



City of Powell, Ohio

ORDINANCE 2007-47

Adopted September 4, 2007

AN ORDINANCE ACCEPTING A NEGOTIATED RECREATION FEE FOR THE ABBOTSGATE OF POWELL DEVELOPMENT.

WHEREAS, in November 2006 Council adopted Ordinance 2006-66 revising the Fee Schedule and the subsequent changes were effective January 1, 2007; and

WHEREAS, Discovery Land, Ltd., developer of the Abbotsgate of Powell senior apartments project received approval from the Planning & Zoning Commission in November 2006; and

WHEREAS, the developer could not have been aware of the change in formula to calculate the recreation fee within the Fee Schedule revisions; and

WHEREAS, Discovery Land, Ltd. has requested an adjustment to the recreation fee calculated by City staff; and

WHEREAS, the Finance Committee has reviewed the request and is recommending a negotiated recreation fee for the Abbotsgate of Powell project.

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

Section 1: That Discovery Land, Ltd. will provide the City of Powell with a public access easement over the planned common area open space in the Abbotsgate of Powell development.

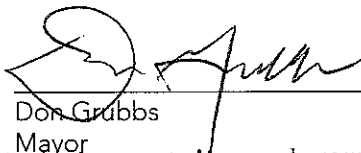
Section 2: That the current fee-in-lieu of land dedication of \$150,000.00 is hereby reduced to \$76,832.50 and that amount shall be paid in cash by Discovery Land, Ltd, in addition, the applicant shall grant an access easement for 0.46335 acres; as described on page 2 of the letter from applicant's attorney dated 7/11/07, and in the attachments thereto, for a total recreational fee of \$100,000.

Section 3: It is hereby found and determined that all formal actions of this Council concerning and relating to passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations of this Council and any of its committees which resulted in such formal actions were in meetings so open to the public in compliance with all legal requirements of the City of Powell, Delaware County, Ohio.

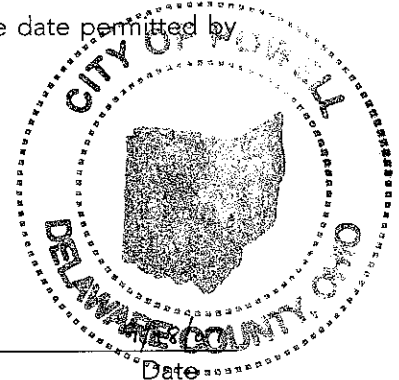
Section 4: That this Ordinance shall take effect on the earliest possible date permitted by law.

VOTE ON RULE SUSPENSION: Y 6 N 0

VOTE ON ORDINANCE 2007-47: Y 6 N 0




Don Grubbs
Mayor
9-17-07
Date


Susie Ross
City Clerk
Date



This Ordinance has been posted in accordance with the City Charter on this date 9/18/07

EFFECTIVE DATE: October 4, 2007


Richard Cline

Tom Counts

City Council
Don Grubbs, Mayor
Elmer Meider Bill Morton Art Schultz Dan Wiencek