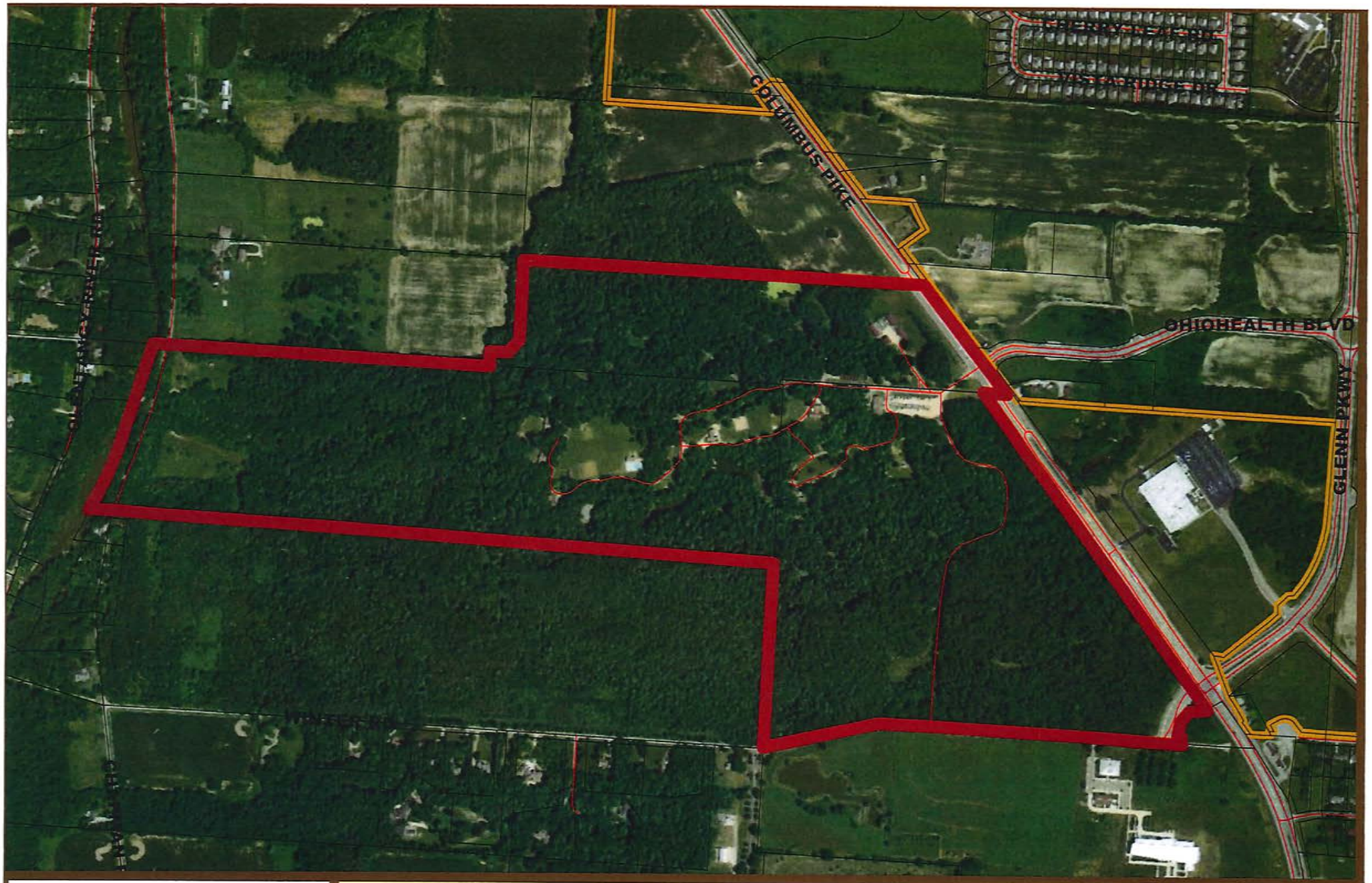
N



EST 1808
CITY OF
DELAWARE
OHIO

Annexation Petition
Camp Lazarus - Boy Scouts of America
Zoning Map

N



EST 1808
CITY OF
DELAWARE
OHIO

Annexation Petition
Camp Lazarus - Boy Scouts of America
Aerial (2016) Map

N

EST 1808
CITY OF
DELAWARE
OHIO

FACT SHEET

AGENDA ITEM NO: 15 | DATE: 10/08/2018

ORDINANCE NO: | RESOLUTION NO: 18-50

READING: SIXTH | PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA:

TITLE OF PROPOSED ORDINANCE/RESOLUTION:
A RESOLUTION ADOPTING THE 2019-2023 FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM (CIP).

BACKGROUND:
UPDATE: Please see attached memo from City Manager.

REASON WHY LEGISLATION IS NEEDED:
Pursuant to Section 79 of the Charter, the CIP is to be submitted to City Council by August 15 and adopted no later than October 15. Adoption is scheduled for Council's October 8 meeting.

COMMITTEE RECOMMENDATION:
N/A

FISCAL IMPACT(S):

POLICY CHANGES:
N/A

PRESENTER(S):
R. Thomas Homan, City Manager
Dean Stelzer, Finance Director

RECOMMENDATION:
Approval

ATTACHMENT(S)
CIP

RESOLUTION 18-50

A RESOLUTION ADOPTING THE 2019-2023 FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM (CIP).

WHEREAS, a revised Five-Year Capital Improvements Program was prepared and submitted to City Council in accordance with Article XVII, Section 79 of the City Charter; and

WHEREAS, City Council has considered the proposed plan and has determined that it shall be the future public improvement plan for the City of Delaware; and

WHEREAS, Article XVII, Section 80 of the City Charter requires that City Council adopt, by resolution, the Five-Year Capital Improvements Program on or before October 15; and

WHEREAS, City Council will review the 2019-2023 CIP at Work Sessions before October 8.

WHEREAS, Council discussed possible amendments to the plan which may be considered as part of the adopted 2019 budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Delaware, State of Ohio:

SECTION 1. That the 2019-2023 Five-Year Capital Improvements Program for the General Fund, Airport, Fire, Police, Public Works, Parks, Equipment Replacement, Technology, Building Maintenance, Water, Sewer, Storm Sewer, Refuse, Parks Impact, Police Impact, and Fire Impact attached hereto as Exhibit A, is hereby adopted as the official plan for future public improvements.

SECTION 2. That this resolution shall take effect and be in force immediately after its passage.

PASSED: _____, 2018 YEAS ____ NAYS ____
ABSTAIN ____

ATTEST: _____ _____
CITY CLERK MAYOR

EST 1808

CITY OF

DELAWARE

OHIO

MEMORANDUM

TO: City Council
FROM: R. Thomas Homan, City Manager
DATE: September 19, 2018
RE: Proposed Changes to 2019-2023 CIP

As Council is aware, the 2019-2023 CIP I submitted to Council on August 15, 2018, was out of balance in each of the five years. As I indicated in the budget message, this underscored the challenge of trying to balance the City's limited funding resources with its ongoing demands on those resources. This was also noted as part of the CIP Work Session on September 16, 2018.

Since then, I have undertaken further review of the CIP to determine what changes would need to be made in order to balance it. As a result, attached is a revised CIP, which is balanced. This was accomplished primarily by deferring/eliminating projects and increasing the amount of funding coming from the City's general fund, all of which is summarized below and also noted in the CIP. In addition, project sheets have been revised to reflect any changes that were made.

These proposed changes will be reviewed further at City Council's October 1, 2018 work session. In the meantime, please feel free to contact me if you have any questions.

General Fund – Page 3

- Increase annual amount to 14% of projected General Fund 1% income tax collections, less refunds. The other proposed changes are noted at the bottom of the page.

Airport Improvement Fund – Page 4

- Move Corporate Parking lot to 2021 when it can be fully funded with TIF funds.
- Remove T-Hangar repaving ODOT grant per denial letter. Replace with scaled back FAA Allocation funding and City 10% match of $333,000 in 2019 and 2023.
- Remove Apron A Expansion project previously listed for 2021.

Street Improvements – Page 9

- Reduce Point allocation to $200k each year ($50,000 reduction each year). Reflected on Page 18 as well.
- Bridge Improvement previously at $50K per year changed to $200k in 2022.

Grant Projects – Page 13

- MORPC Surface Transportation Project (STP) Funds reduced by $51,568 for E. William St. project.

Parks Improvement Fund – Page 21

- Roof replacements removed ($30,900 in 2019, $34,000 in 2020, $10,000 in 2021) as this project is funded in the Park Operations Budget at a reduced cost.
- Cheshire and Oakhurst amounts in 2021 were mistakenly duplicated in 2022.

Equipment Replacement Fund – Page 25

- Remove single axle dump truck replacement in 2020
- Skid Steer and Asphalt Hotbox Unit moved to 2022

Building Maintenance Improvements – Page 32

- Fire suppression system at Public Works. Change $40k in 2019, 2021, 2023 to $120K in 2021.

Park Impact Fee Improvement Fund – Page 38

- Multiple trail project amounts removed replaced with City grant match amount of $100k per year in years without projects.
- South Community Park land acquisition reduced by $150K each year

cc: Directors

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OHIO

CITY MANAGER'S PROPOSED 2019-2023 CAPITAL IMPROVEMENT PLAN

Proposed Pedestrian Bridge Over E. William St. at Lake St.

Revised 09/19/18

EST 1808
CITY OF
DELAWARE
OHIO

MEMORANDUM

TO: Mayor Riggle and Members of City Council
FROM: R. Thomas Homan, City Manager
DATE: 08/15/18
RE: 2019-2023 Capital Improvement Plan

Pursuant to section 79 of the City Charter, submitted herewith is my proposed 2019-2023 Capital Improvement Plan, adoption of which must occur by October 15. The first reading of the Plan will take place Monday, August 27; the second reading on Monday, September 10; and the third reading and adoption on Monday, October 8. Work Sessions to review the CIP have been scheduled for Thursday, September 6 and Monday October 1. The work session format allows for a more in depth review and discussion.

Council will notice a new look to the plan, reflecting consistent branding and better-organized project worksheets.

As was mentioned in last year's message, absent a new and dedicated revenue for the city's transportation infrastructure, the city's challenge in meeting its transportation needs will continue to increase. Had the levy passed, approximately $800,000 annually would have been available for street resurfacing. Instead, this plan reflects only $150,000 annually dedicated to local street resurfacing.

Separate but related, I can report progress on our Access Delaware initiative. We gained valuable feedback from more than 1,000 residents on general transportation issues and reasons for the levy failure. The findings will help us as we move forward on this most important City issue.

Also, a comprehensive update to the City's Pavement Condition Report is being finalized and will provide new information on the current pavement condition and funding requirements to improve the level of service. Not surprising, as was indicated earlier, this will require additional investment.

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While the CIP continues to advance a number of important projects, all of which will be discussed during the work sessions, Council will see that deficits are projected in each of the five years (general fund summary, page 3). This underscores the challenge in addressing the capital needs of the community. Options for eliminating the deficits will be presented to Council as part of the review process, each of which will require difficult choices.

I want to thank my staff for their efforts in developing this document. My thanks as well to Finance Director Dean Stelzer for his efforts, especially over the last four weeks in preparing and finalizing this document. Finally, my thanks to Executive Assistant Kim Gepper and City Council Clerk Elaine McCloskey for their support and assistance.

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DELAWARE
OHIO

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DELAWARE, OH

CITY OF DELAWARE
CAPITAL IMPROVEMENT PLAN
GENERAL FUND SUMMARY
2019 - 2023

	2019	2020	2021	2022	2023
BALANCE FORWARD	**729,649**	**129,281**	**104,621**	**328,592**	**499,565**
REVENUES:					
INCOME TAX (14% of net 1% Collections)	2,065,055	2,147,657	2,233,563	2,322,906	2,415,822
CITY HALL ANNEX RENT	78,000	78,000	78,000	78,000	78,000
ADVANCE GENERAL RESERVE FUND	59,285	59,285	59,285	59,285	
BALANCE PLUS REVENUE	**2,872,704**	**2,354,938**	**2,416,184**	**2,729,498**	**2,993,387**
EXPENDITURES:					
DEBT SERVICE					
2012 Streetscape ($2,542,516 through 2022)	282,635	269,904	261,067	263,538	0
2019 City Hall/Annex/Parking Lot (through 2034)	137,285	137,285	137,285	137,285	137,285
Advance from Reserve Fund Payback					59,285
TOTAL DEBT SERVICE	419,920	407,189	398,352	400,823	196,570
AMOUNT AVAILABLE FOR CAPITAL IMPROVEMENTS AFTER DEBT	**2,452,784**	**1,947,749**	**2,017,832**	**2,328,675**	**2,796,817**
OTHER EXPENDITURES					
AIRPORT IMPROVEMENTS (pg. 4)	33,000	18,500	33,000	0	33,000
STREET IMPROVEMENTS (pg. 9)	1,017,703	560,828	301,440	571,310	766,407
PARK IMPROVEMENTS (pg. 21)	55,000	20,000	30,000	30,000	0
EQUIPMENT REPLACEMENT (pg. 25)	500,000	650,000	650,000	650,000	650,000
TECHNOLOGY IMPROVEMENTS (pg. 29)	275,300	335,300	365,300	345,300	345,300
BUILDING MAINTENANCE (pg. 32)	271,000	171,000	195,000	145,000	260,000
SIDEWALK MAINTENANCE (pg. 37)	87,500	87,500	87,500	87,500	87,500
DEVELOPER TRUST (pg. 119)	84,000	0	27,000	0	0
TOTAL OTHER EXPENDITURES	**2,323,503**	**1,843,128**	**1,689,240**	**1,829,110**	**2,142,207**
ENDING BALANCE	**129,281**	**104,621**	**328,592**	**499,565**	**654,610**

Increased General Fund allocation	***+135,680***	***+121,813***	***+106,427***	***+89,413***	***+70,655***
Decreased Airport allocation	***-124,703***		***-2,250***	***-72,000***	***-67,000***
Decreased/Increased Street allocation	***-48,432***	***-100,000***	***-100,000***	***+100,000***	***-100,000***
Decreased Park Improvements	***-30,900***	***-34,000***	***-10,000***		
Decreased Equipment Replacement	***-150,000***				
Decreased/Increased Building Maintenance	***-40,000***		***+80,000***		***-40,000***

CAPITAL IMPROVEMENT PLAN
AIRPORT IMPROVEMENT FUND
2019 - 2023

	2019	2020	2021	2022	2023
BALANCE FORWARD	**0**	**0**	**0**	**0**	**0**
REVENUES:					
FAA Entitlement	150,000	150,000	150,000	150,000	150,000
FAA Entitlement - Carryover amount (needs verified)	150,000		150,000		150,000
FAA Apportionment			0		
ODOT - Apron A Expansion			0		
ODOT - Apron B Expansion		351,500			
ODOT - Hangar A - F	**0**				
TIF Revenue	**0**		**190,692**	**0**	
CIP Allocation *(pg. 1)*	***33,000***	***18,500***	***33,000***	***0***	***33,000***
TOTAL REVENUES	**333,000**	**520,000**	**523,692**	**150,000**	**333,000**
EXPENDITURES:					
City Non-Grant					
Corporate Parking Lot Access Drive	**0**		**190,692**	**0**	
Grant Improvements					
T Hangar Pavement Areas Resurfacing	**333,000**		**333,000**		**333,000**
Apron A Expansion			**0**		
Apron B Rehabilitation		370,000			
TOTAL EXPENDITURES	**333,000**	**370,000**	**523,692**	**0**	**333,000**
AIRPORT IMPR. FUND BALANCE	**0**	**0**	**0**	**0**	**0**

Entitlement Balance	*-*	*150,000*	*-*	*150,000*	*-*
TIF Balance	*136,550*	*163,623*	*-*	*27,068*	*54,136*

- *Move Corporate Parking lot to 2021 when it can be fully funded with TIF funds.*
- *Remove T-Hangar repaving ODOT grant per denial letter. Replace with scaled back FAA Allocation funding and City 10% match of $333,000 in 2019, 2021 and 2023.*
- *Remove Apron A Expansion project previously listed for 2021.*

EST 1808
CITY OF
DELAWARE
OHIO

SEPTEMBER 18, 2018

AIRPORT CORPORATE PARKING ACCESS DRIVE

INFORMATION AT A GLANCE

COST
$ 192,000

FUNDING

TIF $192,000

PROJECTED SCHEDULE

Prelim. Design	2019
Final Design	2020
Construction	2021

CITY LEAD
Public Works

DESIGN CONSULTANT
TBD

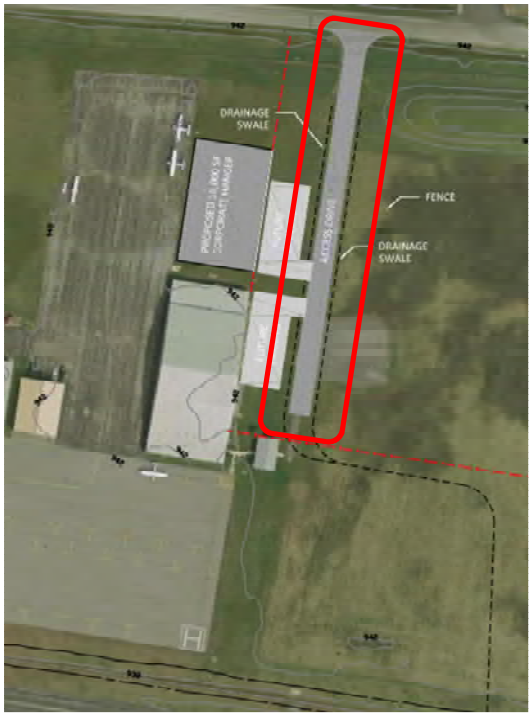
CONTRACTOR
TBD

Purpose

Delaware Municipal Airport Jim Moore Field is a leading Central Ohio general aviation facility. It is home to approximately 100 aircraft and handles an estimated 40,000 operations per year. To encourage additional growth opportunities, City is partnering to construct an access drive for a new corporate hanger facility proposed for construction north of the Jet Steam hanger. This corporate expansion is consistent with the City's 10-year Airport Capital Improvement Plan. The hanger owners will be responsible to construct desired parking areas off the new drive. There will be a ditch for drainage on either side of the proposed access drive that will drain to the south, and outlet into the existing runway ditch. This ditch will be sized to carry the runoff from both the roadway and new parking lots. The airport fence will need adjusted to separate the parking areas from the runway, ramp and apron areas.

Financing

The project is anticipated to cost $192,000 funded through a combination of Airport TIF and local funds. The TIF funds are generated from property taxes paid on the existing corporate hangar and the private t-hangars constructed at the airport. TIF proceeds must be used for public improvements at the Airport as identified when the TIF was originally established in 2004.



Status

The project is in early stages of development. When constructed, the drive will be 26-ft. wide and extend to the mid-point of the existing hanger. A potential construction scenario would involvement construction by the proposed hanger developer with associated payment by the City to the Developer.

EST 1808
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OHIO

SEPTEMBER 18, 2018

AIRPORT T-HANGER PAVEMENT REHABILITATION

INFORMATION AT A GLANCE

COST
$ 861,408

FUNDING AVAILABLE

FAA	$ 900,000
LOCAL	$ 99,000

PROJECTED SCHEDULE

Prelim. Design	2018
Final Design	2018
Construction	2019, 2021, & 2023

CITY LEAD
Public Works

DESIGN CONSULTANT
CHA

CONTRACTOR
TBD

Purpose

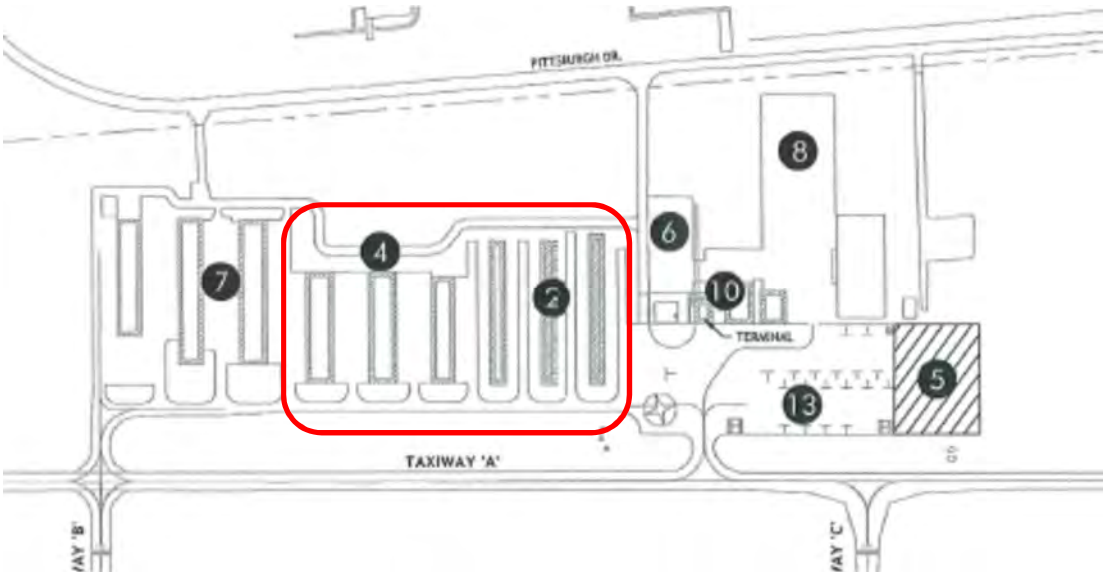
The latest pavement rating performed by ODOT Dept. of Aviation in November 2016 revealed that the pavement between existing T-hangers is in poor condition. Originally constructed in 1987, the pavement is over 25 years old and in need of rehabilitation.

Financing

The project is anticipated to cost $861,408 in total and must be broken into three phases of construction. This project will be funded through a combination of FAA Entitlement Funds, ODOT grant (5%), and with (5%) Local funds. The pavement between the drive aisles and the hangers are non-eligible for grant funds as they are defined by the FAA as privately maintained with exclusive use by the hanger tenant.

Status

The project is currently in preliminary phase. Design will commence in the fall pending grant award notification.



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OHIO

SEPTEMBER 18, 2018

AIRPORT APRON 'A' EXPANSION

INFORMATION AT A GLANCE

COST
$ 705,000

FUNDING

TBD

PROJECTED SCHEDULE

FAA App	TBD
Prelim. Design	TBD
Final Design	TBD
Construction	TBD

CITY LEAD
Public Works

DESIGN CONSULTANT
CHA

CONTRACTOR
TBD

Purpose

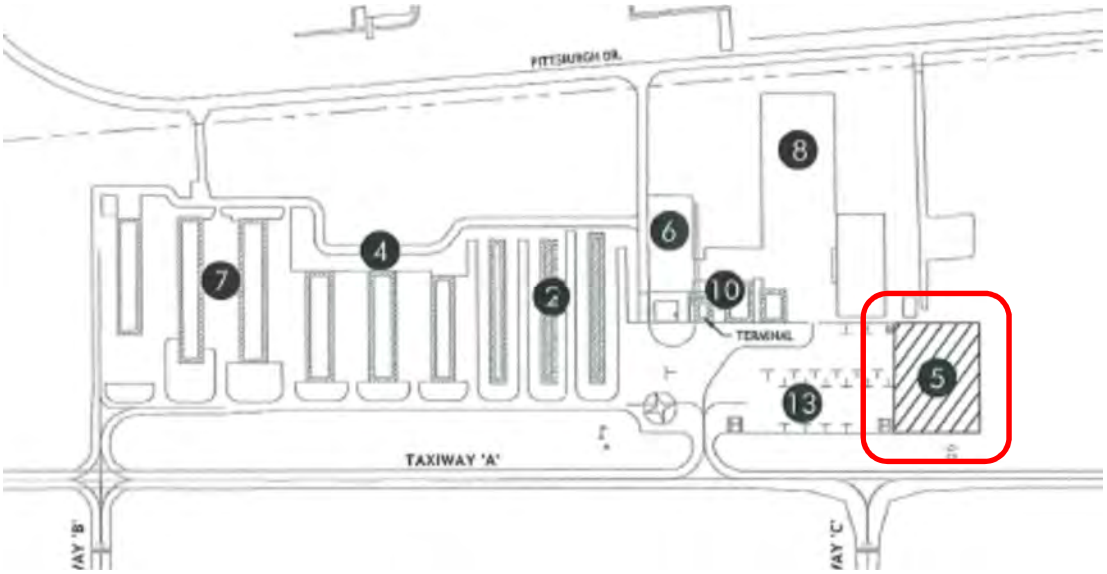
As airport use continues to increase, specifically by larger jet aircraft, the need to adjust the availability of ample apron space for aircraft staging and storage remains a challenge. The expansion of Apron 'A' to the east will allow for existing small aircraft tie-downs to be relocated further east. It is important to retain small aircraft tie-downs to serve the many transient and overnight aircraft customers utilizing DLZ. Relocating the tie-downs will open the existing Apron 'A' area for use by increased jet aircraft staging for fuel delivery or on brief and overnight layover.

Financing

The project is anticipated to cost $705,000. Funding for this project is not yet established.

Status

The project is currently in the planning stage with Grant Application preparation and submission in 2023.



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OHIO

SEPTEMBER 18, 2018

AIRPORT APRON 'B' REHABILITATION

INFORMATION AT A GLANCE

COST
$ 370,000

FUNDING

ODOT	$ 351,500
LOCAL	$18,500

PROJECTED SCHEDULE

Grant Application	2019
Prelim. Design	2019
Final Design	2019
Construction	2020

CITY LEAD
Public Works

DESIGN CONSULTANT
CHA

CONTRACTOR
TBD

Purpose

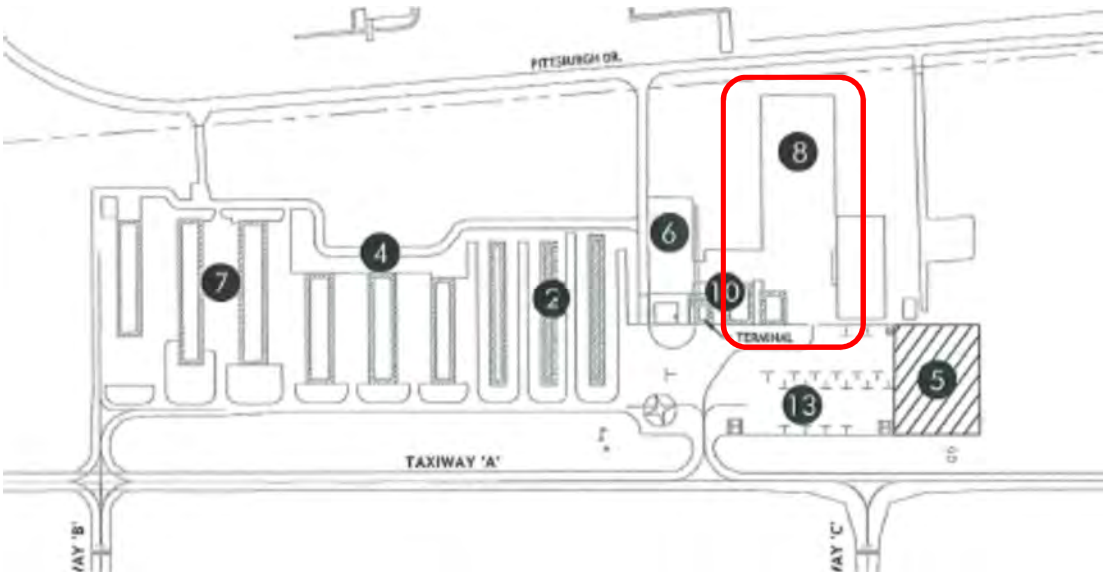
The latest pavement rating was completed in November 2016 and revealed that the pavement of Apron 'B' is in poor condition and in need of rehabilitation. Originally constructed in 1987, the pavement is over 25 years old and in need of significant restorative efforts including drainage improvements, subgrade repairs, and pavement replacement, collectively identified as rehabilitation. The utility of the apron is also in transition as a potential corporate hanger project may require the relocation or elimination of existing small aircraft tie-downs in order to provide ample maneuvering room for larger jet aircraft accessing the northeast quadrant of the apron.

Financing

The project is anticipated to cost $370,000 and will be potentially funded through a $351,500 ODOT Aviation Grant assistance and $18,500 in local matching funds

Status

The project is currently in the planning phase. . The grant application would be prepared and submitted in 2019.



CAPITAL IMPROVEMENT PLAN
STREET IMPROVEMENTS
2019 - 2023

	2019	2020	2021	2022	2023
REVENUES:					
PERMISSIVE TAX (License Fee Fund)	416,242	420,404	424,608	428,854	433,143
STATE LICENSE FEES	18,211	18,393	18,577	18,763	18,950
STATE GASOLINE TAXES	85,000	85,000	85,000	85,000	85,000
CIP Allocation	***1,017,703***	***560,828***	***301,440***	***571,310***	***766,407***
TOTAL REVENUE	**1,537,155**	**1,084,625**	**829,625**	**1,103,927**	**1,303,500**
EXPENDITURES:					
DEBT SERVICE					
Bonds - S. Houk Road (through 2022)	31,023	29,625	29,625	28,927	0
TOTAL DEBT SERVICE	**31,023**	**29,625**	**29,625**	**28,927**	**0**
STREET RESURFACING					
City Grant Match Street Resurfacing	**357,750**	155,000	325,000	305,000	653,500
ODOT URP Street Resurfacing City Match		175,000		120,000	200,000
City Street Resurfacing -					
Local Streets	150,000	150,000	150,000	150,000	150,000
Administrative/Inspection	50,000	50,000	50,000	50,000	50,000
TOTAL STREET RESURFACING	**557,750**	**530,000**	**525,000**	**625,000**	**1,053,500**
TRANSPORTATION IMPROVEMENTS					
City Grant Match Transportation Improvements	**671,382**	75,000	25,000		
Point Project City Funds	**200,000**	**200,000**	**200,000**	**200,000**	**200,000**
US 23 Bin Wall Improvement		50,000			
Curtis St. Turn Lane	27,000				
Bridge Improvements	**0**	**0**	**0**	**200,000**	**0**
Signal Improvements (APS/Safety/RRFB)	25,000	25,000	25,000	25,000	25,000
Springfield Branch Bridge Repair		150,000			
Sidewalk Improvements (Complete Streets)	25,000	25,000	25,000	25,000	25,000
TOTAL TRANSPORTATION IMPROVEMENTS	**948,382**	**525,000**	**275,000**	**450,000**	**250,000**
TOTAL EXPENDITURES	**1,537,155**	**1,084,625**	**829,625**	**1,103,927**	**1,303,500**

- *Reduce Point allocation to $200k each year ($50,000 reduction each year)*
- *Bridge Improvement previously @ $50K per year changed to $200k in 2022.*

SEPTEMBER 18, 2018

US23/US36 EXIT BIN WALL IMPROVEMENT

(PID 98141 - DEL-23-11.89)

INFORMATION AT A GLANCE

COST
$50,000

FUNDING

LOCAL $50,000

PROJECTED SCHEDULE

Design 2018-2019

Construction 2020

PROJECT LEAD
ODOT

CITY LEAD
Public Works

DESIGN CONSULTANT
2LMN

CONTRACTOR
TBD

Purpose

ODOT District Six is leading a project to address the deteriorated metal retaining wall (Bin Wall) along the west edge of the off ramp from US 23 North to US 36 (William Street). Along with this work ODOT will patch the tops of the concrete parapets and back of the walls, replace the overlay on the approach slab and decks for the ramp bridge and repair the concrete slope protection along Delaware Run that passes under the area.

Financing

ODOT will fund 100% of the bridge and retaining wall work necessary to complete the project. The City is requesting a decorative finish to the concrete be included as part of the project. The City of Delaware will be asked to participate and fund these aesthetic improvements to the wall face. ODOT will develop the plans with this in mind, and will isolate the costs of the aesthetic treatments. We are anticipating a cost of roughly $50,000 for this work.

Status

The project is currently in the survey and preliminary design phase. Construction is anticipated in 2020. Public Works, Parks and Planning are working closely with ODOT and their consultant on aesthetics and Maintenance of Traffic (MOT). The project will necessitate a ramp closure and major detour of US42, US36 and SR37. We are proposing a night time closure with one ramp lane open to traffic during the day. The times of night closure are to be 8:00 pm to 6:00 am.

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DELAWARE
OHIO

SEPTEMBER 18, 2018

US23/US36 EXIT BIN WALL IMPROVEMENT

(PID 98141 - DEL-23-11.89)

IMAGE #1
US23/US36 Exit

IMAGE # 2

Sample of the new limestone patterned bin wall with the form-liner. It will be stained and sealed as directed by the city.

IMAGE #3
Deteriorated concrete slope protection under the off-ramp along the Delaware Run. The bottom two rows will be replaced with cable matting.

IMAGE #4

Proposed Flexmat material to replace damaged concrete bank protection.

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DELAWARE
OHIO

SEPTEMBER 19, 2018

SPRINGFIELD BRANCH US 23 BRIDGE PIER REPAIR

INFORMATION AT A GLANCE

COST
$150,000

FUNDING

LOCAL $150,000

PROJECTED SCHEDULE

Design 2019
Construction 2020

CITY LEAD
Public Works

DESIGN CONSULTANT
CT Consultants

CONTRACTOR
TBD

Purpose

This structure carries pedestrian traffic over US 23, the Olentangy River, and River Street. This bridge is a plate girder structure with a timber deck and asphalt overlay. This structure was recently inspected as a joint effort from E.P. Ferris and Burgess and Niple in May 2017 and was found to be in fair condition with a general rating of a 5. The most pressing need regarding the bridge is to address the deteriorated concrete piers within the footprint of, or adjacent to US 23. Repairs are required to prevent both further deterioration and from spalled concrete from falling onto the adjacent highway pavement.

Financing

$25,000 budgeted for 2018 Bridge Maintenance is being utilized to develop plans, specifications, and an estimate for pier rehabilitation. A $150,000 expenditure proposed in 2020 reflects an order of magnitude estimate for repairing the center pier and west pier, based on similar efforts by ODOT in other locations. More accurate estimates will be available in early 2019. As part of the consultant work, it is being proposed to complete an engineering analysis to compare the cost of long term maintenance of the existing structure versus replacement with a new lightweight pedestrian structure similar to the pedestrian structure recently constructed over US 23 in Orange Township south of the City.

Status

Design work is anticipated to commence this year and be completed in 2019. Construction is proposed for 2020.

CAPITAL IMPROVEMENT PLAN
GRANT PROJECTS
2019 - 2023

	2019	2020	2021	2022	2023
REVENUES:					
Grant Funds:					
ODOT Earmark E. William St.	2,551,000				
MORPC - STP Funds -US36/E. William	**727,618**				
MORPC - Signal Improvements			2,500,000		
MORPC - Houk Rd.					609,000
OPWC - Street Rehabilitation	497,250	495,000	475,000	495,000	495,000
County OPWC Project	125,000	50,000	50,000	50,000	50,000
RLF Fund	30,000		30,000		30,000
CDBG Rehabilitation	120,000		120,000		120,000
US 36/E. William St. Water Fund Transfer	300,000				
City Match Transportation Improvements Total	***671,382***	***75,000***	***25,000***		
City Match Street Resurfacing	***357,750***	***155,000***	***325,000***	***305,000***	***653,500***
TOTAL REVENUE	**5,380,000**	**775,000**	**3,525,000**	**850,000**	**1,957,500**
EXPENDITURES:					
Transportation Improvements					
US 36/E. William St. Improvements (Design)	4,250,000				
Signal Improvement Phase I		75,000	2,500,000		
Street Resurfacing					
OPWC Projects					
- Houk B+D, Union St.	975,000				
- Belle Ave, Pittsburgh Drive		700,000			
- Hawthorn & Liberty			850,000		
- Glenn (Ohio Health - Sycamore)				850,000	
- Pennsylvania/Lincoln					912,500
MORPC Grant					
- Houk A+C					870,000
CDBG Grant					
- Birch, Wade, English & Pumphrey Terrace	155,000				
- Flax and Rheem Streets			175,000		
- Todd/Delta/Parsons					175,000
TOTAL EXPENDITURES	**5,380,000**	**775,000**	**3,525,000**	**850,000**	**1,957,500**

- ***MORPC Surface Transportation Project [STP] Funds reduced by $51,568 for E. William St. project.***

EST 1808
CITY OF
DELAWARE
OHIO

SEPTEMBER 18, 2018

EAST WILLIAM STREET IMPROVEMENTS

INFORMATION AT A GLANCE

REMAINING COST
$ 4.25M

FUNDING

FEDERAL	$2.55M
MORPC	$727,618
UTILITY	$300,000
LOCAL	$671,382

SCHEDULE

Final Design	2018
Land Acquisition	2018
Utility Relocates	2018
Construction	2019

CITY LEAD
Public Works

DESIGN CONSULTANT
DLZ

CONTRACTOR
TBD

Purpose

Project consists of widening E William Street by adding a center turn lane from Potter Street to just east of Foley Street, and enlarging the intersection of William and Lake to better accommodate truck turning movements. Enlarging this intersection entails replacing the existing pedestrian bridge over William Street. The project will include street lighting, new sidewalks, enhanced landscaping and aesthetic improvements at the William and Lake intersection, and installation of a new mast arm traffic signal at Cheshire road replacing the existing signal at Ann St.

Financing

The project construction cost is currently estimated at $4.25 million and is funded primarily through federal earmark and federal-aid Surface Transportation Program (STP) funds. The local share is currently $971,382 of which $300,000 will be covered through Utility Funds for water line and storm sewer work. The remaining balance of $600,000 will be covered through general revenues, though staff continues to work with State agencies in identifying additional funds to reduce the local commitment. The final cost estimate is anticipated later in 2018 and may increase subject to the inclusion of additional landscape enhancements and decorative retaining walls at the Lake Street pedestrian bridge.

Status

Design of the project will be complete in August of 2018. Land acquisition for the project consists of roughly 60 small strips of property adjacent existing sidewalks. This phase of the project is also scheduled to be complete in August of 2018, at which point private utility companies are scheduled to start relocating power poles and underground lines. Private utilities must be relocated by the beginning of 2019 to make way for full construction starting in the Spring of 2019. The project will take only one construction season to complete. The City will be responsible for project bidding, award, and construction administration.

EST 1808
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SEPTEMBER 18, 2018

EAST WILLIAM STREET IMPROVEMENTS

IMAGE #1

William Street Cross-section

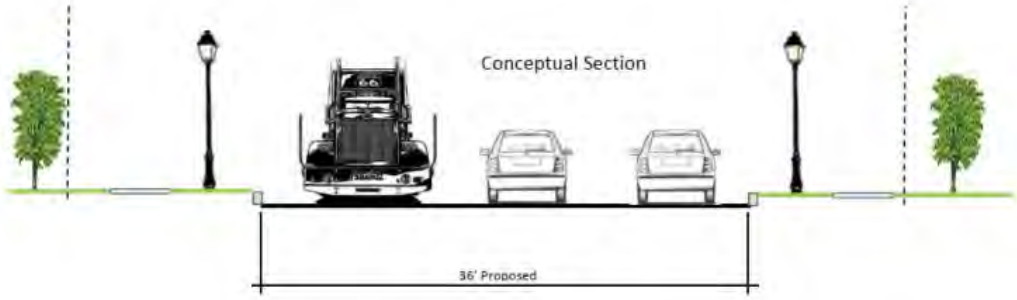

IMAGE #2

Project Limits

IMAGE #3

Lake Street Pedestrian Bridge

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DLZ
ARCHITECTURE · ENGINEERING · PLANNING
SURVEYING · CONSTRUCTION SERVICES

INNOVATIVE IDEAS
EXCEPTIONAL DESIGN
UNMATCHED CLIENT SERVICE

DEL-36-10.59
E. WILLIAM ST. IMPROVEMENTS

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OHIO

SEPTEMBER 18, 2018

CITYWIDE SIGNAL SYSTEM UPGRADES – PHASE 1

INFORMATION AT A GLANCE

COST
$3.0 M

AVAILABLE FUNDING

MORPC	$2.5M
LOCAL	$500,000

PROJECTED SCHEDULE

Prelim. Design	2018
Environmental	2018
Final Design	2019
Land Acquisition	2020
Construction	2021

CITY LEAD
Public Works

DESIGN CONSULTANT
HDR, INC

CONTRACTOR
TBD

Purpose

The project consists of upgrading signal systems along US-36 (William St), SR-37 (Central Ave), Sandusky St and London Rd, which includes 37 signalized intersections. The project will improve safety and reduce emissions by improving average travel speed and reducing delay at each signalized intersection. The upgrades include optimizing traffic signal timing for each corridor and at each intersection, system level improvements including a central software system & CCTV IP-camera system, signal equipment upgrades including cabinets/controllers, communication (fiber or spread spectrum radios), vehicle detection, emergency vehicle preemption, uninterruptible power supply and insuring the equipment is expandable for peripherals & future technology (i.e. wireless pavement temperature sensors, cameras, DSRC, Connected Vehicles, etc.), and pedestrian upgrades such as curb ramps and pedestrian pedestal & pushbutton replacements to meet ADA standards. Additional upgrades may include upgrading signal heads with back-plates.

Financing

The project is anticipated to cost roughly $3.25M. The City has been awarded funding through MORPC for $2.5M to cover 100% of the construction of the project. The City's local grant match contribution will be $0.5M, which will consist of approximately $325,000 to cover preliminary and final design, ROW acquisition, and utility relocations (if needed), and $175,000 of in-house services to cover the Construction Management & Inspection during construction. The need for additional funding for right of way costs is anticipated.

Status

The project is currently in Part 1 of the design, which includes traffic data collection, survey and preliminary design work. The remainder of 2018 will consist of analyzing the traffic data collected to develop updated optimized signal timing plans to coordinate the traffic signals along each corridor throughout each day of the week, determining needed equipment improvements required at each signalized intersection, developing a project webpage to keep the public informed of the progress of the project and developing preliminary design plans.

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SEPTEMBER 18, 2018

CITYWIDE SIGNAL SYSTEM UPGRADES – PHASE 1

IMAGE #1

Signalized Intersections Included with the Project

US-36
(US23 to Lehner Woods Blvd)
SR-37
(US-23 to Warrensburg Rd)
Sandusky St
(SR-37 to Belle Ave)
London Rd
(US-42 to Sandusky St)

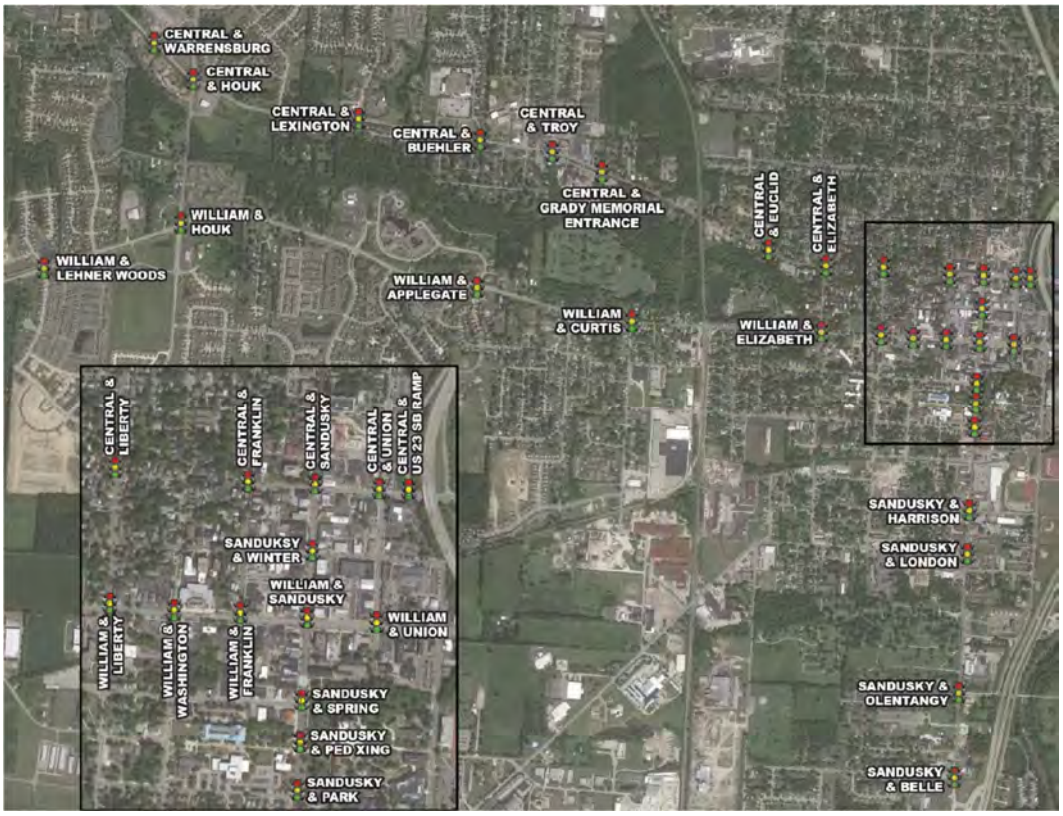


IMAGE #2
Equipment Inside of a Typical Traffic Signal Cabinet

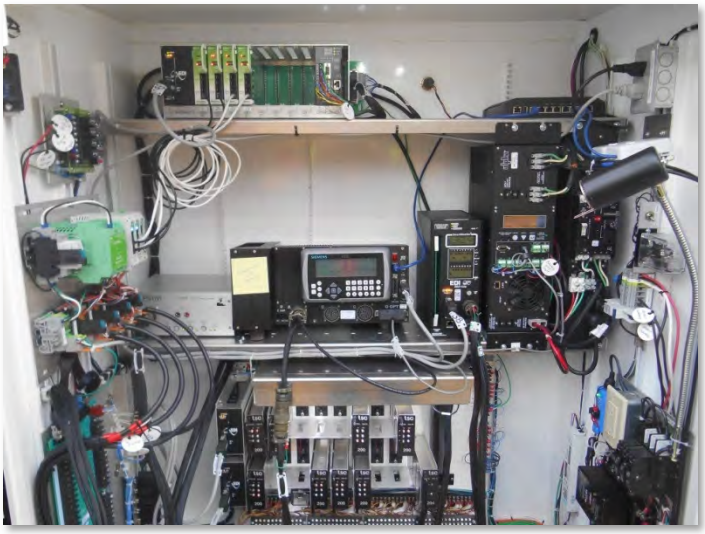
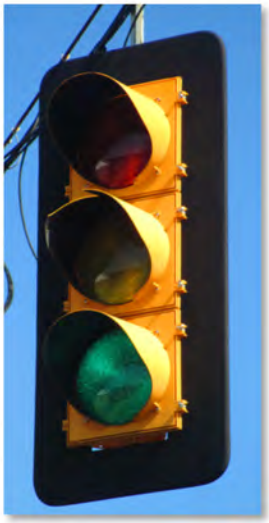


IMAGE #3
Signal Head with back plate to improve visibility with sun in background



CAPITAL IMPROVEMENT PLAN
POINT RAILROAD BRIDGE REPLACEMENT
2019 - 2027

	2019	2020	2021	2022	2023	2024	2025	2026	2027
BALANCE FORWARD	**3,553,889**	**1,561,153**	**1,381,750**	**140,697**	**46,481**	**(203,811)**	**(177,691)**	**(200,138)**	**(221,132)**
REVENUES:									
TRAC Grant (75/25)		1,500,000							
MORPC Grant (80/20)				13,279,467					
Berkshire JEDD Income Tax Receipts	85,000	90,000	91,350	92,720	94,111	95,523	96,956	98,410	99,886
Outlet Center NCA (1.5 mills)	55,597	55,597	55,597	55,597	55,597	55,597	55,597	55,597	55,597
City Funds	**200,000**	**200,000**	**200,000**	**200,000**	**200,000**	**200,000**	**200,000**	**200,000**	**200,000**
Note Issue Proceeds			18,400,000	5,000,000	4,500,000				
Bond Issue Proceeds						4,250,000			
TOTAL REVENUES	**340,597**	**1,845,597**	**18,746,947**	**18,627,784**	**4,849,708**	**4,601,120**	**352,553**	**354,007**	**355,483**
EXPENDITURES:									
DEBT SERVICE									
Note Principal & Interest				18,722,000	5,100,000	4,575,000			
Bond Principal & Interest ($4.25M, 15 yrs, 3.75%)							375,000	375,000	375,000
IMPROVEMENT COSTS									
Final Engineering (PE DD)	2,333,333								
Railroad Force Account		25,000	1,500,000						
ROW		2,000,000							
Construction			17,638,000						
Construction Engineering			750,000						
Private Utilities			100,000						
TOTAL EXPENDITURES	**2,333,333**	**2,025,000**	**19,988,000**	**18,722,000**	**5,100,000**	**4,575,000**	**375,000**	**375,000**	**375,000**
ENDING BALANCE	**1,561,153**	**1,381,750**	**140,697**	**46,481**	**(203,811)**	**(177,691)**	**(200,138)**	**(221,132)**	**(240,648)**

- ***Reduce Point allocation to $200k each year ($50,000 reduction each year).***

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SEPTEMBER 18, 2018

US 36/SR 37 INTERSECTION "THE POINT" IMPROVEMENTS

INFORMATION AT A GLANCE

COST
$ 25.2M

AVAILABLE FUNDING

MORPC	$14.0M
TRAC	$ 1.5M
SAFETY	$ 3.0M
JEDD/NCA	$1.0M
LOCAL	$6.4M

PROJECTED SCHEDULE

Prelim. Design	2018
Environmental	2019
Final Design	2020
Land Acquisition	2021
Permitting	2021-22
Construction	2022-24

CITY LEAD
Public Works

DESIGN CONSULTANT
Gannett Fleming

CONTRACTOR
TBD

Purpose

The project will relieve congestion and increase safety along US 36 and SR 37 by increasing the number of vehicular lanes beneath the Norfolk Southern Railroad bridge. The western project limit on SR 37 is Channing Street. The western project limit on US 36 is Foley Street. The project will include extensive multi-use path improvements, as well. This project is one of several key improvement projects on the east side of the City designed to address traffic concerns specifically during peak traffic hours.

Financing

The project is anticipated to cost $25.2M. The City has secured both State and Federal funding sources, outside of local general funds, to cover 75 percent of the total project cost. City staff will continue to pursue additional grant and funding opportunities as the project progresses, in an effort to reduce the estimated $6.4M local funding contribution necessary for the project to advance through construction.

Status

The project is currently in the survey phase of both the roadway and railway above. Also, soil exploration is being performed. The remainder of 2018 will include advancement of preliminary design, alternatives analysis, stakeholder meetings, and public involvement. Public involvement will utilize several different media platforms and will culminate in an Open House/Public Hearing, most likely in early 2019.

EST 1808
CITY OF
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SEPTEMBER 18, 2018

US 36/SR 37 INTERSECTION "THE POINT" IMPROVEMENTS

IMAGE #1

Project Limits

SR 37
(Channing to SR 521)
US36
(Foley to The Point)
SR 521
(US 36 to Bowtown)

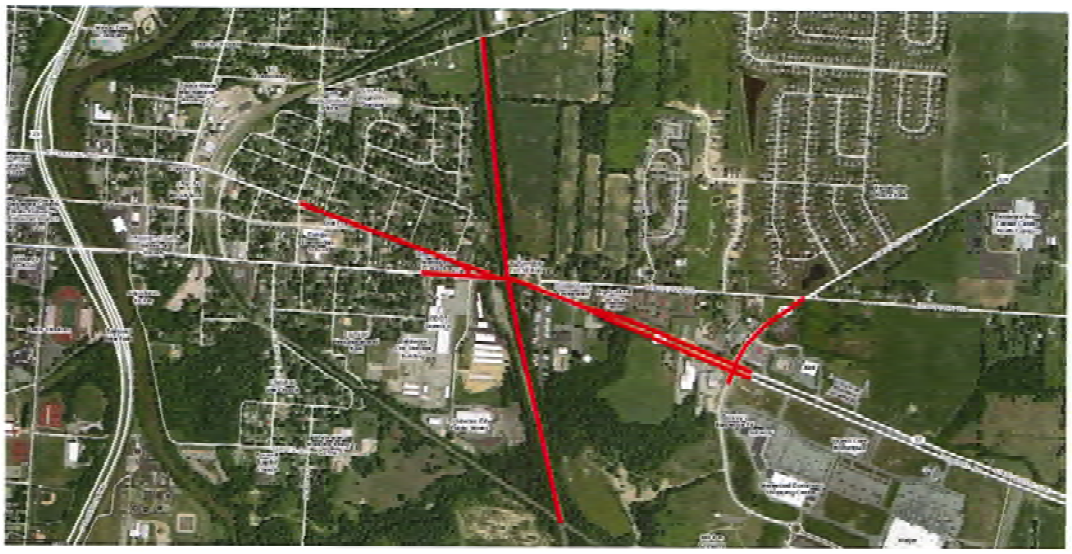

IMAGE #2

Afternoon peak hour traffic delay on US36 westbound toward The Point intersection from SR 521.

IMAGE #3

Afternoon peak hour traffic delay on SR 37 eastbound toward The Point intersection

CAPITAL IMPROVEMENT PLAN
PARKS IMPROVEMENT FUND
2019 - 2023

	2019	2020	2021	2022	2023
BALANCE FORWARD	***138,000***	***0***	***0***	***0***	***55,000***
REVENUES:					
Neighborhood Park Exaction Fees	5,000	5,000	5,000	5,000	5,000
Park Improvement Grants		25,000	20,000	20,000	
CIP Allocation (pg. 1)	***55,000***	***20,000***	***30,000***	***30,000***	***0***
TOTAL REVENUES	**60,000**	**50,000**	**55,000**	**55,000**	**5,000**
EXPENDITURES:					
COMMUNITY PARKS					
- Mingo		20,000			
- Smith Park		15,000			
- Blue Limestone		15,000			
- Roof Replacement	**0**	**0**	**0**		
NEIGHBORHOOD PARK IMPROVEMENTS					
- Cheshire			25,000	**0**	
- Eastside	30,000				
- Lexington Glen	10,000				
- Nottingham	20,000				
- Oakhurst			30,000	**0**	
- Willowbrook Park	138,000				
TOTAL EXPENDITURES	**198,000**	**50,000**	**55,000**	**0**	**0**
ENDING FUND BALANCE	***0***	***0***	***0***	***55,000***	***60,000***

- ***Roof replacements removed ($30,900 in 2019, $34,000 in 2020, $10,000 in 2021) as this project is funded in the Park Operations Budget as a reduced cost.***
- ***Cheshire & Oakhurst amounts in 2021 were mistakenly duplicated in 2022.***

EST 1808
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SEPTEMBER 19, 2018

SITE IMPROVEMENTS

INFORMATION AT A GLANCE

COST
2019-$198,000
2020- 50,000
2021-55,000
2022-0

FUNDING

Park Improvement Fund
$358,000

CITY LEAD

Stacy Davenport

(740)-203-1403
sdavenport@delawareohio.net

Project Title: Playground Equipment Replacement

Project Justification: Playground equipment generally lasts 15 years. Our goal is to extend this life span with periodic maintenance, but replacement is warranted when equipment becomes unsafe and repair costs become too costly.

Financing: The City has identified the parks improvement funds to replace the equipment.

Year: 2019

Bennett Park (fka Eastside)

Estimated Project Cost: $30,000.00
Project Description: Replace playground equipment that was installed in 2002. Equipment includes swings, play structure and play toys.
Status: Bids will be requested spring 2019 with construction in the summer of 2019.

Lexington Glen Park

Estimated Project Cost: $10,000.00
Project Description: Replace playground equipment that was installed in 1998. Equipment to be replaced includes swings and climber.
Status: Bids will be requested spring 2019 with construction in the summer of 2019.

Nottingham Park

Estimated Project Cost: $20,000.00
Project Description: Replace swings, slide and climber.
Status: Bids will be requested spring/summer 2019 with construction in the fall of 2019.

Year: 2020

Blue Limestone Park

Estimated Project Cost: $15,000.00
Project Description: Replace tot toy structure, installed 2005. The play structure is a heavily used playground in the park district.
Status: Bids will be requested spring 2020 with construction in the summer of 2020.

Mingo Park

Estimated Project Cost: $20,000.00

Project Description: Replace tot toy structure, installed 2000, originally scheduled for replacement in 2015 but annual inspections have pushed replacement to 2020.
Status: Bids will be requested spring/summer 2020 with construction in the fall of 2020.

Smith Park

Estimated Project Cost: $15,000.00
Project Description: Replace exercise stations, installed 2003. The Smith Park exercise stations were scheduled for replacement in 2018 but the life has been extended to 2020.
Status
Bids will be requested spring 2020 with construction in the summer of 2020.

Year: 2021

Cheshire Park Replace Playground

Estimated Project Cost: $25,000.00
Project Description: Replace play toy structure. The Cheshire Park play toy was installed in 2007 and is scheduled for replacement in 2021. The play structure is in fast growing section of the city and the parks popularity has steadily climbed.
Status: Bids will be requested spring 2021 with construction in the summer of 2021.

Oakhurst Park Replace Playground

Estimated Project Cost: $30,000.00
Project Description: Replace play toy structure. The Oakhurst Park play toy was installed in 2007 and is scheduled for replacement in 2021.
Status: Bids will be requested spring 2021 with construction in the summer of 2021.

Year: TBD

Mingo Park

Estimated Project Cost: $180,000.00
Project Description: Replace large play structure - installed 2000, originally scheduled for replacement in 2015 but annual inspections have pushed replacement to 2019. Pursuing grant funding that will leverage the CIP funding to replace what is currently on site. The project design will also include a turf surface that will reduce long term maintenance costs. The Mingo playground is one of the busiest amenities in the park district and has outlived its expected life span. Staff has been able to maintain the structure extending its life span. The replacement will significantly impact a large number of recreation users.

Status: Evaluate funding options in 2019.

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SEPTEMBER 18, 2018

ACQUISITION AND DEVELOPMENT

INFORMATION AT A GLANCE

COST
Willow Brook
$138,000

FUNDING

Park Improvement Fund

$138,000

PROJECTED SCHEDULE

Construction 2019

DESIGN CONSULTANT

CITY LEAD

Ted Miller

(740)-203-1452
tmiller@delawareohio.net

Project Title: Willow Brook Park Phase 1

Year: 2019

Estimated Project Cost: $138,000.00

Project Description – The project proposes a 1 mile loop around a future neighborhood park. Approximately 1,200 lf of the loop would be built by the adjacent development when the Boulder Drive extension is built.

Project Justification: The parcel owned by the city has sat vacant for years and the recent development to the north has introduced roadway improvements that would make the area easily accessible and add several park amenities to the area. The neighborhood park would complement the nearby Veterans Park.

Impact on Operating Expenses: The impact of future maintenance will add 1.0 miles of trail to maintain.

Financing

The project is anticipated to cost roughly $138,000. The City has identified the park impact fee improvement funds to develop the expansion.

Status

Planning stages.

CAPITAL IMPROVEMENT PLAN
EQUIPMENT REPLACEMENT FUND
2019 - 2023

	2019	2020	2021	2022	2023
BALANCES FORWARD	**163,635**	**17,312**	**48,939**	**34,089**	**32,060**
REVENUES:					
CIP Allocation (pg. 1)	***500,000***	***650,000***	***650,000***	***650,000***	***650,000***
TOTAL REVENUE	**500,000**	**650,000**	**650,000**	**650,000**	**650,000**
EXPENDITURES:					
PUBLIC WORKS					
Pickup Trucks		31,000	31,000		50,000
Bucket Truck	130,000				
Tandem Axle Dump Truck			192,000		
Single Axle Dump Truck	170,000	**0**	170,000	170,000	170,000
Backhoe		90,000			
Skid Steer	**0**	**53,100**			
Asphalt Hotbox Unit	**0**	**80,000**			
Asphalt Paver				185,000	
Utility Van		25,000			
TOTAL PUBLIC WORKS	***300,000***	***279,100***	***393,000***	***355,000***	***220,000***
PARKS AND RECREATION					
Pickup Trucks	35,668	37,451			
Skid Steer			45,373		
Park Mowers	29,355	30,822	31,747	32,699	33,750
Flail/Rotary/Woods Mower	42,000	15,000			
Hillside Mower	35,000				
Bucket Truck		80,000			
Chipper/Stump Grinder				65,330	
TOTAL PARKS AND RECREATION	***142,023***	***163,273***	***77,120***	***98,029***	***33,750***
AIRPORT					
Mower	16,000			18,000	
TOTAL AIRPORT	***16,000***	***0***	***0***	***18,000***	***0***
POLICE DEPARTMENT					
Police Cruiser Replacements (3/yr.)	143,000	145,000	147,000	149,000	149,000
Detective/Administration Vehicle	31,000	31,000	32,000	32,000	32,000
TOTAL POLICE	***174,000***	***176,000***	***179,000***	***181,000***	***181,000***
CEMETERY					
Mower Replacement	14,300		15,730		
TOTAL CEMETERY	***14,300***	***0***	***15,730***	***0***	***0***
TOTAL EXPENDITURES	**646,323**	**618,373**	**664,850**	**652,029**	**434,750**
CARRY OVER BALANCE	**17,312**	**48,939**	**34,089**	**32,060**	**247,310**

* *Remove single **axle dump truck replacement** in 2020*
* ***Skid Steer and Asphalt Hotbox Unit moved to 2022***

CITY OF DELAWARE OHIO

SEPTEMBER 18, 2018

STREET MAINTENANCE, TRAFFIC AND AIRPORT EQUIPMENT REPLACEMENT

INFORMATION AT A GLANCE

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5 YEAR TOTAL COST
$1,723,600

PROJECTED SCHEDULE

2019 - $300,000

2020 - $279,100

2021 - $393,000

2022 - $453,000

2023 - $220,000

Purpose

The Public Works Street Division operates over 70 different types of equipment and trucks during different times of the year ranging from dump trucks, pickup trucks, backhoes, skid steers, rollers, trailers, and plate compactors. All have a useful life expectancy and are replaced at the final determination of the fleet supervisor in consideration of general condition, maintenance costs and safety.

Asphalt Hot Box: The Public Works Street Division operates the Asphalt Hot Box primarily during winter time operation to haul hot asphalt for pavement repairs. This unit works in conjunction with the asphalt recycler which allows us to make asphalt to fill potholes and small asphalt repairs. This unit can also be utilized in the summer when a large dump truck would be to large. Replacement is anticipated in 2020 at a cost of $80,000.

Skid Steer: Replacement of two skid steers #399 Case 2002 model and #429 Case 2004 model with a single new unit. New unit will be compatible with existing skid steer remaining in fleet regarding operation, attachments, service and repairs. Total cost for one new unit less trade in of the two skid steers is estimated replacement cost: $53,100. 2020

Backhoe: The Public Works Street Division operates the Back hoe for asphalt projects ranging from base repair work, total roadway paving projects, parking lot paving, and bike path installation, and Concrete work-ADA installation and sidewalk. This unit also assists in Emergency responses – tree removal during major storms. This unit was purchased in 2005 and currently due to be replaced in 2020 at a cost of $90,000 assuming $22,000 trade-in value.

Single Axle Dump Trucks: The Public Works Street Division operates multiple dump trucks for daily operations including road maintenance, concrete repairs, and winter snow and ice management. Trucks have a useful service life of 10-years. Five trucks will be rotated out of service over the next five years including #484 (2019); #485 (2021); #517 (2022); #551 (#2023) and #635 (2024). New trucks are each equipped with 120-inch plow, salt spreader, controls; lighting/radio at a cost of $170,000 each.

Tandem Axle Dump Trucks: The Public Works Street Division operates tandem axle trucks with carrying capacity up to 18 tons that can facilitate street maintenance work and highway plowing with larger blades on state routes. Trucks have a useful service life of 10-years. Truck #605, a 2011 tandem truck will be replaced with the new truck including 132-inch blade, salt spreader with controls; lighting and radios at a cost of $192,000.

Asphalt Paver: The Public Works Street Division operates the street paver for asphalt projects ranging from base repair work, total roadway paving projects, parking lot paving, and bike path installation. This unit was purchased in 1999 and currently due to be replaced in 2022 at an estimated cost of $185,000.

Tack Machine: The Public Works Street Division operates the 2003 Marathon tack machine primarily during summertime operation to tack existing asphalt area to allow new asphalt to bond with new. This unit works in conjunction with the asphalt recycler and paver. Purchase in 2019 at a cost of $6,500.

½ Ton Pickup Trucks: The Public Works Engineering Division utilizes compact pickup trucks for daily assignments in the provision of construction inspections throughout the city. The useful life of these vehicles can be as long as 20 years. Trucks being replaced: 2020 (#336) and 2021 (#341); Both 2000 Dodge Dakotas. Replacement cost is $31,000 each including bed cover, tool box and waring lights.

¾ Ton Pickup Truck: The Public Works Streets and Traffic Divisions use commercial duty full-size pickup trucks for daily work including carrying staff, supplies and equipment to various job locations. Trucks are also used for winter snow and ice maintenance operations and accordingly are equipped with 84-inch plows. The useful life of these vehicles is typically 15-years: Truck being replaced: 2008 F250 (#520) in 2023. Replacement cost is $50,000 each and includes plow blades, controls and warning lighting.

Bucket Truck: The Public Works Traffic Division operates bucket trucks to service the traffic signals, lighting and other overhead appurtenances. Often requiring two vehicles for many maintenance and replacement operations. The 2008 F550 Bucket Truck is proposed for replacement in 2019 based on age and safety. Cost of replacement estimated at $130,000.

Service Van: The Public Works Facilities Division performs daily tasks in several public facility locations throughout the community, travelling with tools, equipment and supplies in service vans. Proposed for replacement in 2020 is the 2000 Chevy full-size van (#326) at an estimated cost of $25,000.

Airport Mowers: The Airport includes an estimated 180 acres of mowable property, requiring continuous effort for several months out of the year. Two zero-turn mowers are dedicated for this operation and nearing the end of their respective service life. Proposed replacement includes both units in 2019 and 2022 at an estimated cost of $18,000 each.

First Column

Marathon 250 gallon Tack Applicator

Marathon 4 Ton Asphalt Hot Box

Single Axel Dump Truck

Bucket Truck

Compact Pickup Truck

Second Column

Case 590 Backhoe

Leeboy 85000 Paver

Case Skid Steer

Utility Van

Airport Mower

CAPITAL IMPROVEMENT PLAN
TECHNOLOGY IMPROVEMENTS
2019 - 2023

	2019	2020	2021	2022	2023
REVENUES:					
CIP Allocation *(pg. 1)*	***275,300***	***335,300***	***365,300***	***345,300***	***345,300***
TOTAL REVENUE	**275,300**	**335,300**	**365,300**	**345,300**	**345,300**
EXPENDITURES:					
Equipment Acquisition					
PC Replacement	30,000	30,000	30,000	30,000	30,000
Copier Replacement	20,000	20,000	20,000	20,000	20,000
Internal Network Acquisition					
Network Switch and Firewall Replacements	10,800	20,800	10,800	10,800	10,800
Data Storage Acquisition			40,000	20,000	20,000
External Nework Infrastructure					
Fiber System Expansion		50,000	50,000	50,000	50,000
Software Application Acquisition/Retention					
Finance ERP System ($825k, 5 yrs.)	165,000	165,000	165,000	165,000	165,000
Document Management ($230k, 5 yrs.)	49,500	49,500	49,500	49,500	49,500
TOTAL EXPENDITURES	**275,300**	**335,300**	**365,300**	**345,300**	**345,300**

EST 1808
CITY OF
DELAWARE
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SEPTEMBER 18, 2018

TECHNOLOGY IMPROVEMENTS

Cost: $30,000 annually
2019-2023

PC Replacement

This project allows for the City to refresh our desktop and laptop computers on a rotating annual basis. By cycling out the oldest computers each year we are able to keep the technology current and working efficiently for City employees. The life expectancy today for a traditional desktop or laptop computer is 5 years.

Cost: $20,000 annually
2019-2023

Copier/Scanner Replacement

The City continues to replace the oldest multi-function copiers in service. This project will continue annually rotating out machines to keep functioning equipment available for City employees.

Cost: $10,000 2020

Firewall Replacement

The firewall replacement project is anticipated to occur in 2020. The current City Hall firewall will have reached its capacity in 2 years. The growing need for bandwidth and external access to City resources would be limited by the current equipment. The current firewall does not allow for any increase in speed or resources.

Cost: $10,800 annually
2019-2023

Switch Replacement

In 2017 a network switch replacement project began allowing for the IT department to replace core network switches within City Hall and the Justice Center. Beginning in 2018 and moving through the next several years this project will continue to replace switches in our 'edge' facilities that were not included in the initial purchase. Moving forward the replacement cycle for these switches will be based on several factors including but not limited to operational capacity, availability of support and updates. The core switches will begin the review process after 4 years in service with the potential to be replaced after 5 years depending on the outcome of the review. The edge switches will be reviewed after 5 years with the potential to be replaced after 6 years in service.

Data Storage Acquisition

In addition to server needs for redundancy and high availability, additional storage will also be required. Not only is data continually growing, requiring

---
Cost: $40,000 2021
$20,000 2022
$20,000 2023
---

additional storage to be purchased, it also needs to be backed-up at an off-site location. The equivalent amount storage will be necessary in our off site, secondary location to provide the same level of service for City employees in the event of failure or load balancing efforts. The IT department will continue to assess the storage needs to be sure requirements are met for City applications. Both cloud and in house options will be assessed on a case by case basis to ensure the most efficient, cost effective systems are implemented.

Fiber System Expansion

Cost: $50,000
2020-2023

In the previously mentioned efforts to provide a redundant and highly available server infrastructure, the network itself cannot be overlooked. Currently in many City locations there is one connection or 'backbone' leading to our main hub in City Hall. In other locations we have outlying buildings that do not have fiber connections at all, they are reliant on wireless connections that are not as reliable. To protect the network from issues such as fiber cuts or other outages it is necessary to implement, where possible, redundant connections to our primary location in City Hall. Having multiple paths to City Hall allows for network traffic to be rerouted with minimal impact and downtime for City applications.

Finance ERP System

Cost: $165,000 annually
$825k total
2019-2023

The City is looking to purchase and implement an Enterprise Resource Planning system in 2019. This system will replace the current Creative Microsystem [CMI] with a more robust and informative system to perform the City's financial accounting, including general ledger, budgetary, payroll, and utility billing. The system should be able to 1] provide departments with close to real-time data and information to assist in making more informed decisions as it relates to spending their limited budgeted resources, 2] allow payroll and time management to be entered into the system at the department level, and 3] provide residents with more options to view, receive, and pay their utility bills.

Document Management

Cost: $49,500 annually
2019-2023

At the end of 2017, beginning of 2018 a document management team was formed with representation from most departments in the City. The team met on several occasions gathering information both internally as well as from neighboring cities to decide whether or not a document management system was an initiative the City should take on. The concluding recommendation from the team was to continue the process of developing a plan for purchasing (RFP) and then implementing a document management system. An RFP, first phase purchase and implementation would begin in 2019. Additional modules to be add thru 2023.

CAPITAL IMPROVEMENT PLAN
BUILDING MAINTENANCE IMPROVEMENTS
2019 - 2023

	2019	2020	2021	2022	2023
REVENUES:					
CIP Allocation *(pg. 1)*	***271,000***	***171,000***	***195,000***	***145,000***	***260,000***
TOTAL REVENUE	**271,000**	**171,000**	**195,000**	**145,000**	**260,000**
EXPENDITURES:					
Carpet Replacement	35,000	25,000	25,000	25,000	25,000
Justice Center HVAC/Other Building Improvements	175,000	25,000	25,000	25,000	25,000
Roof Repairs City Hall, Justice Center				70,000	35,000
Justice Center Interior Painting		25,000	25,000	25,000	
City Hall Interior Painting					25,000
EM Backup Generators - Justice, City Hall	61,000	61,000			150,000
Public Works Building					
- Exterior Wall Repair		35,000			
- Fire Suppression System	**0**		**120,000**		**0**
TOTAL EXPENDITURES	**271,000**	**171,000**	**195,000**	**145,000**	**260,000**

**** Fire suppression system at Public Works. Change $40k in 2019, 2021, 2023 to $120K in 2021.***

CITY OF DELAWARE OHIO

SEPTEMBER 18, 2018

FACILITIES MAINTENANCE, REPAIR AND REPLACEMENT

INFORMATION AT A GLANCE

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5 YEAR TOTAL COST
$1,047,000

PROJECTED EXPENSES

2019 - $271,000

2020 - $171,000

2021 - $195,000

2022 - $145,000

2023 - $260,000

Purpose

The Public Works Facilities Division maintains the buildings and systems for several city facilities including Public Works, Justice Center, City Hall, 10 & 20 E William Street, and a condominium building on W Central Avenue. The projects listed below are identified building and equipment improvements necessary for the ongoing upkeep and maintenance of these facilities.

Financing

All repairs to the facilities managed through the Public Works Department are funded through general revenues.

Status

Justice Center Emergency Backup Generators: The Justice Center is supported by two (2) emergency backup generators, one for the Courts facilities and one dedicated to Police operations. Both units are original to the construction of the facility in 1992 and have exceeded their respective 15 to 20 year service life. Units will be replaced over the next two years (2019 & 2020) with new Kohler 180 kw diesel fuel operated units at a cost of $61,000 each.

City Hall Emergency Backup Generators: City Hall is not currently supported by emergency power. To better prepare for future emergency situations requiring the continued operation of vital local government operations, the installation of an emergency generator is being proposed in 2023. The installation would include the unit, power transfer switch and all necessary electrical circuit upgrades necessary for the installation to be complete. The estimated cost of the total installation is $150,000

Fire Suppression Systems: All public buildings are outfitted with fire suppression systems that require periodic maintenance, repair, and at times replacement of key components. The Public Works Facility requires replacement of main distribution piping original to the construction of the facility sixty years ago. As the pipes age, they develop leaks that allow pressurized air to escape, setting off the system in areas with old piping, charging the system with water, which then leaks out of these holes. There are four remaining building areas with piping that requires replacement including Streets, Parks & Natural Resources, Fleet Maintenance, and Traffic. $120,000 in 2021 planned expenditure.

Justice Center HVAC Improvements: The Justice Center is outfitted with an HVAC system that includes fifty-seven (57) individual heat pumps to control the environment in individual areas throughout the facility. The anticipated service life of these units is 10-15 years, with replacement becoming necessary to maintain appropriate internal building climate. Heat pump units are replaced on a schedule that includes five (5) units per year at an average installed cost of $5,000 per unit ($25,000 annually).

The CIP also includes $150,000 for the replacement and upgrade of the HVAC control system in 2019. The system includes operating software and hardware that interfaces between all system components, heat pumps and cooling tower to control the interior environment in all areas. Twenty percent (20%) of the control units original to the building no longer function, reducing system efficiency and response. Additionally, the proprietary nature of the current operating system requires repairs be addressed by multiple contractors, each limited to service only their respective components. Replacing the 25-year old system with updated non-proprietary controls and software will reestablish efficient and fully functional operations, while reducing maintenance issues and service costs.

Carpet Replacement: Carpeting in the Justice Center and City Hall is subject to replacement when the flooring in areas reaches the end of its service life. For carpeting this is a function of location, foot traffic and appearance. The Justice Center has one-hundred seven (107) distinct carpeted areas while City Hall has a total of thirty-seven (37) areas. In total, there is 3570 SY of carpeting in the two facilities with a replacement cost estimated at $178,500. Carpeting is replaced by area, and with carpet tile squares popular within modern public facilities due to quality, appearance, and ease of spot replacement from damage, staining or wear. For budgeting purposes a $50/SY replacement cost is established to include the cost of flooring replacement and all associated improvements such as base cove replacement, floor repairs, seems, transitions etc. An annual budget of $25,000 provides funding to address all carpet maintenance on a ten-year program cycle.

Interior Painting: The CIP includes funding to repaint all interior walls of both the Justice Center and City Hall over a five year program. The Justice center will be painted over three years on a floor by floor basis. City Hall will be painted in two years, with the basement and first floor levels in one year followed by the second floor the following year. $25,000/year has been budgeted for each floor with the Justice Center to be painted in 2020-2022 and City Hall in 2023 and 2024.

Roof Repair: The useful life of the shingled portions of both City Hall and Justice Center are both approaching the end of their 30 year service life. The CIP includes $70,000 in 2022 for replacement of the Justice Center roofing and $35,000 in 2023 for City Hall. Alternative roofing materials such as standing seam metal roofing is being considered to substantially increase the useful life to fifty years of more, though initial installation costs could be substantially higher.

Exterior Wall Repairs: The original concrete masonry unit walls of the Public Works Facility are in places highly deteriorated and in need of proper maintenance and repair to prevent further damage. In places the cracking has allowed individual masonry units to come loose and/or joints deteriorate especially during winter when water penetrates the cracks yielding to additional damage to adjacent blocks. The walls need to be properly repaired by tuck pointing and sealing at a cost of $35,000.

Image #1
Emergency Backup Generator

Image #2
Typical Ceiling Mount Heat Pump Unit

Image #3
Example of Fire Suppression Distribution Piping

Image #4
Public Works Facility Masonry Walls Requiring Repair

Image #5
Typical Damaged Masonry Wall Section

CAPITAL IMPROVEMENT PLAN
SAFEWALK SIDEWALK PROGRAM
2019 - 2023

	2019	2020	2021	2022	2023
BALANCES FORWARD	**0**	**48,410**	**69,840**	**42,470**	**16,800**
REVENUES:					
Property Tax Assessments					
Prior Years					
2014	3,980				
2015	25,600	25,600	300		
2016	11,660	11,660	11,660	11,660	
2017	9,670	9,670	9,670	9,670	9,670
Note Issue	400,000	325,000	225,000	125,000	90,000
CIP Allocation Safewalk	87,500	87,500	87,500	87,500	87,500
Total CIP Allocation (pg. 1)	***87,500***	***87,500***	***87,500***	***87,500***	***87,500***
TOTAL REVENUE	**538,410**	**459,430**	**334,130**	**233,830**	**187,170**
EXPENDITURES:					
RESIDENT REPAIR RESPONSIBILITY					
Invoice	10,000	10,000	10,000	10,000	10,000
Assessment	10,000	10,000	10,000	10,000	10,000
CITY REPAIR RESPONSIBILITY					
City Invoice	10,000	10,000	10,000	10,000	10,000
DEBT SERVICE	460,000	408,000	331,500	229,500	127,500
Total Safewalk Expenditures	**490,000**	**438,000**	**361,500**	**259,500**	**157,500**
ENDING FUND BALANCE	**48,410**	**69,840**	**42,470**	**16,800**	**46,470**

CAPITAL IMPROVEMENT PLAN
PARK IMPACT FEE IMPROVEMENT FUND
2019 - 2023

	2019	2020	2021	2022	2023
BALANCE FORWARD	**700,000**	**725,000**	**600,000**	**504,000**	**279,000**
REVENUES:					
Impact Fees	225,000	225,000	225,000	225,000	225,000
Trail Improvement Grants		**0**		**0**	**0**
TOTAL REVENUES	**225,000**	**225,000**	**225,000**	**225,000**	**225,000**
EXPENDITURES:					
COMMUNITY PARK IMPROVEMENTS					
Ross St. Parkland Expansion (bldg. demo)	100,000				
Ross St. Park Improvement	75,000				
South Community Park Land Acquisition				**350,000**	**350,000**
COMMUNITY TRAIL IMPROVEMENTS					
Trail Improvements City Grant Match		**100,000**		**100,000**	**100,000**
SR 37 (Lexington-Houk)	**25,000**	**250,000**			
Stratford/Olentangy Trail (Meeker-Chapman)	**0**		**321,000**		
London Road				0	0
Bruce Road Trail Connector			0		
Stratford Rd (Olentangy Ave-Meeker Way)				0	
Olentangy River Trail (Pollock Rd)					0
TOTAL IMPACT FEE EXPENDITURES	**200,000**	**350,000**	**321,000**	**450,000**	**450,000**
IMPACT FEE BALANCE	**725,000**	**600,000**	**504,000**	**279,000**	**54,000**

Debt Balance Outstanding	**0**	**0**	**0**	**0**	**0**

- ***Multiple trail project amounts removed and replaced with City grant match amount of $100k per year in years without projects.***
- ***South Community Park land acquisition reduced by $150K each year.***

EST 1808
CITY OF
DELAWARE
OHIO

SEPTEMBER 18, 2018

ACQUISITION AND DEVELOPMENT

INFORMATION AT A GLANCE

COST
$175,000

FUNDING

Building Demo
$100,000

Park Improvements

$75,000

PROJECTED SCHEDULE

Construction 2019

DESIGN CONSULTANT

CITY LEAD

JP Linkous

(740)-203-1402
Jlinkous@delawareohio.net

Project Title: Ross Street Park Expansion

Year: 2019
Estimated Project Cost: $175,000.00
Project Description –The Parks and Natural Resource Department maintenance staff will relocate to Public Works and Parks facility leaving the additional park area for expanding the existing Ross St Park. The project will remove existing buildings on the site to make way for additional park land.

Project Justification: The Ross St. park expansion will provide additional programming space for a park that has outgrown its existing amenities. The Community Coalition and SWCI will be active partners in future programming of the park. In addition, a public survey and public meetings have taken place to help guide the master plan for the park.

Impact on Operating Expenses: The impact of future maintenance will add to staff duties due to additional mowing and landscaping. The operating costs will increase as the park attracts more users.

Financing

The project is estimated at $100,000 for building demolition and $75,000 for park improvements. The City has identified the park impact fee improvement funds to develop the expansion.

Status

Bids will be requested spring 2019 with construction in the summer of 2019.

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SEPTEMBER 18, 2018

ACQUISITION AND DEVELOPMENT

INFORMATION AT A GLANCE

COST
South Community Park
$700,000

FUNDING

Park Impact Fee Improvement Fund
$700,000

PROJECTED SCHEDULE

Acquisition 2022 -2023

DESIGN CONSULTANT

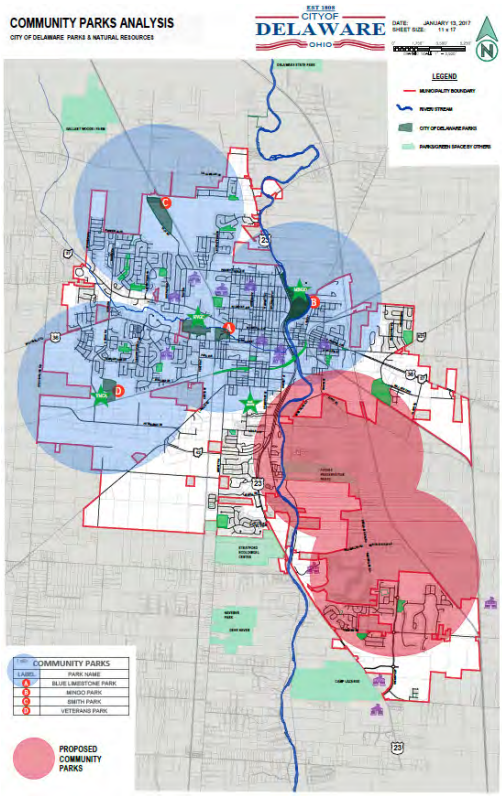
CITY LEAD

Ted Miller

(740)-203-1452
tmiller@delawareohio.net

Project Title: South Community Park

Year: 2022-2023
Estimated Project Cost: $700,000.00
Project Description –The City will need to expand recreational services to fill in gaps on the southeast section near the new Glen Parkway. Identifying a potential seller and price will allow the city to secure a community park site and discuss potential recreation partners.



Project Justification: The Park Index completed in 2016 has identified gaps in recreation services in the southeast section of the city. Residents in the southeast part of the city currently travel 7 miles to reach Mingo Park, the closest community park. The goal would be to locate a community park within 1 mile of all residents. The proposed community park would fulfill the need to add athletic fields, sport courts, leisure activities and outdoor recreation. To accommodate these uses, the city would ideally identify a site that was 25-30 acres.

Impact on Operating Expenses: The impact of a south community park will significantly add to future maintenance costs introducing a need for additional full time and seasonal staff. Operating costs will also increase significantly. Projecting the increases will be possible once the conceptual design is complete. In addition, site development costs will need to be allocated once the site is secured.

Financing

The project is anticipated to cost roughly $700,000. The City has identified the park impact fee improvement funds to develop the expansion.

Status

Negotiations should be started immediately with final purchase agreement by 2020.

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SEPTEMBER 18, 2018

ACQUISITION AND DEVELOPMENT

INFORMATION AT A GLANCE

COST
$275,000

FUNDING

Design Fees
$25,000

Improvement Fees
$250,000

PROJECTED SCHEDULE

Design 2019

Construction 2020

DESIGN CONSULTANT

CITY LEAD

Chad Green

(740)-203-1402
cgreen@delawareohio.net

Project Title: Central Avenue Pedestrian Corridor (Lexington to Houk)

Year: 2019/2020
Estimated Project Cost: $275,000.00
Project Description – The Lexington Avenue to Houk Road would be the final section of the active transportation corridor along Central Ave. The link will involve an 8'-5' multi-use trail that will link existing trails and provide east- west connection across the city. The design work would be completed in 2019 and the improvements completed in 2020.

Project Justification: The link will connect a growing part of the city and open safe access for thousands of residents. The corridor is unsafe for pedestrians and bicycles that must use the roadway to travel. The improvement will greatly impact the safety for the many residents that currently use this corridor.

Impact on Operating Expenses: The impact of future maintenance will minimally add to the maintenance. The operating costs will minimally increase with some additional mowing for the new pathway.

Financing
The project is anticipated to cost roughly $250,000. The City has identified the park impact fee improvement funds to develop the expansion. Recreational Trails Program grant will be applied for in 2019.

Status
Design proposed in 2019, bids will be requested fall/winter 2019.

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SEPTEMBER 18, 2018

ACQUISITION AND DEVELOPMENT

INFORMATION AT A GLANCE

COST
$300,000

FUNDING

Park Impact Fee Improvement Fund
$321,000

PROJECTED SCHEDULE

Construction 2021

DESIGN CONSULTANT

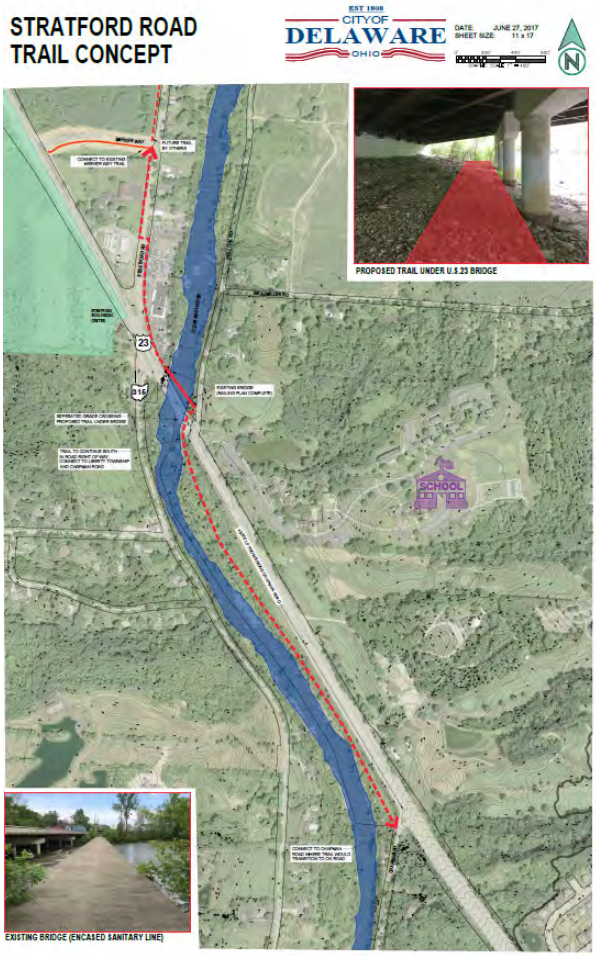
CITY LEAD

Chad Green

(740)-203-1402
cgreen@delawareohio.net

Project Title: Stratford Road/Olentangy River Trail (Meeker Way-Chapman Road)

Year: 2021
Estimated Project Cost: $321,000.00
Project Description – The project would involve a segment of the Olentangy River Trail from the south edge of the City into Liberty Township. The trail would begin at Stratford Road and extend across the Olentangy River on the existing encased sanitary line, adding railings to the existing surface. The trail would continue under the U.S. 23 bridge and travel south along existing ODOT right of way between U.S. 23 and the Olentangy River. At Chapman Road the trail would transition to a shared road trail.



Project Justification: The regional context of this trail is extremely significant as it would begin to link the city to a primary greenway that is part of the Central Ohio Greenways (COG) network.

Impact on Operating Expenses: The impact of future maintenance will be minimal as the proposed segment in the City is not significant.

Financing
The project is anticipated to cost roughly $321,000. The City has identified the park impact fee improvement funds to develop the expansion. Clean Ohio Trail Funds will be applied for in 2020 to help fund this project.

Status
Grant applications would be completed June 2020. Bids will be requested spring 2021.

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SEPTEMBER 18, 2018

ACQUISITION AND DEVELOPMENT

INFORMATION AT A GLANCE

COST
$650,000

FUNDING

TBD

PROJECTED SCHEDULE

Construction TBD

DESIGN CONSULTANT

CITY LEAD

Chad Green

(740)-203-1402
cgreen@delawareohio.net

Project Title: Bruce Road Trail Connector (Bruce Road- Pennsylvania Ave)

Year: TBD
Estimated Project Cost: $650,000.00

Project Description – The project would propose a connection between Bruce Road and Pennsylvania Ave. The final alignment would need to be determined but would begin at Oakhurst Park to the north and travel south through a utility easement, Pinecrest Subdivision and the Delaware County Fairgrounds. The project is commonly referred to in the community as the Bruce Road-Oakhurst-Pennsylvania Avenue Travel Home Safely or BROPATHS.

Project Justification: The project has gained a lot of public support and is ranked as the #10 bike and pedestrian connection in the Master Plan. The completion of this project would connect northern communities with the local schools and downtown and provide a safe active transportation route for residents walking and biking along the U.S. 23 corridor.

Impact on Operating Expenses:
The impact of future maintenance will add 1 mile of trail to maintain.

Financing
The project is anticipated to cost roughly $650,000. The City has identified the park impact fee improvement funds to develop the expansion.

Status
Planning stages.

EST 1808
CITY OF
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SEPTEMBER 18, 2018

ACQUISITION AND DEVELOPMENT

INFORMATION AT A GLANCE

COST
$800,000

FUNDING

TBD

PROJECTED SCHEDULE

Construction TBD

DESIGN CONSULTANT

CITY LEAD

Chad Green

(740)-203-1402
cgreen@delawareohio.net

Project Title: Stratford Road (Olentangy Ave- Meeker Way)

Year: TBD
Estimated Project Cost: $800,000.00
Project Description – The project would propose a connection between Meeker Way and Olentangy Ave, a heavily traveled pedestrian corridor. A segment of this corridor will be constructed in the newly developed Coughlin Crossing project.

Project Justification: Stratford Road has several multi-family developments and produces a high volume of pedestrian/bike traffic. There are currently no sidewalks along the road and connecting this area with existing active transportation routes will provide a much safer corridor. The project was identified in the Bike and Pedestrian Master Plan and ranked #70 but with safety concerns and additional developer driven segments this project has gained importance.

Impact on Operating Expenses: The impact of future maintenance will add 1.3 miles of trail to maintain.

Financing
The project is anticipated to cost roughly $800,000. The City has identified the park impact fee improvement funds to develop the expansion.

Status
Planning stages.

CAPITAL IMPROVEMENT PLAN
POLICE IMPACT FEE FUND
2019 - 2023

	2019	2020	2021	2022	2023
BALANCES FORWARD	**362,380**	**363,170**	**363,960**	**364,750**	**365,540**
REVENUES					
Police Impact Fees	60,000	60,000	60,000	60,000	60,000
TOTAL REVENUE	**60,000**	**60,000**	**60,000**	**60,000**	**60,000**
IMPACT FEE EXPENDITURES					
DEBT SERVICE					
Justice Center ($890,000, 19yrs 2.94%, 2032)	59,210	59,210	59,210	59,210	59,210
TOTAL IMPACT FEE EXPENDITURES	**59,210**	**59,210**	**59,210**	**59,210**	**59,210**
IMPACT FEE BALANCE	**363,170**	**363,960**	**364,750**	**365,540**	**366,330**
Debt Balance Outstanding	**574,928**	**530,891**	**486,854**	**442,816**	**396,333**

CAPITAL IMPROVEMENT PLAN
FIRE IMPACT FEE FUND
2019 - 2023

	2019	2020	2021	2022	2023
BALANCES FORWARD	**323,982**	**313,982**	**303,982**	**293,982**	**283,982**
REVENUES:					
Fire Impact Fees	90,000	90,000	90,000	90,000	90,000
TOTAL REVENUE	**90,000**	**90,000**	**90,000**	**90,000**	**90,000**
IMPACT FEE EXPENDITURES:					
DEBT SERVICE					
Station 303/304	100,000	100,000	100,000	100,000	100,000
TOTAL IMPACT FEE EXPENDITURES:	**100,000**	**100,000**	**100,000**	**100,000**	**100,000**
IMPACT FEE BALANCE	**313,982**	**303,982**	**293,982**	**283,982**	**273,982**

CAPITAL IMPROVEMENT PLAN
MUNICIPAL SERVICES IMPACT FEE FUND
2019 - 2023

	2019	2020	2021	2022	2023
BALANCE FORWARD	**207,296**	**32,661**	**38,026**	**43,391**	**48,756**
REVENUES:					
Impact Fees	110,000	110,000	110,000	110,000	110,000
Sewer Fund Reimbursement Cherry St. Facility	65,000	65,000	65,000	65,000	65,000
TOTAL REVENUES	**175,000**	**175,000**	**175,000**	**175,000**	**175,000**
EXPENDITURES:					
DEBT SERVICE					
Public Works Facility ($1,060,000 19yrs, 2.94%, 2031)	72,094	72,094	72,094	72,094	72,094
Justice Center ($900,000, 19yrs 2.94%, 2032)	62,541	62,541	62,541	62,541	62,541
City Hall/City Hall Annex/Parking Lot 2018	35,000	35,000	35,000	35,000	35,000
MUNICIPAL FACILITY IMPROVEMENTS					
Public Works Facility - Land Acquisition (3 acres)	180,000				
TOTAL EXPENDITURES	**349,635**	**169,635**	**169,635**	**169,635**	**169,635**
IMPACT FEE BALANCE	**32,661**	**38,026**	**43,391**	**48,756**	**54,121**

Debt Outstanding - PW Fac/Justice Center	**1,295,072**	**1,170,891**	**1,093,146**	**992,184**	**888,667**
- Gazette Bldg.	**1,957,738**	**1,843,333**	**1,725,471**	**1,604,046**	**1,478,951**

EST 1808
CITY OF
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SEPTEMBER 18, 2018

PUBLIC WORKS & PARKS FACILITY PROPERTY AQUISITION

INFORMATION AT A GLANCE

COST
$ 180,000

FUNDING

LOCAL $180,000

PROJECTED SCHEDULE

2019 Purchase

CITY LEAD
Public Works

DESIGN CONSULTANT
TBD

CONTRACTOR
TBD

Purpose

The proposed acquisition of the 3 acre parcel adjacent to and north of the current Public Works Facility is both a protective purchase to provide for the future expansion of the Public Works and Parks and Natural Resources Facilities, as well as to provide immediate material laydown and storage area on the same site. With the recently completed expansion of the Refuse operation, and considering the planned relocation of Parks & Natural Resources to 440 E. William, adequate area for material staging and storage for all divisions at Public Works and Parks is extremely limited. The area will provided needed area for staging street trees, pavement millings, street pavers, and other construction material stockpiles. The additional acreage can accommodate and additional 30,000 SF of building area in the future with parking. Purchase of the property is in conformance to the original Facilities Improvements planning effort presented to City Council in May 2014.

Financing

The purchase could be funded from both general fund revenues, Park Impact Fees and Municipal Impact Fees.

Status

Proposed purchase to be in 2019

3 Acre Property Purchase for Public Works & Parks & Natural Resources Operations

CAPITAL IMPROVEMENT PLAN
FIRE/EMS FUND
2019 - 2023

	2019	2020	2021	2022	2023
BALANCES FORWARD	**321,373**	**450,240**	**90,931**	**277,742**	**805,412**
REVENUES:					
Fire/EMS Income Tax	1,100,000	1,380,000	1,100,000	1,100,000	1,200,000
Fire Impact Fee Funds	100,000	100,000	100,000	100,000	100,000
TOTAL REVENUE	**1,200,000**	**1,480,000**	**1,200,000**	**1,200,000**	**1,300,000**
EXPENDITURES:					
DEBT SERVICE					
Station 302 ($573,416, 10 yrs, 1.502%, 2022)	63,743	60,872	60,872	60,872	
Station 303 ($2,755,000, 2.94%, 2032)	176,518	174,569	174,569	174,569	174,569
Station 304 ($3,500,000, 15 yrs, 2031)	371,250	280,950	285,550	284,850	284,850
Ladder Truck Lease (1,090,176, 1.83%, 7yrs, 2019)	41,573				
EMS Vehicles (3) - (800,000, 10 yrs. 2024)	90,750	94,150	94,150	94,150	94,150
APPARATUS/VEHICLES					
Engine/Pumper Truck		823,401			899,752
Paramedic Units		392,699			
Staff/Utilility Vehicles	12,299	12,668	13,048	57,889	174,622
EQUIPMENT					
Traffic Pre-Emption	315,000		385,000		
Defibrillators/Cardiac Monitors					355,000
Technology					101,483
TOTAL EXPENDITURES:	**1,071,133**	**1,839,309**	**1,013,189**	**672,330**	**2,084,426**
ENDING BALANCE	**450,240**	**90,931**	**277,742**	**805,412**	**20,986**

Debt Balance Outstanding	**5,587,726**	**5,185,300**	**4,783,718**	**4,653,718**	**4,523,718**

SEPTEMBER 18, 2018

TECHNOLOGY REPLACEMENT

INFORMATION AT A GLANCE

COST
$145,307

FUNDING
LOCAL $ TBD

2019 -$37,354

2020 - $0

2021 - $0

2022 - $6,470

2023 – $101,483

PROJECTED SCHEDULE

Purchasing 2019-2023

CITY LEAD
Fire Department

DESIGN CONSULTANT
TBD

CONTRACTOR
TBD

Purpose

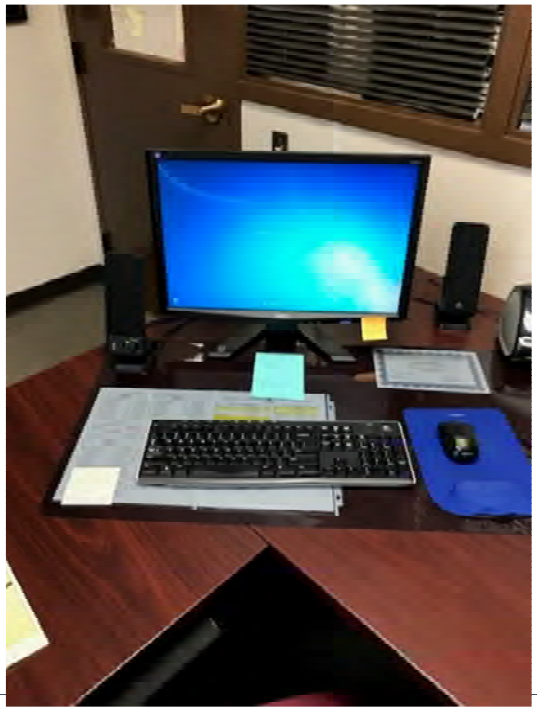
Provide for the replacement of computers, mobile data terminals, mobile wireless interfaces and copiers.

Financing

The replacement of the computers, mobile data terminals, mobile wireless are anticipated to cost roughly $145,307. This project will be funded utilizing the Fire Fund. The Fire Department will be looking for alternative funding sources for this equipment.

Status

In 2019, the existing computers are needing replacement due to the operating system they are operating on will no longer be supported. The Department replaced the mobile data computers located in all the medical apparatus in 2018. In 2019, the Department will also replace the remainder of the Mobile Data Computers.



EST 1808
CITY OF
DELAWARE
OHIO

SEPTEMBER 18, 2018

TECHNOLOGY REPLACEMENT

IMAGE #1

Mobile Data Computers

Mobile Data Computers provide access to dispatch information, access to information in existing databases, researching hazardous materials and the uploading of medical reports to the hospital. These are replaced every 5-years.

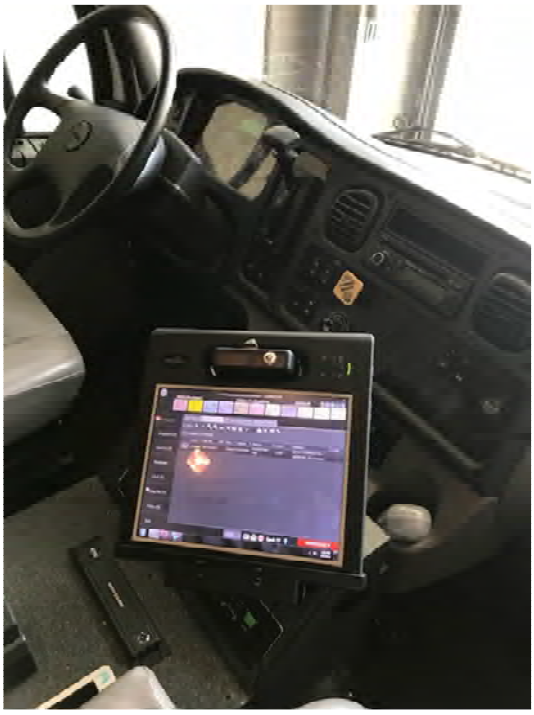


IMAGE #2

Scanner/Copiers/ Printers

These devices are connected to the network. They serve as document scanners, printers and copiers. Each Station has one of these and the Administrative office has a larger copier.

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CITY OF
DELAWARE
OHIO

SEPTEMBER 18, 2018

EMERGENCY VEHICLE PREEMPTION

INFORMATION AT A GLANCE

COST
$700,000

FUNDING

LOCAL $700,000

2019 - $315,000

2020 - $0

2021 - $385,000

2022 - $0

2023 – $0

PROJECTED SCHEDULE

Design 2018

Construction 2019-2020

CITY LEAD
Public Works

DESIGN CONSULTANT
City In-house Services

CONTRACTOR
TBD

Purpose

Emergency Vehicle Preemption is an important piece of technology deployed at signalized intersections where normal traffic operations impede emergency vehicles and where traffic conditions create a potential for conflicts between emergency and non-emergency vehicles. Emergency Vehicle Preemption can reduce emergency vehicle response times and is especially useful along corridors that emergency vehicles use to travel longer distances. It also can provide both a safety and operational benefit on roadways where emergency vehicles need to enter the intersection from the minor road. This project, planned for 2019, consists of installing Emergency Vehicle Preemption at 20 signalized intersections. Emergency Vehicle Preemption will be installed at the 31 remaining signalized intersections, which are being improved as part of the Citywide Signal Update Phase 1 Project, planned for construction in 2020-21. All City Fire and EMS vehicles have already been equipped with the GPS transmitters that activate the preemption at each signalized intersection.

Financing

The project is anticipated to cost roughly $700,000, which will be covered 100% utilizing the Fire Fund. City Traffic & Engineering Division in-house staff will design, bid, and oversee the construction and inspection of the project.

Status

The project is currently in the preliminary planning stages and scheduled to have the final plans and bidding documentation completed by the end of 2018. Construction is scheduled for 2019-2020.

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CITY OF
DELAWARE
OHIO

SEPTEMBER 18, 2018

EMERGENCY VEHICLE PREEMPTION

IMAGE #1

Overall visual of how this system works between emergency vehicle and signalized intersection

IMAGE #2

Confirmation light which gives indication to emergency vehicle that they have been detected by signal pre-emption system

IMAGE #3

This signal pre-emption devices that receives GPS signal from emergency vehicle

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CITY OF
DELAWARE
OHIO

SEPTEMBER 18, 2018

STAFF VEHICLES

INFORMATION AT A GLANCE

COST
$ 270,526

FUNDING

LOCAL $270,526

2019 - $12,299

2020 - $12,668

2021 - $13,048

2022 - $57,889

2023 – 174,622

PROJECTED SCHEDULE

Specifications 2018

Purchase 2018 - 2023

CITY LEAD
Fire Department

DESIGN CONSULTANT
Not Applicable

CONTRACTOR
TBD

Purpose

The Fire Department utilizes staff vehicles for emergency response of command officers, for fire inspectors conducting fire inspections and for various non-emergent transportation. The emergency response vehicles are purchased new and remain in the fleet for 10-years. The fire inspection and station cars are retired police cruisers that are wrapped with reflective and used for an additional 5-years at the Fire Department.

Financing

The replacement of the staff vehicles are anticipated to cost $270,526. This project will be funded utilizing the Fire Fund. The Fire Department will be looking for alternative funding sources for this equipment.

Status

The Fire Department has been utilizing the Police cruisers for six years. These have proven to be efficient and cost-effective for their purpose. The Command vehicles have been in the fleet and are continuing to work well for their operations.

EST 1808
CITY OF
DELAWARE
OHIO

SEPTEMBER 18, 2018

STAFF VEHICLES

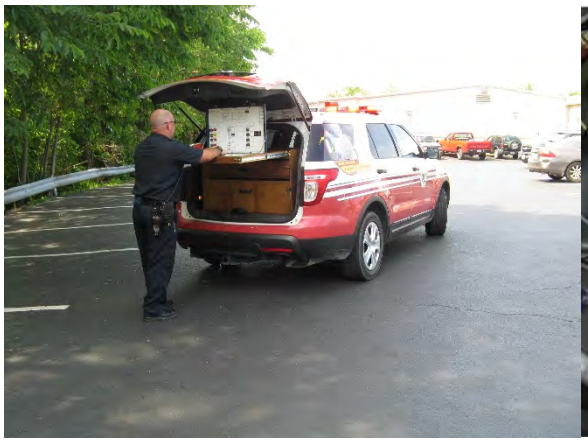
IMAGE #1

Fire Inspector Vehicles

Used Police Vehicles are utilized for an additional 5-years for fire inspections and station vehicles.

IMAGE #2 & #3

Command Vehicles are used for the management of emergency incidents. Incident management needs to be conducted in a controlled environment to allow for communication, planning and documentation, away from the scene elements.



EST 1808
CITY OF
DELAWARE
OHIO

SEPTEMBER 18, 2018

FIRE APPARATUS

INFORMATION AT A GLANCE

COST
$ 1,723,153

FUNDING
LOCAL $ 1,723,153

2019 - $0

2020 - $823,401

2021 - $0

2022 - $0

2023 – $899,752

PROJECTED SCHEDULE

Specifications	2019
Construction	2020
&	
Specifications	2022
Construction	2023

CITY LEAD
Fire Department

DESIGN CONSULTANT
Not Applicable

CONTRACTOR
TBD

Purpose

The Fire Department has established a long-term replacement schedule for the fire apparatus. In 2020, the Department will be replacing the 1989 Emergency One fire engine and in 2023 will be replacing the 1997 Pierce fire engine.

Financing

The replacement of the fire apparatus are anticipated to cost roughly $1,723,153. This project will be funded utilizing the Fire Fund. The Fire Department will be looking for alternative funding sources for this equipment.

Status

Since the passage of the 2010 Fire Levy, the Fire Department has replaced the majority of its front line fleet. A replacement schedule has been established for a replacement of fire apparatus at 20-years. Fire apparatus include fire engines, ladder truck, quint/engine and the heavy rescue/hazmat unit. The department will continue to evaluate the mileage and use of this apparatus to prolong the longevity and efficient use of these vehicles.

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CITY OF
DELAWARE
OHIO

SEPTEMBER 18, 2018

FIRE APPARATUS

IMAGE #1 & 2

Fire Engine and Quint/Engine

The Primary usage of the fire engine is for the rapid extinguishment of fire. Rapid extinguishment of a fire supports the rescue of trapped patients and increases the safety of firefighters.

IMAGE #3 & 4

Ladder Truck & Heavy Rescue

The Department operates a ladder truck with a primary function of search and rescue, forcible entry and ventilation and salvage operations. The heavy rescue is responsible for the rescue of patients trapped and for hazardous material responses.

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CITY OF
DELAWARE
OHIO

SEPTEMBER 18, 2018

MEDICAL APPARATUS

INFORMATION AT A GLANCE

COST
$ 392,699

FUNDING

LOCAL $392,699

2019 - $0

2020 - $392,699

2021 - $0

2022 - $0

2023 – $0

PROJECTED SCHEDULE

Specifications 2019

Purchase 2020

CITY LEAD
Fire Department

DESIGN CONSULTANT
Not Applicable

CONTRACTOR
TBD

Purpose

With the opening of St 304 and the projected growth of the City, it is anticipated that an additional transport unit may be needed. This will also allow a back-up unit to be in the fleet. The existing 4 units will be operational with the 4 Station configuration.

Financing

The replacement of the medical apparatus are anticipated to cost roughly $392,699. This project will be funded utilizing the Fire Fund. The Fire Department will be looking for alternative funding sources for this equipment.

Status

Since the passage of the 2010 Fire Levy, the Fire Department has replaced its entire EMS fleet of ambulances. With the addition of the 4th Fire Station and an EMS transport unit operating from the Station, a reserve vehicle will be needed. The Department will also be evaluating the possibility of using an additional Quick Response Vehicle in lieu of this additional transport unit. This concept would dispatch a Quick Response Vehicle on the low acuity/low transport operations in lieu of an ambulance.

EST 1808
CITY OF
DELAWARE
OHIO

SEPTEMBER 18, 2018

MEDICAL APPARATUS

IMAGE #1

Interior of an Ambulance

The inside of an ambulance is essentially an Emergency Room on wheels. Paramedics are capable of continuing the care and treatment of patients while enroute to a hospital.

IMAGE #2

Quick Response Vehicle

The Department is continuing to research the implementation of programs to decrease the transport of patients unnecessarily to hospitals. One alternative is the use of Community Paramedics and also the use of on-line physicians.

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OHIO

SEPTEMBER 18, 2018

CARDIAC MONITORS/DEFIBRILLATORS

INFORMATION AT A GLANCE

COST
$ 355,000

FUNDING

LOCAL $355,000

2019 - $0

2020 - $0

2021 - $0

2022 - $0

2023 – $355,000

PROJECTED SCHEDULE

Specification 2022

Purchase 2023

CITY LEAD
Fire Department

DESIGN CONSULTANT
Not Applicable

CONTRACTOR
TBD

Purpose

The Department's cardiac monitors will be aging and will be reaching their life expectancy. This is one of the primary pieces of medical equipment that is used on all medical calls. This piece of equipment includes the capability of monitoring blood pressure, oxygen saturation, breathing wave forms, cardiac electrical activity including 12 lead capability, CPR feedback, provides cardiac defibrillation and pacing. The life expectancy of this equipment is 5-years for the 12-Lead Monitor/Defibrillator and 10-years for the Automatic Defibrillators.

Financing

The cardiac monitors and defibrillators are anticipated to cost $355,000. This project will be funded utilizing the Fire Fund. The Fire Department will also be looking for alternative funding sources for this equipment.

Status

The Fire Department replaced their 12-Lead Cardiac Monitors and Defibrillators in 2018. In 2023 we will be replacing these devices on all medic units and replacing the AED/Blood Pressure machines on all fire apparatus.

EST 1808
CITY OF
DELAWARE
OHIO

SEPTEMBER 18, 2018

CARDIAC MONITORS/DEFIBRILLATORS

IMAGE #1

12-Lead Cardiac Monitor and Defibrillator

Provides Capabilities:
EKG Monitoring,
12-Lead Monitoring,
BP Monitor,
Oxygen Saturation,
Breathing Wave Forms,
CPR Feedback,
Cardiac Defibrillation
Cardiac Pacing
Care for Pediatrics

IMAGE #2

The AEDs and AED Pro's located in Staff vehicles and fire apparatus are replaced every 10 years. These devices will be replaced in 2023.

CAPITAL IMPROVEMENT PROGRAM
WATER FUND CAPACITY PROJECTS
2019 - 2023

	2019	2020	2021	2022	2023
BALANCES FORWARD	**3,661,852**	**3,570,541**	**3,237,073**	**2,699,805**	**2,195,817**
REVENUES:					
Water Capacity Fees	1,200,000	1,200,000	1,200,000	1,200,000	1,200,000
Water Debt Meter Fee Allocation	255,000	260,100	265,302	270,608	276,020
TOTAL REVENUES	**1,455,000**	**1,460,100**	**1,465,302**	**1,470,608**	**1,476,020**
EXPENDITURES:					
DEBT SERVICE					
Westside Trans Line ($2,225,051, 25 yrs, 3.67%, 2036)	136,750	136,750	136,750	136,750	136,750
Penry Rd. Waterline ($1,000,000, 25 yrs, 3.55%, 2037)	62,976	62,976	62,976	62,976	62,976
Kingman Hill Tower ($3,545,000, 25 yrs, 4.51%, 2031)	213,971	211,228	210,230	212,256	210,978
Plant Expansion ($9,600,000, 25yrs., 3.23%, 2039)	562,614	562,614	562,614	562,614	562,614
TOTAL DEBT SERVICE	**976,311**	**973,568**	**972,570**	**974,596**	**973,318**
WATER SYSTEM IMPROVMENTS					
Water Master Plan			100,000		
DISTRIBUTION CAPACITY PROJECTS					
Panhandle to US 42 Water Main	120,000	570,000	570,000		
Braumiller Rd. 16" Water Main			160,000	800,000	800,000
New Line Oversizing/Extension	***450,000***	***250,000***	***200,000***	***200,000***	***200,000***
TOTAL WATER CAPACITY PROJECTS	**570,000**	**820,000**	**1,030,000**	**1,000,000**	**1,000,000**
ENDING FUND BALANCE	**3,570,541**	**3,237,073**	**2,699,805**	**2,195,817**	**1,698,519**

EST 1808
CITY OF
DELAWARE
OHIO

SEPTEMBER 2018

PANHANDLE TO US 42

INFORMATION AT A GLANCE

COST
$ 1.26M

FUNDING

Water Capacity Fund

PROJECTED SCHEDULE

Phase I Design - 2019

Phase I Construction

2020

Phase II Construction

2021

CITY LEAD
Public Utilities

DESIGN CONSULTANT
TBD

CONTRACTOR
TBD

Purpose

Currently, the areas of the City that are east of the Olentangy River main source of supply is the 1960 - 16" water main from the water plant then through the 16" East/West Connector which runs along Central Avenue. If the water supply from the plant treatment to the East/West Connector is interrupted the distribution system has issues with suppling water to the Eastside tower. This project will give the City an addition larger main feed to the Eastside water tank, and provide the areas citizens with the proper level of service which should be provided.

Financing

Phase I of the project will cost $1.26M, to be broken up between 3 years:

2019 - $120,000 for design services

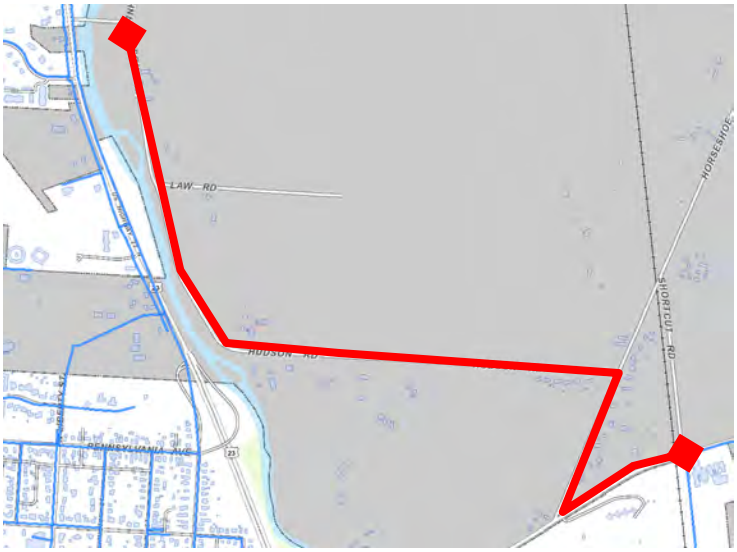
2020 - $570,000 for construction

Phase II :

2021 - $570,000 for construction

Status

This project is a part of the recommendations from the 2009 water master plan, and is a highly recommended East side of the service area up to proper service redundancy levels.



SEPTEMBER 2018

BRAUMILLER RD WATER MAIN

INFORMATION AT A GLANCE

COST
$ 1.76M

FUNDING

Water Capacity Fund

PROJECTED SCHEDULE

Phase I Design - 2021

Phase I Construction

2022

Phase II Construction

2023

CITY LEAD
Public Utilities

DESIGN CONSULTANT
TBD

CONTRACTOR
TBD

Purpose

Currently, the areas of the City that are South of Pollock Road only have 1 main source of water feeding from the distribution network. Should a shutdown or break occur between the S.E. Water Tank and the primary distribution network, we have no reliable way to keep pace with long term water demand of the area. This project will give the City an additional supply to our S.E. water tank, and provide the area citizens with the proper level of service which should be provided.

Financing

Phase I of the project will cost $1.76M, to be broken up between 3 years:

2021 - $120,000 for design services

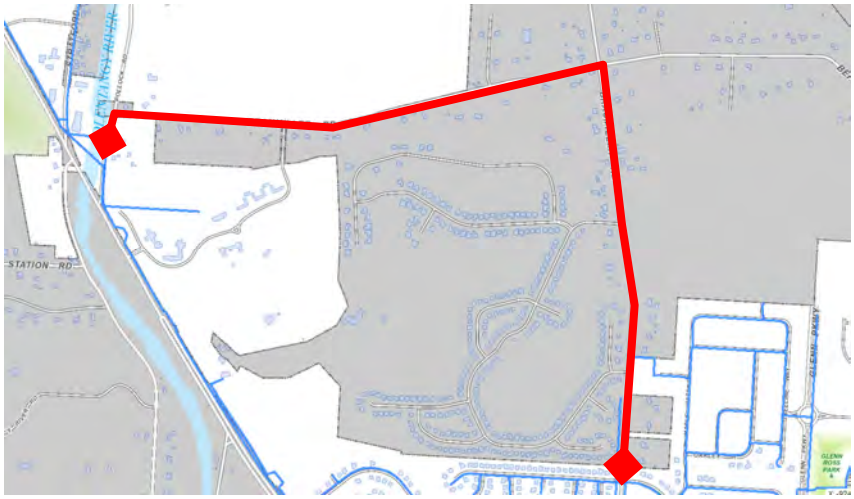
2022 - $800,000 for construction

Phase II:

2023 - $800,000 for construction

Status

This project is a part of the recommendations from the 2009 water master plan, and is a highly recommended project to bring the S.E. service area up to proper service redundancy levels.



SEPTEMBER 2018

NEW LINE OVERSIZING AND EXTENSION

INFORMATION AT A GLANCE

COST
2019 - $ 450,000

PROJECTED SCHEDULE

Repeated Yearly

CITY LEAD
Public Utilities

CONTRACTOR
TBD

Purpose

The City of Delaware continues to experience rapid growth, with several new developments beginning each year. Each new development is expected to install all the needed connections needed for their utilities services, including taking those services to the edge of their property for the next development to continue. When the City requires a developer to put in larger service lines than their development requires, this fund is used to pay the City's portion of the oversizing.

Financing

This work is being allocated $450,000 in 2019, and will change yearly with expected development rates.

Status

The City is always willing to work with developers regarding payments for utility oversizing, as this benefits the City's growth potential going forward.

CAPITAL IMPROVEMENT PROGRAM
WATER FUND MAINTENANCE PROJECTS
2019 - 2023

	2019	2020	2021	2022	2023
BALANCES FORWARD	**1,429,216**	**724,082**	**766,100**	**615,714**	**253,376**
REVENUES:					
Transfer from Water Fund	800,000	800,000	800,000	800,000	800,000
Water Debt Meter Fee Allocation	1,107,631	1,129,783	1,152,379	1,175,427	1,198,935
TOTAL REVENUES	**1,907,631**	**1,929,783**	**1,952,379**	**1,975,427**	**1,998,935**
EXPENDITURES:					
DEBT SERVICE					
Treatment Plant ($22,400,000 - 25 yrs, 3.23%, 2039)	1,312,765	1,312,765	1,312,765	1,312,765	1,312,765
WATER PLANT MAINTENANCE					
Plant Maintenance	100,000	100,000	75,000	75,000	75,000
Well Cleaning	40,000				25,000
Nano and Ultra Filtration Membrane Replacement				675,000	
South Intake New VFD Pump	85,000				
Instrumentation Replacement		25,000			
WATER DISTRIBUTION PROJECTS					
West Water Tank Painting	550,000				
Water Tank Maintenance	40,000				
Large Meter Replacement		25,000			25,000
Water Line Improvements:					
Small Main/Service Replacement	50,000	50,000	50,000	50,000	50,000
Fire Flow Improvement	75,000	75,000	75,000	75,000	75,000
S. Washington St. Waterline					90,000
Pennsylvania Ave. Waterline			525,000		
Lincoln Ave. Waterline		300,000			
E. William St Road Project	300,000				
S. Franklin St.					190,000
Equipment Replacement	60,000		65,000	150,000	30,000
TOTAL WATER REPAIR AND MAINT.	**2,612,765**	**1,887,765**	**2,102,765**	**2,337,765**	**1,872,765**
ENDING FUND BALANCE	**724,082**	**766,100**	**615,714**	**253,376**	**379,546**

SEPTEMBER 18, 2018

WATER PLANT MAINTENANCE

INFORMATION AT A GLANCE

COST
$ 100,000

PROJECTED SCHEDULE

Unforeseen Yearly Needs

CITY LEAD
Public Utilities

DESIGN CONSULTANT
TBD

CONTRACTORS
TBD

Purpose

While the department does its best to pre-identify all plant maintenance needs, unforeseen equipment or plant structural failures do occur. In order to react to these unforeseen circumstances this item provides unallocated funds for emergencies.

Financing

The fund is to cover up to $100,000 of unexpected maintenance.

Status

This funding helps the treatment facility comply with required Ohio EPA Asset management practices. By having the funding available for equipment repair or replacement, as well as any structural repairs, in order to be able to constantly provide a safe potable water supply.

SEPTEMBER 2018

PENRY WELL CLEANING

INFORMATION AT A GLANCE

COST
$ 40,000

PROJECTED SCHEDULE

Calendar years

2019

2024

CITY LEAD
Public Utilities

CONTRACTOR
TBD

Purpose

The project will help maintain proper flows to each of the (3) raw groundwater wells at the Penry well field. Over time the well flows gradually start deteriorating. This is due to iron and other mineral build up plugging the voids in the lime stone, which blocks groundwater flow to the well pumps. If these minerals are not cleaned every five years, the well flow can become permanently decreased, unable to be restored to original volume. Entirely new wells would need to be drilled and established if that were to happen.

Financing

The project is anticipated to cost roughly $40,000.

Status

This is a required preventive maintenance item to keep in a 5-year cycle. Thus ensuring that the wells maintain their original flows so that enough finished water can be produced for our customers.

SEPTEMBER 2018

RIVERVIEW WELL CLEANING

INFORMATION AT A GLANCE

COST
$ 28,000

PROJECTED SCHEDULE

Calendar year 2023

CITY LEAD
Public Utilities

CONTRACTORS
TBD

Purpose

The project will help maintain proper flows to each of the (2) raw groundwater wells at the Penry well field. Over time the well flows gradually start deteriorating. This is due to iron and other mineral build up plugging the voids in the lime stone, which blocks groundwater flow to the well pumps. If these minerals are not cleaned every five years, the well flow can become permanently decreased, unable to be restored to original volume. Entirely new wells would need to be drilled and established if that were to happen.

Financing

The project is anticipated to cost roughly $28,000.

Status

This is a required preventive maintenance item to keep in a 5-year cycle. Thus ensuring that the wells maintain their original flows so that enough finished water can be produced for our customers.

EST 1808
CITY OF
DELAWARE
OHIO

SEPTEMBER 18, 2018

NANO-FILTRATION MEMBRANE REPLACEMENT

INFORMATION AT A GLANCE

COST
$ 675,000

PROJECTED SCHEDULE

Calendar year 2021

CITY LEAD
Public Utilities

DESIGN CONSULTANT
TBD

CONTRACTORS
TBD

Purpose

The Nano Filtration (NF) membrane flow deteriorates over time, which steadily increases operating pressure to the point where the NF feed pumps cannot push water thru the membranes. The conservative estimates for life of these NF membranes are 5-7 years. With the plant beginning operation in 2015, the NF membranes will be 6 years old in 2021, and should be budgeted for replacement. At the end of the NF life, the high pressure conditions can begin to increase rapidly, having the funds available to replace these NF membranes will be essential, although the work being done can continue to push until actual membrane pressures dictate necessity.

Financing

The project is estimated at $675,000 to replace all NF cartridges.

Status

These NF Membranes are cleaned approximately every 3 months, when operating pressures increase to the point of losing design flow. At the end of the life of the NF membranes the cleaning frequency will increase substantially. Having this funding available when necessary will ensure the ability to provide the required volume of water for the daily needs of our customers.

SEPTEMBER 2018

SOUTH INTAKE VFD PUMP REPLACEMENT

INFORMATION AT A GLANCE

COST
$ 85,000

PROJECTED SCHEDULE

Calendar year 2019

CITY LEAD
Public Utilities

CONTRACTORS
TBD

Purpose

When the plant was constructed only (1) of the (2) original raw surface water intake pumps, at the South pump station, was replaced. The existing intake pumps were a constant flow-rate pump, whereas the new intake pumps installed are variable frequency drive (VFD). The way that the new treatment plant process is operated, these raw water intake pumps have been found to need to be VFD controlled, necessitating replacement of the last remaining original intake pump.

Financing

The project is estimated to be $85,000.

Status

The plant currently runs (1) 2.5MGD VFD pump from each of the (2) raw surface water intake pump stations. This means the (1) VFD pump at the south intake runs all of the time and if it fails we may not be able to pull in enough raw surface water necessary to produce enough water to supply the utility rate payers from the City of Delaware. This project is necessary to have a backup pump for this raw water pump station.

EST 1808
CITY OF
DELAWARE
OHIO

SEPTEMBER 2018

2020 PLANT INSTRUMENTATION REPLACEMENT

INFORMATION AT A GLANCE

COST
$ 25,000

PROJECTED SCHEDULE

Calendar year 2020

CITY LEAD
Public Utilities

DESIGN CONSULTANT
TBD

CONTRACTORS
TBD

Purpose

Replacement of the (2) plant **SCADA*** computers will be necessary for the optimum operation of the plant process. This also includes; new software, new server, (2) computers, (8) monitors, and integration assistance.

Financing

The project is estimated to cost $25,000.

Status

In 2020 these (2) plant SCADA computers will be 5 years old. The IT department has suggested that this money be allocated, to be proactive in negating the chances of operations failures. The SCADA instrumentation is necessary for the operation of the complex plant processes.

***Supervisory Control and Data Acquisition** – A system of software and hardware elements that allows industrial organizations to: Control processes locally or at remote locations. And to monitor, gather, and process real-time data.

EST 1808
CITY OF
DELAWARE
OHIO

SEPTEMBER 2018

WEST WATER TANK PAINTING

INFORMATION AT A GLANCE

COST
$ 550,000

PROJECTED SCHEDULE

Spring/Summer 2019

CITY LEAD
Public Utilities

DESIGN CONSULTANT
TBD

CONTRACTORS
TBD

Purpose

The projects purpose is to maintain the structural integrity of the water tank. Water tank paint normally lasts 15-20 years. When performed, the exterior and interior surfaces are sandblasted and painted. The City will use an engineering firm to help with the bidding of the work, and to manage the entire tank resurfacing project. This also helps the utility department provide the highest quality of finished water to the citizens of Delaware.

Financing

The project is anticipated to cost roughly $550,000.

Status

The West water tank was last resurfaced in 2001. In 2019 the existing coating will be 18 years old, and in its end of life condition.

EST 1808
CITY OF
DELAWARE
OHIO

SEPTEMBER 2018

SE HIGHLAND 2MG & EAST 1MG WATER TANK REPAIRS

INFORMATION AT A GLANCE

COST
$ 40,000

PROJECTED SCHEDULE

Spring/Summer 2019

CITY LEAD
Public Utilities

DESIGN CONSULTANT
Burgess & Niple

CONTRACTORS
TBD

Purpose

The project will maintain the structural integrity of these water tanks. In 2016 both of these water tanks were drained and cleaned as part of the utility department's preventive maintenance program. Every 5 years the water tanks are drained, cleaned, and inspected by a qualified engineering consultant to ensure that the structural integrity is maintained. Using this outside engineering firm also provides the City an unbiased evaluation of any deficiencies that these water tanks may have, so that these deficiencies can be corrected in order to maintain and protect the City's investment and to ensure the highest quality of water delivered to our customers.

Financing

The project is anticipated to cost roughly $40,000.

Status

In 2016 Burgess & Niple noted the deficiencies below.

<u>East 1MG Water Tank:</u>

- Tanks needs washed to remove mildew which will help maintain the exterior paint surfaces and extend the paint surface protection from erosion. This will require the use of a large man lift in order to complete this task.
- Concrete base and overhead door base need to be grouted to restore and protect these concrete areas from deterioration.
- Painting and priming also need completed around the entire perimeter base of the tank and overhead door to protect these surfaces from deterioration.
- The concrete approach and asphalt driveway are in disrepair and need completely resurfaced.
- Insulation on the riser pipe needs repaired, this will require a man lift.

SE Highland 2MG Water Tank;

- Concrete base needs to be grouted to restore and protect this concrete area from deterioration.
- Painting and priming also need completed around the entire perimeter base of the tank and overhead door to protect these surfaces from deterioration.
- Ceiling tiles need to be replaced, this will require man lift to repair.

EST 1808
CITY OF
DELAWARE
OHIO

SEPTEMBER 2018

LARGE METER REPLACEMENT

INFORMATION AT A GLANCE

COST
$ 25,000 yearly alternated between water and sewer funds

PROJECTED SCHEDULE

Repeated yearly

CITY LEAD
Public Utilities

CONTRACTOR
TBD

Purpose

With normal use, a water meter loses accuracy during the span of its life expectancy. The loss of flow reading ability is most pronounced in large diameter meters. This rotating fund is aimed at replacing the large diameter meters used by the high flow business users of the City. This ensures proper water use tracking within the system.

Financing

This work is rotated between the water maintenance and sewer maintenance funds yearly, as it has impacts on the billing of both systems. The funds alternately allocate $25,000 to this work, yearly.

Status

As large diameter meters reach the end of their expected life, or recorded flows begin trending lower, replacement is scheduled.

SEPTEMBER 2018

SMALL MAIN/SERVICE REPLACEMENT

INFORMATION AT A GLANCE

COST
$ 50,000

FUNDING
Water Maintenance Fund

PROJECTED SCHEDULE

Repeated Yearly

CITY LEAD
Public Utilities

Purpose

The small main and service replacement program is primarily focused on the removal of old style lead lines still within the system. Lead service lines were the primary style of service lines used for many years. While the locations of all lead lines are not known, we find several every year, and this fund is used for the replacement to current water safety standards.

Financing

This work has a yearly $50,000 allowance.

Status

As lead material small mains and service taps are found, they are replaced immediately.

SEPTEMBER 2018

FIRE FLOW IMPROVEMENT

INFORMATION AT A GLANCE

COST
$ 75,000

FUNDING
Water Maintenance Fund

PROJECTED SCHEDULE

Repeated Yearly

CITY LEAD
Public Utilities

Purpose

Current City fire flow standards require 8" water mains be installed in order to meet the demands of fire department needs when battling fires. Many existing lines within the City are smaller than 8", and with the help of system flow testing, the areas of the City with the most flow restriction are scheduled for replacement.

Financing

This work has a yearly $75,000 allowance.

Status

Many areas have been identified for replacement, and a working schedule through 2022 has been identified. 2019 lines include: Sheldon St, Henry St, and Griswold St.

EST 1808
CITY OF
DELAWARE
OHIO

SEPTEMBER 2018

SOUTH WASHINGTON WATERLINE REPLACEMENT

INFORMATION AT A GLANCE

COST
$ 90,000

FUNDING
Water Maintenance Fund

PROJECTED SCHEDULE

Replacement in 2023

CITY LEAD
Public Utilities

Purpose

The project will remove 1,175 linear ft. of 4" water main along South Washington Street from Park Avenue to West Harrison Street, and replace with an 8" main. The size of the water main along S. Washington Street has become a constriction to the water distribution system, and also does not meet current fire flow requirements.

Financing

The project is anticipated to cost roughly $90,000.

Status

The project is currently planned to take place in calendar year 2023, to be self-performed by the Public Utilities' Water Distribution department.

EST 1808
CITY OF
DELAWARE
OHIO

SEPTEMBER 18, 2018

PENNSYLVANIA AVENUE WATERLINE REPLACEMENT

INFORMATION AT A GLANCE

COST
$ 525,000

FUNDING
Water Maintenance Fund

PROJECTED SCHEDULE

Replacement in 2021

CITY LEAD
Public Utilities

Purpose

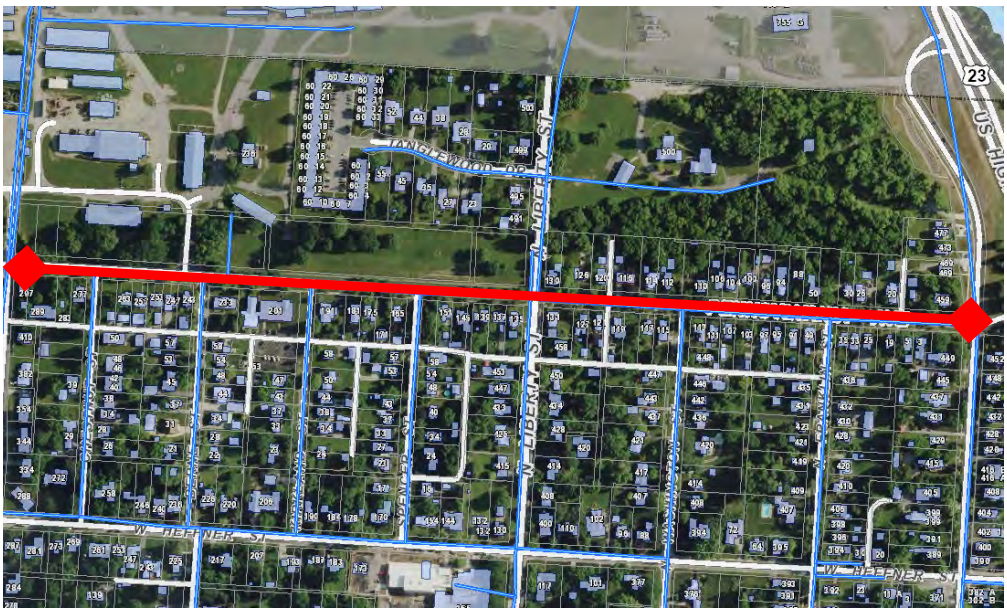
The project will replace the 6" water main along Pennsylvania Avenue from N. Sandusky St to Euclid Avenue. Waterlines are considered to be in "failed" condition when they have experienced 3 or more breaks. At such time they are planned and scheduled for replacement, as is the case for this waterline. In addition, the current main size is deficient for todays required fire flows.

Financing

The project is anticipated to cost roughly $525,000. Water line rehabilitation is an anticipated part of an infrastructure's life-cycle, and is an included factor when calculating user rate schedules.

Status

The project is currently planned to take place in calendar year 2021, to be self-performed by the Public Utilities' Water Distribution department.



EST 1808
CITY OF
DELAWARE
OHIO

SEPTEMBER 18, 2018

LINCOLN AVENUE WATERLINE REPLACEMENT PH II

INFORMATION AT A GLANCE

COST
$ 300,000

FUNDING

Water Maintenance Fund

PROJECTED SCHEDULE

Summer of 2020

CITY LEAD
Public Utilities

Purpose

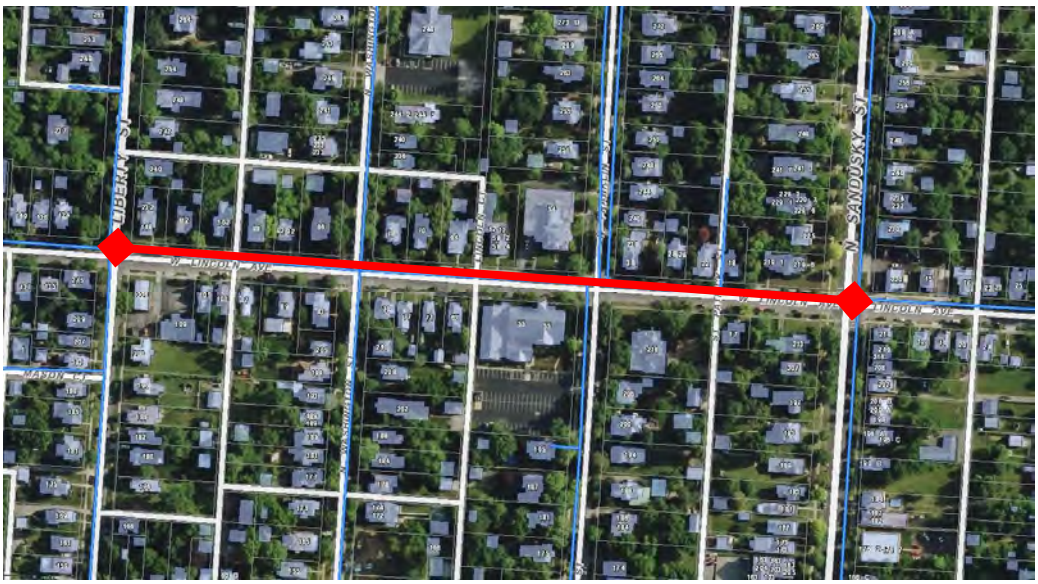
The project will replace the 6" water main along Lincoln Avenue from N. Sandusky St to N. Liberty St. Waterlines are considered to be in "failed" condition when they have experienced 3 or more breaks. At such time they are planned and scheduled for replacement, as is the case for this waterline. In addition, the current main size is deficient for todays required fire flows.

Financing

The project is anticipated to cost roughly $300,000. Water line rehabilitation is an anticipated part of an infrastructure's life-cycle, and is an included factor when calculating user rate schedules.

Status

The project is currently planned to take place in calendar year 2020, to be self-performed by the Public Utilities' Water Distribution department.



EST 1808
CITY OF
DELAWARE
OHIO

SEPTEMBER 18, 2018

SOUTH FRANKLIN WATERLINE REPLACEMENT

INFORMATION AT A GLANCE

COST
$ 190,000

FUNDING
Water Maintenance Fund

PROJECTED SCHEDULE

Replacement in 2023

CITY LEAD
Public Utilities

Purpose

The project will replace the 6" water main along S. Franklin Street from W. William Street to Spring Street. Waterlines are considered to be in "failed" condition when they have experienced 3 or more breaks. At such time they are planned and scheduled for replacement, as is the case for this waterline. In addition, the current main size is deficient for todays required fire flows.

Financing

The project is anticipated to cost roughly $190,000. Water line rehabilitation is an anticipated part of an infrastructure's life-cycle, and is an included factor when calculating user rate schedules.

Status

The project is currently planned to take place in calendar year 2023, to be self-performed by the Public Utilities' Water Distribution department.

EST 1808
CITY OF
DELAWARE
OHIO

SEPTEMBER 2018

EAST WILLIAM STREET WIDENING

INFORMATION AT A GLANCE

COST
$ 300,000

PROJECTED SCHEDULE

Calendar Year 2019

CITY LEAD
Public Works

CONTRACTOR
TBD

Purpose

The City's thoroughfare plan includes the widening of East William Street from 23 to the point. While the majority of this work belongs to the Streets Department, there is utility relocation work that is involved as well.

Financing

This work is being allocated $300,000 from the water capacity fund.

Status

The Public Works Dept. has already begun initial phases of the widening project. Utilities relocation work is expected to occur in 2019, to be performed under the same contract as the rest of the project.

CAPITAL IMPROVEMENT PROGRAM
SEWER FUND CAPACITY PROJECTS
2019 - 2023

	2019	2020	2021	2022	2023
BALANCES FORWARD	**1,100,000**	**695,441**	**341,572**	**273,621**	**237,519**
REVENUES:					
Sewer Capacity Fees	1,150,000	1,150,000	1,150,000	1,150,000	1,150,000
SE Highland Sewer ERU Fees	200,000	200,000	200,000	200,000	200,000
Sewer Fees Transfer - 2007,2008,2009	1,663,640	1,696,913	1,730,851	1,765,468	1,800,778
TOTAL REVENUES	**3,013,640**	**3,046,913**	**3,080,851**	**3,115,468**	**3,150,778**
EXPENDITURES:					
DEBT SERVICE					
Land Armstrong Rd. ($2,915,000 10 yrs. 1.49%, 2022)	328,500	302,400	301,700	300,900	
23 North Sewer ($1,000,000, 25 yrs, 4.51%), 2031	60,166	59,395	59,115	59,684	59,325
SE Highland Sewer ($15,000,000, 25 yrs, 4.49%, 2037)	995,772	997,609	996,609	999,609	999,609
SE Highland Sewer ($2,750,000, 20 yrs, 3.59%, 2026)	188,418	189,305	189,305	189,305	189,305
Plant Expansion ($20,882,000, 20 yrs, 3.59%, 2026)	1,430,343	1,437,073	1,437,073	1,437,073	1,437,073
TOTAL DEBT SERVICE	3,003,199	**2,985,782**	**2,983,802**	**2,986,571**	**2,685,312**
SEWER SYSTEM IMPROVEMENTS					
COLLECTION CAPACITY PROJECTS					
Sewer Oversizing/Extension	100,000	100,000	100,000	100,000	100,000
Riverby Sewer Extension	250,000				
Spring Street Sewer Upsizing		250,000			
Reimbursement for Cherry St. Maint. Facility	65,000	65,000	65,000	65,000	65,000
TOTAL SEWER CAPACITY PROJECTS	**415,000**	**415,000**	**165,000**	**165,000**	**165,000**
ENDING FUND BALANCE	**695,441**	**341,572**	**273,621**	**237,519**	**537,984**

- *Sewer capacity limited with available funds moving forward. 2018 collections will be about $500k higher than budgeted which provides some flexibility and balances the CIP.*
- *Balance forward increased by $353k.*

SEPTEMBER 2018

NEW LINE OVERSIZING AND EXTENSION

INFORMATION AT A GLANCE

COST
2019 - $ 100,000

PROJECTED SCHEDULE

Repeated Yearly

CITY LEAD
Public Utilities

CONTRACTOR
TBD

Purpose

The City of Delaware continues to experience rapid growth, with several new developments beginning each year. Each new development is expected to install all the needed connections needed for their utilities services, including taking those services to the edge of their property for the next development to continue. When the City requires a developer to put in larger service lines than their development requires, this fund is used to pay the City's portion of the oversizing.

Financing

This work is being allocated $100,000 in 2019, and will change yearly with expected development rates.

Status

The City is always willing to work with developers regarding payments for utility oversizing, as this benefits the City's growth potential going forward.

EST 1808
CITY OF
DELAWARE
OHIO

SEPTEMBER 2018

RIVERBY SEWER EXTENSION

INFORMATION AT A GLANCE

COST
$ 250,000

PROJECTED SCHEDULE

Calendar Year 2019

CITY LEAD
Public Utilities

CONTRACTOR
TBD

Purpose

The Riverby subdivision, located on Pollock Rd, has been ordered by the Ohio EPA to abandon their private wastewater treatment plant, and tie into a public sewer system. The City of Delaware has the closest existing sewer mains, so Riverby's integration into the City's system is currently being planned.

Financing

While this allocation is to cover the upfront costs of the project, the community will be entering into a multi-year payback agreement. These funds will be returned to the City in an agreed upon timeframe.

Status

Key details of the project are still being agreed upon between the City, the Riverby Home Owners Association, and the Delaware County Regional Sewer District. The work is expected to occur in calendar year 2019.

EST 1808
CITY OF
DELAWARE
OHIO

SEPTEMBER 2018

SPRING STREET SEWER UPSIZING

INFORMATION AT A GLANCE

COST
$ 250,000

PROJECTED SCHEDULE

Calendar year 2020

CITY LEAD
Public Utilities

CONTRACTOR
TBD

Purpose

Removal of 500ft of 8" sewer main and replacement with 12" sewer main. Work is located along Spring Street from South Franklin Street to Sandusky Street. This area of sewer is a system capacity restriction, and currently effects large portions of the upstream sewer system.

Financing

This project is anticipated to cost $250,000.

Status

Scope of work has been identified via the sewer master plan, and is scheduled to occur in 2020.

CAPITAL IMPROVEMENT PROGRAM
SEWER FUND MAINTENANCE PROJECTS
2019 - 2023

	2019	2020	2021	2022	2023
BALANCES FORWARD	**1,473,172**	**1,713,227**	**1,696,517**	**1,849,342**	**2,582,292**
REVENUES:					
Transfer from Sewer Fund	1,447,750	1,476,705	1,506,239	1,536,364	1,567,091
TOTAL REVENUES	**1,447,750**	**1,476,705**	**1,506,239**	**1,536,364**	**1,567,091**
EXPENDITURES:					
DEBT SERVICE					
Plant Rehabilitation ($2,230,000 20 yrs. 3.59%, 2026)	152,695	153,414	153,414	153,414	153,414
TOTAL DEBT SERVICE	**152,695**	**153,414**	**153,414**	**153,414**	**153,414**
WASTEWATER TREATMENT PROJECTS					
Aeration Tank Diffuser Replacement		100,000	100,000		
Belt Filter Press			500,000		
Plant Maintenance	125,000	125,000	125,000	125,000	125,000
Influent Pump Replacement		150,000		150,000	
Settling Tank Upgrades		250,000			
Concrete EQ Basin Repairs	300,000				
Site Concrete Repairs		50,000		50,000	
Influent VFD Upgrade	50,000	50,000	50,000		
PLC Upgrades	50,000				100,000
WASTEWATER COLLECTION PROJECTS					
Large Meter Replacement		25,000		25,000	
Inflow/Infiltration Remediation	175,000	175,000	175,000	175,000	175,000
Sanitary Sewer Replacement	75,000	75,000	100,000	100,000	100,000
Wesleyan Woods Sewer Rehav			150,000		
Hayes Colony Sewer Rehab	200,000				
Pump Station Repair/Upgrade		25,000		25,000	
West William St CIPP Lining		150,000			
Shelbourne forest CIPP Lining					280,000
Stratford Pedestrian Bridge/Sewer Repair		35,000			
Equipment Replacement	80,000	130,000			45,000
TOTAL SEWER REPAIR/MAINTENANCE	**1,207,695**	**1,493,414**	**1,353,414**	**803,414**	**978,414**
ENDING FUND BALANCE	**1,713,227**	**1,696,517**	**1,849,342**	**2,582,292**	**3,170,969**

EST 1808
CITY OF
DELAWARE
OHIO

SEPTEMBER 2018

WASTEWATER PLANT AERATION TANK DIFFUSERS

INFORMATION AT A GLANCE

COST
2020 - $100,000
2021 - $100,000

PROJECTED SCHEDULE

Calendar Years

2020

2021

CITY LEAD
Public Utilities

CONTRACTOR
TBD

Purpose

The project will replace out of date diffusers in our aeration system. These diffusers have exceeded their life expectancy, and should be replaced to increase the efficiency of the new High Speed Turbo Blowers that were installed in 2017. This may in turn may lower our utility bills.

Financing

Project cost is anticipated at $100,000 for each year of replacements.

Status

As diffusers age, they become less efficient, allowing less air to be released into and absorbed within the treatment system. This requires the plant blowers to run at a higher speed to achieve needed dissolved oxygen levels. Current diffusers are reaching this point, and should be replaced as such.

SEPTEMBER 2018

WASTEWATER PLANT BELT FILTER PRESS

INFORMATION AT A GLANCE

COST
$500,000

PROJECTED SCHEDULE

Calendar Year 2021

CITY LEAD
Public Utilities

CONTRACTOR
TBD

Purpose

The project will replace the belt filter press which has exceeded its life expectancy. Replacement parts are becoming obsolete, and becoming very difficult to find. The Plant's belt filter press has been refurbished at least once in the past to prolong its lifespan, but that is no longer an option as current generation parts are no longer compatible with the existing unit.

Financing

Replacement cost is estimated to be $500,000.

Status

The belt filter press is currently being maintained by finding reconditioned/used parts as needed. Replacing the existing belt filter press will allow for manufacturer support of equipment when repairs are needed.

EST 1808
CITY OF
DELAWARE
OHIO

SEPTEMBER 2018

WASTEWATER PLANT MAINTENANCE

INFORMATION AT A GLANCE

COST
$125,000

PROJECTED SCHEDULE

Unforeseen Yearly Needs

CITY LEAD
Public Utilities

CONTRACTOR
TBD

Purpose

While the department does its best to pre-identify all plant maintenance needs, unforeseen equipment or plant structural failures do occur. In order to react to these unforeseen circumstances this item provides unallocated funds for emergencies.

Financing

The fund is to cover up to $125,000 of unexpected maintenance.

Status

This funding helps the department by having the funding available for equipment repair or replacement as well as any structural repair in order to maintain the equipment and facilities to be able to constantly provide a safe effluent for discharge into the Olentangy River.

2018

WASTEWATER PLANT INFLUENT PUMP REPLACEMENT

INFORMATION AT A GLANCE

COST
$150,000

PROJECTED SCHEDULE

Calendar years

2020

2022

2024

CITY LEAD
Public Utilities

CONTRACTOR
TBD

Purpose

The project will replace an influent pump at each of the budgeted times. The pumps were installed during the 2007 plant expansion, and have begun to require semi-regular major repairs. Each pump has been repaired at least once during its life span, some multiple times. A typical repair ranges from $25,000 to $35,000, and are becoming more expensive and difficult to get rebuilt as they continue to age.

Financing

Pump replacement cost is expected to be $150,000 for each of the listed years.

Status

Influent pumps are currently being disconnected and transported to the Cincinnati area for repair as needed. As these repairs have begun happening in more frequent intervals, a phased replacement of pumps has become the best solution to ensure stable plant operation.

SEPTEMBER 2018

WASTEWATER SETTLING TANK UPGRADES

INFORMATION AT A GLANCE

COST
$250,000

PROJECTED SCHEDULE

Calendar Year 2020

CITY LEAD
Public Utilities

CONTRACTOR
TBD

Purpose

The project is aimed to repair or replace the rotating mechanism within the settling tanks. Some of these tanks are going on 50 years old, and the structure is starting to crumble and is becoming unsafe for employees. Also, the treatment technology of these tanks is out of date and inefficient, this work will allow for better wastewater treatment.

Financing

Costs are estimated to be $250,000.

Status

The project is currently in initial planning stages; the City will soon begin bringing equipment manufacturers onsite to assess what equipment options are available to fit the existing clarifier tanks.

SEPTEMBER 2018

WASTEWATER PLANT EQUALIZATION BASIN

INFORMATION AT A GLANCE

COST
$300,000

PROJECTED SCHEDULE

Calendar Year 2019

CITY LEAD
Public Utilities

CONTRACTOR
TBD

Purpose

The project will repair the concrete structure called the equalization basin. The basin was modified during the 2007 plant expansion, and the concrete has since settled and needs major rehab work. The concrete ballasts supporting the airlines in the tank are in disrepair.

Financing

Cost for repairs is estimated at $300,000.

Status

Qualified professionals have been brought in to assess damage and begin planning repairs. The use of an epoxy mortar to seal the cracks is the method of repair planned, larger openings will be reinforced with a fiberglass mesh prior to the epoxy.

SEPTEMBER 2018

WASTEWATER PLANT SITE CONCRETE REPAIRS

INFORMATION AT A GLANCE

COST
$50,000

PROJECTED SCHEDULE

Calendar Years

2020

2022

CITY LEAD
Public Utilities

CONTRACTOR
TBD

Purpose

The project will repair concrete tanks and structure around the facility. With portions of the plant going on 50 years old, areas of concrete are starting to crumble, and are becoming unsafe for the employees to walk on or around.

Financing

Cost: $50,000.

Status

Plant staff currently repair and maintain concrete surfaces in many ways, including grouting, patching and painting. These repairs are meant to address areas in which these methods are no longer enough to maintain what is present.

EST 1808
CITY OF
DELAWARE
OHIO

SEPTEMBER 2018

WASTEWATER INFLUENT VFD REPLACEMENT

INFORMATION AT A GLANCE

COST
$50,000

PROJECTED SCHEDULE

Phased Replacements in

2019

2020

2021

CITY LEAD
Public Utilities

CONTRACTOR
TBD

Purpose

The project will replace the variable frequency drives (VFD) for the influent pumps at the wastewater plant. The VFD's were installed during the 2007 plant expansion and are nearing the end of their life expectancy, according to the manufacturer. The current VFD's are obsolete, and have become increasingly difficult to repair and maintain.

Financing

Replacement costs are expected to be $50,000 for each of the project years listed.

Status

Through conversations with the existing VFD's manufacturer, the City has been notified that this equipment is no longer supported, and new replacement parts are no longer in production. Currently as repairs are needed, the plant maintenance staff has been able to scavenge parts from other pieces of equipment on-site. This method will soon no longer be an option, and new VFD's are required.

SEPTEMBER 2018

WASTEWATER 2019 PLC UPGRADES

INFORMATION AT A GLANCE

COST
$50,000

PROJECTED SCHEDULE

Calendar Year 2019

CITY LEAD
Public Utilities

CONTRACTOR
TBD

Purpose

This project will begin the process of upgrading the Plant's influent pumps programmable logic controllers (PLC) at the wastewater plant. The PLC's were installed during the 2007 plant expansion and are nearing the end of their life expectancy, according to the manufacturer. Plant PLC and communications with the SCADA system is in need of major retrofitting in the near future, as we are currently using software that will soon be obsolete and no longer supported.

Financing

The cost of the work is expected to be $50,000.

Status

The project is currently in the planning process between the IT department and Public Utilities. When ready, a systems integrator will be brought in to help City staff achieve a seamless replacement of equipment.

EST 1808
CITY OF
DELAWARE
OHIO

SEPTEMBER 2018

WASTEWATER 2023 PLC UPGRADES

INFORMATION AT A GLANCE

COST
$100,000

PROJECTED SCHEDULE

Calendar Year 2023

CITY LEAD
Public Utilities

CONTRACTOR
TBD

Purpose

This stage of programmable logic controller (PLC) upgrades is intended to continue the work started in 2019, bringing plant processes up to current standards, and allowing for easier upkeep and maintenance when needed.

Financing

The cost of the work is expected to be $100,000.

Status

The project is currently in the process of getting updated quotes for upgrading the PLC's.

SEPTEMBER 2018

LARGE METER REPLACEMENT

INFORMATION AT A GLANCE

COST
$ 25,000 yearly alternated between water and sewer funds

PROJECTED SCHEDULE

Repeated yearly

CITY LEAD
Public Utilities

CONTRACTOR
TBD

Purpose

With normal use, a water meter loses accuracy during the span of its life expectancy. The loss of flow reading ability is most pronounced in large diameter meters. This rotating fund is aimed at replacing the large diameter meters used by the high flow business users of the City. This ensures proper water use tracking within the system.

Financing

This work is rotated between the water maintenance and sewer maintenance funds yearly, as it has impacts on the billing of both systems. The funds alternately allocate $25,000 to this work, yearly.

Status

As large diameter meters reach the end of their expected life, or recorded flows begin trending lower, replacement is scheduled.

EST 1808
CITY OF
DELAWARE
OHIO

SEPTEMBER 2018

SEWER INFLOW/INFILTRATION REMEDIATION

INFORMATION AT A GLANCE

COST
$ 175,000

PROJECTED SCHEDULE

Repeated yearly

CITY LEAD
Public Utilities

DESIGN CONSULTANT
TBD

CONTRACTORS
TBD

Purpose

As sewer lines age, they begin to allow ground water infiltration into the sewers. During rain events these areas of I&I allow large amounts of water into the system, which disrupts wastewater treatment plant operations. Once introduced, the City must also absorb the cost of treating this otherwise clean water.

Financing

The remediation work is being allotted up to $175,000 per operating year to address problem areas as encountered.

Status

As areas in need of repair are found via camera inspection, they will be scheduled for repair.

EST 1808
CITY OF
DELAWARE
OHIO

SEPTEMBER 2018

SANITARY SEWER REPLACEMENT

INFORMATION AT A GLANCE

COST
2019-2020 $75,000
2021-2023 $100,000

PROJECTED SCHEDULE

Repeating yearly

CITY LEAD
Public Utilities

CONTRACTOR
TBD

Purpose

As sewer lines age, deteriorate, and begin to fail, they must be replaced. A failed sewer line can allow wastewater to discharge into the surrounding soil, potentially poisoning natural soils and waterways. This is also a required maintenance item, as knowingly allowing the exfiltration of sewers into the environment would be a violation of the City's EPA permits.

Financing

This is a revolving yearly fund, currently funded at $75,000/year, and is proposed to increase to $100,000 in years 2021-2023.

Status

As sewer lines are found to be in a failed condition via camera inspections, they will be scheduled for replacement by City staff.

SEPTEMBER 2018

WESLYAN WOODS SEWER REHABILITATION

INFORMATION AT A GLANCE

COST
$ 150,000

PROJECTED SCHEDULE

Calendar year 2021

CITY LEAD
Public Utilities

CONTRACTOR
TBD

Purpose

Through sewer system camera inspections, areas of the Weslyan Woods subdivision have been found to be a high source of system inflow & infiltration (I&I). The size and scope of repairs needed within the subdivision exclude it from fitting within the revolving I&I remediation line item.

Financing

This project is anticipated to cost $150,000.

Status

Portions of Weslyan Woods' sewer system have been found to be high contributors of inflow & infiltration. The remediation efforts entail grout injection into cracks, from within, to seal off these sources of infiltration.

EST 1808
CITY OF
DELAWARE
OHIO

SEPTEMBER 2018

HAYES COLONY SEWER REHABILITATION

INFORMATION AT A GLANCE

COST
$ 200,000

PROJECTED SCHEDULE

Calendar year 2019

CITY LEAD
Public Utilities

CONTRACTOR
TBD

Purpose

Through sewer system flow monitoring, the Hayes Colony subdivision has been found to be a high source of system inflow & infiltration (I&I). The size and scope of repairs needed within the subdivision exclude it from fitting within the revolving I&I remediation line item. 1,935 linear foot of 8" to 12" diameter pipe will be rehabilitated.

Financing

This project is anticipated to cost $200,000.

Status

Flow modeling work performed by HDR engineering has identified this area to be of critical importance for rehabilitation. These repairs will help the sewer system as a whole by greatly reducing sewer flows during rain events.

SEPTEMBER 2018

PUMP STATION REPAIRS

INFORMATION AT A GLANCE

COST
$ 25,000 bi-yearly

PROJECTED SCHEDULE

Repeated bi-yearly

CITY LEAD
Public Utilities

CONTRACTOR
TBD

Purpose

This allocation is for the routine maintenance required with keeping the City's 12 pump stations in good operating order. As items require replacement or repair, this fund will allow for the work to happen.

Financing

This maintenance is allocated $25,000 bi-yearly.

Status

As components within City owned pump stations are identified for replacement, they will be scheduled in accordance with the bi-yearly funding.

EST 1808
CITY OF
DELAWARE
OHIO

SEPTEMBER 2018

WEST WILLIAM STREET SEWER CIPP LINING

INFORMATION AT A GLANCE

COST
$ 150,000

PROJECTED SCHEDULE

Calendar year 2020

CITY LEAD
Public Utilities

CONTRACTOR
TBD

Purpose

Cast in-place pipe (CIPP) is a form of sewer repair that can be used in lieu of digging up and replacing. West William street sewer has been found to be in failed condition, in need of replacement, and CIPP lining will work in this location to correct failures. Approximately 2,344 linear foot of 8" to 12" diameter pipe will be lined. This will also reduce the areas inflow & infiltration rates during rain events.

Financing

This project is anticipated to cost $150,000.

Status

West William Street sewers have been found to be in failed condition via camera inspections. The City must schedule these lines for rehabilitation so that sewer flows do not make their way into surrounding soils.

EST 1808
CITY OF
DELAWARE
OHIO

SEPTEMBER 2018

SHELBOURNE FOREST SEWER CIPP LINING

INFORMATION AT A GLANCE

COST
$ 280,000

PROJECTED SCHEDULE

Calendar year 2023

CITY LEAD
Public Utilities

CONTRACTOR
TBD

Purpose

Cast in-place pipe (CIPP) is a form of sewer repair that can be used in lieu of digging up and replacing. The Shelbourne Forest subdivision sewers have been found to be in failed condition, in need of replacement, and CIPP lining will work in this location to correct failures. This will also reduce the areas inflow & infiltration (I&I) rates during rain events.

Financing

This project is anticipated to cost $280,000.

Status

Shelbourne Forest sewers have been found to be in failed condition via camera inspections. The City must schedule these lines for rehabilitation so that sewer flows do not make their way into surrounding soils, as well as to reduce I&I.

CAPITAL IMPROVEMENT PLAN
STORM WATER FUND
2019 - 2023

	2019	2020	2021	2022	2023
BALANCES FORWARD	**822,039**	**394,653**	**269,521**	**386,785**	**196,595**
REVENUES:					
Storm Water Fees	362,615	369,867	377,264	384,810	392,506
TOTAL REVENUE	**362,615**	**369,867**	**377,264**	**384,810**	**392,506**
EXPENDITURES:					
Storm Water Repair	125,000	125,000	125,000	125,000	125,000
Storm Water I&I Remediation		100,000		100,000	
Bernard Avenue (Sandusky to Liberty St.)	400,000				
Montrose/Columbus/Toledo		200,000			
Vernon Ave.			135,000		
Birch Terrace	225,000				
Chamberlain/Channing St.				350,000	
Pittsburgh Drive					200,000
100 Pincrest Slope Remediation	20,000				
Equipment Replacement	20,000	70,000			20,000
TOTAL EXPENDITURES	**790,000**	**495,000**	**260,000**	**575,000**	**345,000**
ENDING FUND BALANCE	**394,653**	**269,521**	**386,785**	**196,595**	**244,101**

SEPTEMBER 2018

STORM WATER LINE REPAIR

INFORMATION AT A GLANCE

COST
$125,000

PROJECTED SCHEDULE

Repeating yearly

CITY LEAD
Public Utilities

CONTRACTOR
TBD

Purpose

As storm water lines age, deteriorate, and begin to fail, they must be replaced. A failed storm water line can lose its ability to properly convey storm flows, potentially causing flooding to Delaware neighborhoods.

Financing

This is a revolving yearly fund of $125,000.

Status

As storm water lines are found to be in a failed condition, via camera inspections, they will be scheduled for replacement by City staff.

SEPTEMBER 2018

STORM WATER INFLOW/INFILTRATION REMEDIATION

INFORMATION AT A GLANCE

COST
$ 100,000

PROJECTED SCHEDULE

Repeated yearly

CITY LEAD
Public Utilities

DESIGN CONSULTANT
TBD

CONTRACTORS
TBD

Purpose

As storm water lines age, they begin to allow ground water infiltration into the storm flows. During rain events these areas of infiltration can cause storm water lines to become full sooner, leading to possible storm drain backups and localized flooding.

Financing

The remediation work is being allotted up to $100,000 bi-yearly.

Status

As areas in need of repair are found, via camera inspection, they will be scheduled for repair.

EST 1808
CITY OF
DELAWARE
OHIO

SEPTEMBER 2018

BERNARD AVENUE STORM SEWER REPLACEMENT

INFORMATION AT A GLANCE

COST
$ 400,000

PROJECTED SCHEDULE

Calendar Year 2019

CITY LEAD
Public Utilities

DESIGN CONSULTANT
TBD

CONTRACTORS
TBD

Purpose

Bernard Avenue's storm sewer has been found to be in failed condition, unable to properly convey storm flows from the area, causing localized flooding. The existing storm sewer will be removed and replaced with good condition storm sewer lines.

Financing

The estimated cost for this project is $400,000.

Status

Work is currently scheduled to be performed by City of Delaware utilities staff in calendar year 2019.

SEPTEMBER 2018

MONTROSE AVE/COLUMBUS AVE/TOLEDO ST STORM

INFORMATION AT A GLANCE

COST
$ 200,000

PROJECTED SCHEDULE

Calendar Year 2020

CITY LEAD
Public Utilities

DESIGN CONSULTANT
TBD

CONTRACTORS
TBD

Purpose

The ability of the area storm sewers to properly convey storm water flows has greatly diminished in recent years. Many properties in the area are regularly on the verge of flooding conditions during rain events. This project is intended to quicken storm flow removal in the area, better serving local residents.

Financing

The estimated cost for this project is $200,000.

Status

Work is currently scheduled to be performed by City of Public Utilities Department staff in calendar year 2020.

EST 1808
CITY OF
DELAWARE
OHIO

SEPTEMBER 2018

VERNON AVENUE DITCH CLEANING

INFORMATION AT A GLANCE

COST
$ 135,000

PROJECTED SCHEDULE

Calendar Year 2021

CITY LEAD
Public Utilities

DESIGN CONSULTANT
TBD

CONTRACTORS
TBD

Purpose

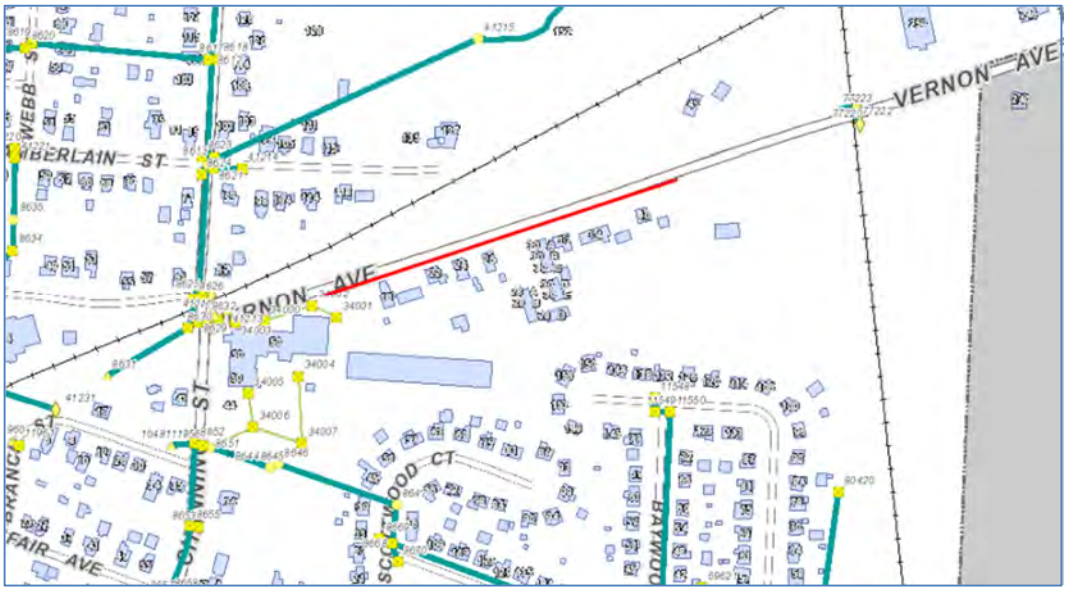
Vernon Avenue's ditch ways are no longer able to convey the required storm flows from the area, this is due to buildup of sediment from years of storm water conveyance. Ditches are as integral a part of storm water removal as storm sewers are, and must also be maintained to ensure needed levels of flow.

Financing

The estimated cost for this project is $135,000.

Status

Work is currently scheduled to be performed by City of Delaware utilities staff in calendar year 2021.



EST 1808
CITY OF
DELAWARE
OHIO

SEPTEMBER 2018

BIRCH TERRACE STORM SEWER CAPACITY IMPROVEMENTS

INFORMATION AT A GLANCE

COST
$ 225,000

PROJECTED SCHEDULE

Calendar Year 2019

CITY LEAD
Public Utilities

DESIGN CONSULTANT
TBD

CONTRACTORS
TBD

Purpose

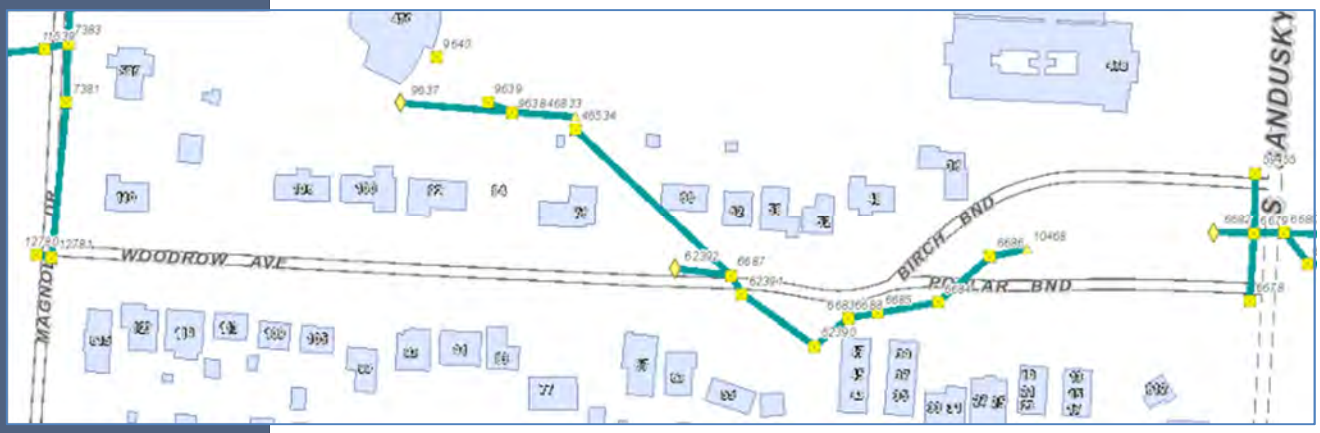
The Birch Terrace area does not currently have the needed storm sewer infrastructure to handle storm flows generated. Increasing the areas storm sewer connections will allow residents to see quicker storm flow drainage, and decrease the likelihood of residential flooding.

Financing

The estimated cost for this project is $225,000.

Status

Work is currently scheduled to be performed by City of Delaware utilities staff in calendar year 2019.



SEPTEMBER 2018

CHAMBERLAIN & CHANNING STREET STORM

INFORMATION AT A GLANCE

COST
$ 350,000

PROJECTED SCHEDULE

Calendar Year 2022

CITY LEAD
Public Utilities

DESIGN CONSULTANT
TBD

CONTRACTORS
TBD

Purpose

The area of Chamberlain St. and Channing St. is experiencing storm sewer failure shown by area flooding during rain events. This project is intended to open up flow in the area to reduce the likelihood of flooding events.

Financing

The estimated cost for this project is $350,000.

Status

Work is currently scheduled to be performed by City of Delaware utilities staff in calendar year 2022.

SEPTEMBER 2018

PITTSBURGH DRIVE STORM SEWER

INFORMATION AT A GLANCE

COST
$ 200,000

PROJECTED SCHEDULE

Calendar Year 2023

CITY LEAD
Public Utilities

DESIGN CONSULTANT
TBD

CONTRACTORS
TBD

Purpose

Pittsburgh Drive's ditch ways are no longer able to convey the required storm flows from the area, this is due to buildup of sediment from years of storm water conveyance. Ditches are as integral a part of storm water removal as storm sewers are, and must also be maintained to ensure needed levels of flow.

Financing

The estimated cost for this project is $200,000.

Status

Work is currently scheduled to be performed by City of Public Utilities Department staff in calendar year 2023.

SEPTEMBER 2018

100 PINECREST DRIVE SLOPE REMEDIATION

INFORMATION AT A GLANCE

COST
$ 20,000

PROJECTED SCHEDULE

Calendar Year 2019

CITY LEAD
Public Utilities

DESIGN CONSULTANT
TBD

CONTRACTORS
TBD

Purpose

The sloped side yard of 100 Pinecrest Drive has begun to experience failure due to storm events washing away native soils. During heavy rain soils are being washed down into the roadways, and ultimately into the storm sewers. Proper upkeep of storm water flows falls to the utilities department to address.

Financing

The estimated cost for this project is $20,000.

Status

Work is currently scheduled to be performed by City of Delaware Parks Department staff in calendar year 2019.

CAPITAL IMPROVEMENT PLAN
UTILITY EQUIPMENT REPLACEMENT FUND
2019 - 2023

	2019	2020	2021	2022	2023
REVENUES:					
Water Fund Allocation	60,000		65,000	150,000	30,000
Sewer Fund Allocation	80,000	130,000			45,000
Storm Water Fund Allocation	20,000	70,000			20,000
TOTAL REVENUE	**160,000**	**200,000**	**65,000**	**150,000**	**95,000**
EXPENDITURES:					
One Ton Dump Truck			65,000		65,000
Two Ton Dump Truck		130,000			
Backhoe	100,000				
One-ton Sevice Truck		70,000			
Utility Truck - Water				150,000	
Pickup Truck - Water	60,000				30,000
TOTAL PUBLIC UTILITIES EQUIPMENT	***160,000***	***200,000***	***65,000***	***150,000***	***95,000***

CAPITAL IMPROVEMENT PLAN
REFUSE FUND
2019 - 2023

	2019	2020	2021	2022	2023
BALANCES FORWARD	**165,437**	**292,677**	**485,917**	**595,642**	**506,367**
REVENUES:					
Refuse Fees	624,240	624,240	636,725	636,725	649,459
Bond Revenue					
TOTAL REVENUE	**624,240**	**624,240**	**636,725**	**636,725**	**649,459**
EXPENDITURES:					
Equipment					
Rear Load 20-Yard Packer - Commercial		179,000		184,000	
Side Load Truck	245,000	252,000	260,000	267,000	275,000
Recycling Vehicle - Recycling	252,000		267,000	275,000	283,000
TOTAL EXPENDITURES	**497,000**	**431,000**	**527,000**	**726,000**	**558,000**
ENDING FUND BALANCE	**292,677**	**485,917**	**595,642**	**506,367**	**597,826**

CAPITAL IMPROVEMENT PLAN
DEVELOPER TRUST FUND
2019 - 2023

	2019	2020	2021	2022	2023
BALANCES FORWARD	**536,221**	**582,721**	**499,221**	**333,721**	**341,221**
REVENUES:					
Assessments	7,500	7,500	7,500	7,500	7,500
Grant Revenue		100,000			
City Contribution	84,000		27,000		
TOTAL REVENUE	**91,500**	**107,500**	**34,500**	**7,500**	**7,500**
EXPENDITURES:					
Equipment					
Stratford Pedestrian Bridge		165,000			
Hills Miller Sidewalk	45,000				
Curtis St Turn Lane		26,000	200,000		
TOTAL EXPENDITURES	**45,000**	**191,000**	**200,000**	**0**	**0**
ENDING FUND BALANCE	**582,721**	**499,221**	**333,721**	**341,221**	**348,721**

EST 1808
CITY OF
DELAWARE
OHIO

SEPTEMBER 18, 2018

STRATFORD PEDESTRIAN BRIDGE IMPROVEMENTS

INFORMATION AT A GLANCE

COST
$200,000

FUNDING

OEPA	$100,000
Sanitary	$35,000
Developer	$65,000

PROJECTED SCHEDULE

EPA Grant App	2019
Construction	2020

CITY LEAD
Public Works

DESIGN CONSULTANT
Pomeroy & Associates

CONTRACTOR
TBD

Purpose

The City's South Central Sanitary Trunk Sewer crosses the Olentangy River suspended beneath a bridge structure located near the intersection of Stratford Road and US 23. The structure provides protection to the sewer and will serve to carry pedestrian traffic over the river. This structure is comprised of two (2) concrete box beams, with the sewer suspended between the beams, below a concrete slab poured over the top. The bridge was recently inspected and found to be in fair condition, though there is notable concrete cracking at the south bridge abutment that must be repaired. The purpose of this project is to improve the bridge to:

- Make necessary repairs to the south abutment
- Installing railing along the entire span of the bridge
- Connect both ends of the bridge to adjacent roadway.

Not included in the scope of this project is a 1500 LF multi-use path extension that would connect the north end of the bridge to the proposed Stratford Road and Meeker Way path system.

Finance

Various funding sources could be tapped to cover the construction costs for this project, currently estimated to be $175,000-$200,000 (depending on contingency items performed). The proposed strategy to fund this project is to combine a possible OEPA Clean Trails Grant with sanitary sewer maintenance funds (structural repairs) and developer contributions (pedestrian pathway component). The City is owed a developer contribution from the car dealership in the amount of $117,364 if the second phase of its 2014 Development Plan is executed. These funds could help fund the bridge rehabilitation effort as well as 1500 LF offsite path extension to Meeker Way.

Status

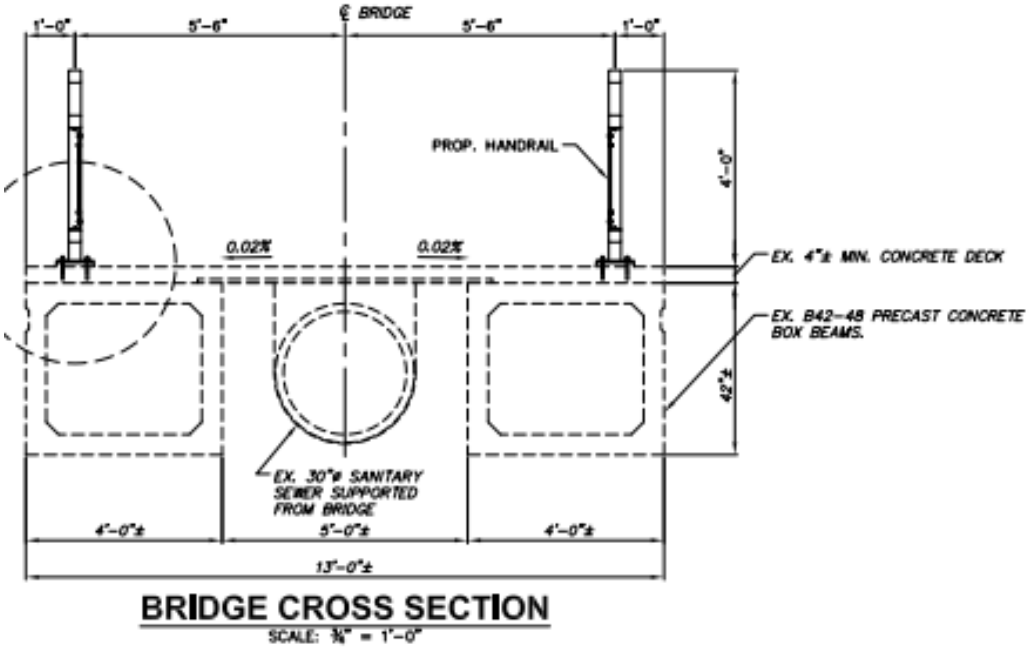
Design plans for the structural repairs, railing improvements, and the short path to Pollock Road are complete. The 2018 Budget included an appropriation of sanitary maintenance funds that will need to be moved to 2020, increased to account for contingency items, and combined with developer contributions - in order to execute this project.

Image #1

Existing Bridge Structure crossing the Olentangy River at US23/SR315/Stratford Road

Image #2

Cross-Section of Existing Bridge Showing Proposed Addition of Rail Improvements



EST 1808
CITY OF
DELAWARE
OHIO

SEPTEMBER 18, 2018

HILLS MILLER ROAD SIDEWALK EXTENSION

INFORMATION AT A GLANCE

COST
$ 45,000

FUNDING

Trust Fund $45,000

PROJECTED SCHEDULE

Prelim. Design	2018
Final Design	2019
Construction	2019

CITY LEAD
Public Works

DESIGN CONSULTANT
TBD

CONTRACTOR
TBD

Purpose

700 LF Extension of a 5'-0 concrete sidewalks along Hills Miller Road from the current terminus at the southwest corner of the Speedway property to the east side of Oakhurst Drive. Project will include construction of required ADA ramps on both sides of Hills Miller Road at Bruce Road as well as installation of an RRFB warning signal.

Financing

The project is anticipated to cost roughly $45,000. The Trust Fund has $46,375 in developer contributions available for sidewalk improvements along the US 23/Hills Miller corridor.

Status

The project is currently in the concept phase to determine the level of survey and design effort required to advance the initiative through to construction.

EST 1808
CITY OF
DELAWARE
OHIO

SEPTEMBER 18, 2018

CURTIS STREET & FIRESTONE DRIVE INTERSECTION IMPROVEMENTS

INFORMATION AT A GLANCE

PROJECT COST
$226,000

FUNDING

TRUST FUND

$80,000

ASSESSMENTS

$119,000

LOCAL
$27,000

PROJECTED SCHEDULE

Design	2020
Construction	2021

CITY LEAD
Public Works

DESIGN CONSULTANT
TBD

CONTRACTOR
TBD

IMAGE #1

Project Location Map

Purpose

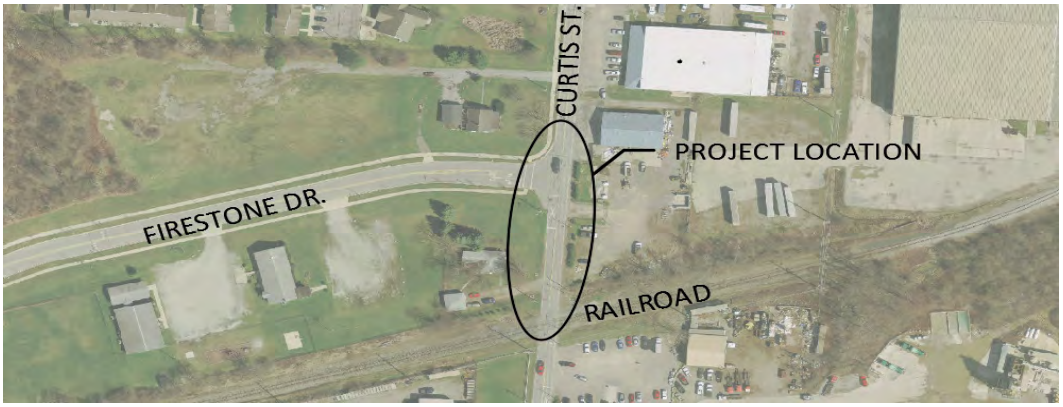
This project will add a left turn lane for northbound traffic on Curtis Street turning left onto Firestone Drive to travel westbound. Currently, during periods of heavy traffic, there is a need to separate turning vehicles from vehicles continuing to travel northbound. Curtis Street and Firestone Drives are both Collector Streets that provide routes for high volumes of traffic. The project will also include improvements to the existing railroad grade crossing. These improvements will fulfill a portion of the Curtis Street Realignment Project identified in the City's 2016 Priority Roadway Improvements and Expansion Projects document.

Financing

The project is anticipated to cost approximately $226,000. The City's Transportation Trust Fund/Assessments will cover $199,000 assuming the Del-Mor project proposed for the northwest corner of the intersection advances. The amount includes the anticipation final collection of $119,000 through property assessment contributions in the Curtis Farms subdivision.

Status

The project is in the conceptual design stage and will advance to full design in 2020 if funds for design are appropriated in the 2020 Budget. As additional development is proposed at the northwest corner of this intersection, it is important to construct this project in a timely manner. Also, the completion of Boulder Drive to the west will increase the utilization of Firestone Drive as an alternate path to travel to Veteran's Park and the YMCA.



TO: Mayor Riggle and Members of Council

FROM: R. Thomas Homan, City Manager

SUBJECT: Miscellaneous Matters

DATE: October 4, 2018

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1. **Calendar**
   See Attached

2. **Per Section 73 Of The City Charter The City Manager Is To Report Contract Agreements**
   See Attached

3. **Bi-Weekly Meetings**

   September 19
   * MORPC Leadership Strategy Group
   September 21-26
   * ICMA Conference
   September 27
   * Strand Plaque Dedication
   * Focus on the Future
   September 29
   * German Delegation Picked up at Airport
   October 1
   * CIP Work Session
   October 2
   * Statehouse Tour
   * Greater Columbus Sister Cities
   October 3
   * Kroger Grand Re-Opening

CONTRACT APPROVAL – October 4, 2018			
VENDOR	**EXPLANATION OF AGREEMENT**	**2018 AMOUNT**	**DEPARTMENT**
Strawser Construction, Inc	Pavement repairs and microsurfacing a total of 1.25 miles of US 23	$320,375.85	Public Works

October

2018

Meeting Schedule

Council, Boards, Commissions, & Committees

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 CIP Work Session 6:30 pm	2	3 Civil Service 3pm	4	5	6
7	8 Council 7pm	9 Sister City- 6 pm	10 BZA 7pm	11	12	13
14	15 Parking & Safety 6pm	16 Parks and Rec 7pm	17 Planning Commission 7pm	18 Airport Commission 7pm	19	20
21	22 City Council 7pm	23 Shade Tree 7pm	24 HPC 7pm	25	26	27
28	29	30	31 Halloween			

November

2018

Meeting Schedule

Council, Boards, Commissions, & Committees

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5 Council Work Session 6:30 pm	6 Public Works/Public Utilities	7 Civil Service 3pm Planning Commission 7 pm	8	9	10
11	12 Council 7pm	13	14 BZA 7pm	15	16	17
18	19	20 Parks & Rec 7pm	21	22 Thanksgiving City Offices Closed	23	24
25	26 Council 7pm	27 Shade Tree Commission 7pm	28 HPC 7pm	29	30 Main Street Delaware Tree Lighting	**December 1 Budget Work Session