

RECORD OF RESOLUTIONS

Resolution No. 2018-05R

~~Passed~~ Died for lack of a
Second April 17, 2018 20

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN ADDENDUM TO THE DEVELOPMENT AGREEMENT WITH LANE VILLAGE OWNERS ASSOCIATION AND WILLIAM M. LANE, TRUSTEE OF THE WILLIAM M. LANE TRUST, SB LANE CRABTREE, LLC, DMK DEVELOPMENT GROUP, LLC, AND ARTHUR PARTNERS, LLC TO FACILITATE THE DEVELOPMENT MOREHEAD FARMS

WHEREAS, Lane Crabtree is the fee simple owner of that certain property of approximately 54.0 acres situated in the state of Ohio, County of Fairfield, City of Pickerington, located on the west side of Diley Road, fronting on Diley Road, and further identified by the Fairfield County Auditor's parcel number 0410250510 (the "Property"); and

WHEREAS, the Property was rezoned as a Planned Development District ("PD") divided into Subarea A-Commercial and Subarea B-Residential, to allow for proposed commercial building and Housing for Older Persons Act of 1995 ("HOPA") compliant residential apartments which City Council via Ordinance no. 2016-45 voted to approve the PD as a Preliminary Development Plan on February 7, 2017, the Planning and Zoning Commission approved the Final Development Plan ("FDP") on March 14, 2017, and City Council via Ordinance 2017-08 voted to approve the Final Plat ("Final Plat") on May 2, 2017 and City Council via Resolution 2017-16R voted to approve the Development Agreement ("Agreement") on October 3, 2017; and

WHEREAS, This Addendum is only between Redbud Commons and the City and is not applicable in any way to the other Parties to the Agreement; and

WHEREAS, This Addendum will only apply to the Subarea B on Exhibit A of the Agreement; and

WHEREAS, 2013 Residential Code of Ohio provides builders with the option to propose alternative designs as it relates to the foundation height, water permeation and termite control; and

WHEREAS, Redbud Commons has proposed an alternative design and the City's Residential Building Official ("RBO") has reviewed the same and finds it meets the requirements for an alternative to 2013 Residential Code of Ohio Sections 317 and 318; and

WHEREAS, The alternate design consists of water-proofing membrane and an aluminum flashing cover. The alternative design also includes termite soil pretreatment for each building of the Redbud Commons Apartment Project and is warranted for a period of 5 years after construction; and

WHEREAS, the RBO, as part of the alternative design approval, is requiring Redbud Commons to include annual termite treatment for each building of the Apartment Project for a warranted period of 30 years after construction; and

WHEREAS, the Parties agree, *inter alia*, to the annual termite treatment for each building of the Apartment Project for a warranted period of 30 years after construction and that Redbud Commons will provide to the City copies of each annual treatment on or by April 15 of each calendar year.

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NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PICKERINGTON, FAIRFIELD-FRANKLIN COUNTIES, OHIO, A MAJORITY OF ITS MEMBERS CONCURRING:

Section 1. The City Manager is hereby authorized to execute all necessary documentation, including but not limited to, the Addendum in substantially the same form as the one attached hereto, with changes not inconsistent with this Resolution, not substantially adverse to the City, and which shall be approved by the City Manager and Director of Law. The approval of changes thereto by those officials, and their character as not being substantially adverse to the City, shall be evidenced conclusively by their execution thereof.

Section 2. This Resolution shall become effective at the earliest period authorized by law.

APPROVED BY: _____
Lee A. Gray, Mayor

DATE OF APPROVAL: _____

EFFECTIVE DATE: _____

ATTEST: _____
Heather Moore, City Clerk

SPONSOR: FINANCE COMMITTEE

APPROVED AS TO FORM
AND LEGALITY OF PURPOSE: _____
Philip K. Hartmann, Law Director