

ORDINANCE NO. 2003-64
TABLED 11-18-2003
- DIED -

**AN ORDINANCE APPROVING AN AMENDMENT TO THE PRE-ANNEXATION AGREEMENT
AMONG THE CITY OF POWELL, TRIANGLE PROPERTIES, INC. AND THE LIBERTY COMMUNITY
INFRASTRUCTURE FINANCING AUTHORITY.**

WHEREAS, this Council has previously approved the Pre-Annexation Agreement (the "Agreement") dated May 15, 2002 among the City of Powell (the "City"), Triangle Properties, Inc. (the "Developer"), and the Liberty Community Infrastructure Financing Authority (the "Authority") pursuant to which property within the jurisdiction of the Authority (the "District") was annexed into the City; and

WHEREAS, the Developer intends to add property (the "Additional Land") to the District, as the Additional Land is shown on Exhibit A hereto, and requests that the Agreement be amended (the "First Amendment to the Agreement") to reflect the Additional Land; and

WHEREAS, this Council wishes to express its support for the application to amend the Petition for the establishment of the Authority to the City of Columbus and the City of Delaware, each as a "proximate city" as defined in Section 349.01, Ohio Revised Code;

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

Section 1. The Council hereby amends the Agreement, approves the First Amendment to the Agreement, and affirms the execution of the annexation petition filed with respect to portions of the District and signed, with respect to property owned by the Authority at the time of the filing of such petition, by the President of Council.

Section 2. In the event that the annexation petition referred to in Section 1 is withdrawn and a new petition filed with respect to property owned by the Authority, the Council President is hereby authorized to execute such annexation petition on behalf of the Council and the Authority.

Section 3. The Council hereby ratifies and affirms the terms and provisions of the First Amendment to the Agreement, a full and complete copy of which is attached hereto and appended as Exhibit B, and the City Manager is hereby authorized and directed to execute, acknowledge and deliver, in the name and on behalf of the City, the First Amendment to the Agreement, in substantially the form submitted to and now on file with the City, which is hereby approved, with such changes therein not inconsistent with this Ordinance and not substantially adverse to the City and the residents of the City and approved by the City Manager executing the same on behalf of the City. The approval of such changes by the City Manager, and that such are not substantially adverse to the City and residents of the City, shall be conclusively evidenced by the execution of the First Amendment to the Agreement by the City Manager.

Section 4. By adoption of this ordinance, the City shall be deemed to have consented to the application to amend the Petition to establish the Authority with respect to adding the Additional Land to the District. The Clerk is directed to send a certified copy of this Ordinance to the City of Columbus and the City of Delaware.

Section 5. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council 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.

