

CITY OF OBETZ  
RECORD OF ORDINANCES



ORDINANCE: 40 – 22

PASSED: August 8, 2022

**AN ORDINANCE FINDING THAT THE CREATION OF THE SOUTHWEST AREA NEW COMMUNITY AUTHORITY, A NEW COMMUNITY AUTHORITY PURSUANT TO CHAPTER 349 OF THE OHIO REVISED CODE, WILL BE CONDUCTIVE TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE AND WELFARE AND IS INTENDED TO RESULT IN THE DEVELOPMENT OF A NEW COMMUNITY; DECLARING THE AUTHORITY TO BE ORGANIZED AND A BODY POLITIC AND CORPORATE; DEFINING THE BOUNDARY OF THE AUTHORITY’S NEW COMMUNITY DISTRICT; PROVIDING THE METHOD OF SELECTING THAT AUTHORITY’S BOARD OF TRUSTEES; APPOINTING FOUR MEMBERS TO THAT BOARD; FIXING THE SURETY FOR THOSE TRUSTEES’ BONDS; PROHIBITING THE DISSOLUTION OF THE AUTHORITY WITHOUT CONSENT; AND AUTHORIZING ANY OTHER RELATED AUTHORIZATIONS AND ACTIONS; AND DECLARING AN EMERGENCY**

**WHEREAS**, pursuant to Chapter 349 of the Ohio Revised Code, a petition (the “Petition”) for the establishment of the Buckstone Community Authority (the “Authority”) to govern a proposed new community district (the “District”) was filed with the City Council (the “Council”) of the City of Obetz (the “City”), County of Franklin, Ohio on June 16, 2022; and

**WHEREAS**, the “organizational board of commissioners,” as that term is defined in Section 349.01(F)(3) of the Ohio Revised Code, for the proposed Authority is comprised solely of this Council, as the legislative authority of the City; and

**WHEREAS**, the Council in Ordinance No. 34-22 adopted on June 16, 2022 determined the Petition is sufficient and complies with the requirements of Section 349.03 of the Ohio Revised Code as to form and substance; and

**WHEREAS**, the Petition provides that the establishment of the Authority will be conducive to the public health, safety, convenience and welfare, and that such 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**, on July 25, 2022, Council held the required public hearing for the on the creation of the Authority after notice of that public hearing was published as provided by the Act; and

**WHEREAS**, an emergency exists in the usual daily operation of the City in that this Ordinance is required to be immediately effective to allow for the Developer and the new community authority to commence financing and construction of public infrastructure improvements, thus securing for economic benefits of the future residents of the Buckstone Community Authority which are needed to provide for the health, welfare and safety of the residents of the City.



**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OBETZ THAT:**

Section 1. Findings. This Council finds and determines that that the establishment of the Authority and 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 R.C. Section 349.01(A).

Section 2. Acceptance of the Petition. The Petition is accepted and will be recorded, along with this ordinance, in the journal of this Council, as the “organizational board of commissioners,” pursuant to R.C. Section 349.03(A).

Section 3. Authority Declared Organized. The Authority is declared organized and a body politic and corporate.

Section 4. Corporate Name. The corporate name of the Authority will be the “Buckstone Community Authority.”

Section 5. Boundary of the District. The District will have the boundaries set forth in the Petition as depicted in Exhibit A attached thereto.

Section 6. Board Composition. The Board will be composed of nine members selected as provided in the Petition.

Section 7. Method of Selecting Board Members. The method of selecting members of the Board shall be as described in this Section 7. The Board shall consist of (i) four (4) citizen members appointed by Council, (ii) one (1) representative of local government appointed by Council, and (iii) four (4) developer members appointed, to be appointed by the Developer as follows: one (1) appointed by the City, one (1) appointed by the Pulte of Ohio, LLC; one (1) appointed by Flats at Greystone LLC; and one (1) appointed by the TTBD Properties Development, and such appointments by the Developer will be made in writing filed with the Clerk of this Council within ten days after the effective date of this ordinance.

Each Board member shall serve two-year overlapping terms, with two of each of the initial citizen and developer members appointed to serve initial one-year terms. So long as any obligations, including any bonds or notes to be issued by the Authority or another governmental entity on behalf of or cooperating with the Authority, which are issued to finance “community facilities” (as defined with the Act) within the District are outstanding, (i) Council shall continue to appoint replacement citizen members, the representative of local government, and the developer member to be appointed by Council upon the expiration of that member’s term or resignation by that member unless the City determines, by ordinance or resolution of Council, that such citizen members of the Board, the representative of local government, and the developer members of the Board shall be elected in the manner prescribed by R.C. Sections 349.04(A), (B),



and (C), and (ii) the Developer shall continue to appoint replacement representatives of the Developer to the Board upon the expiration of that member's term or resignation by that member unless the City, by ordinance or resolution of Council, that such members of the Board shall be elected in the manner prescribed by R.C. Section 349.04(B).

Section 8. This Council appoints the following six members to the Board of Trustees of the Authority, each in the position and for the term indicated beside such member's respective name:

<u>Matt Cramblit</u>	Citizen Member	two-year term
<u>Derek Duncan</u>	Citizen Member	two-year term
<u>Stacey Boumis</u>	Citizen Member	one-year term
<u>Tammy Kitchen</u>	Citizen Member	one-year term
<u>Rod Davisson</u>	Local Government	two-year term
<u>Mike Corbitt</u>	Developer Member	one-year term

Section 9. Pursuant to R.C. Section 349.04, there will be posted for each member of the Board a bond in the amount of \$10,000 for the faithful performance of his or her duties. The bond will be with a company authorized to conduct business within the State of Ohio as a surety.

Section 10. The dissolution of the Authority is hereby prohibited unless each of this Council, the Board, and the Developer consents to such dissolution.

Section 11. The organizational documents of the Authority, including, without limitation, the Petition and this ordinance, may not be amended unless each of this Council, the Board of Trustees of the Authority, and the Developer consents to such amendment.

Section 12. The City Administrator and other appropriate officers of the City are authorized and directed to take such actions and make such arrangements that are consistent with the purpose of this ordinance and necessary and proper for the establishment, operation and future growth of the Authority and real property composing the District.

Section 13. Open Meetings. 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.



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Section 14. Effective Date. This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, and safety of the City and its inhabitants for the reason that this Ordinance must be immediately effective to ensure that the Authority may be created in a timely manner; WHEREFORE, this Ordinance shall take effect and be in force from and immediately after its adoption.

Passed this 8 day of August, 2022.

ATTESTS:

Stacey Boumis  
Stacey Boumis, Clerk of Council

Angela M. Kirk  
Angela M. Kirk, Mayor

Michael R. Flaherty  
Michael Flaherty, Council Pres. Pro-Tem

APPROVED AS TO FORM

Eugene Hollins  
Eugene Hollins, Esq., Law Director

CERTIFICATION OF PUBLICATION

Pursuant to the City Charter, I, Stacey E. Boumis, Clerk of Council of the City of Obetz, Ohio, do hereby certify that Ordinance 40-22 was duly posted at 2:00 PM (time) on the 11 day of August, 2022, at the Obetz Government Center, Obetz Athletic Club, and Obetz Community Center as well as on the Obetz website.



Stacey Boumis  
Stacey Boumis, Clerk

8/11/22  
Date