

ORDINANCE NO. 25-2013
(As Amended)

Approving a Subdivider's Agreement between the City of Worthington and Monterra, LLC, Amending Ordinance No. 32-2012 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Reimburse Monterra, LLC for the Cost of Constructing a Public Sanitary Sewer Extension in the Michaela Subdivision, and Changing the Subdivision Street Name (Project No. 548-07).

WHEREAS, a Subdivider's Agreement between the City and The Bigler Company was approved by the City pursuant to Ordinance No. 36-2007, as required by Section 1101.06 of the Codified Ordinances of the City; and,

WHEREAS, Michaela, LLC, the owner of the property comprising the Michaela Subdivision has since been sold to another developer who is interested in constructing the Michaela Subdivision as shown on the Final Plat approved by City Council, and in performing the remaining obligations of The Bigler Company contained in the approved Subdivider's Agreement; and,

WHEREAS, the Subdivider's Agreement has been updated to reflect certain obligations that were performed by The Bigler Company, to revise the proposed change in the name of the subdivision street, identifying the new owner of the property, Monterra, LLC and to revise dates that reflected obligations in 2007; and,

WHEREAS, the Charter of the City of Worthington, Ohio, provides that City Council may at any time amend or revise the Budget by Ordinance, providing that such amendment does not authorize the expenditure of more revenue than will be available; and,

WHEREAS, the Subdivider's Agreement for the Michaela Subdivision obligates Monterra, LLC to construct sanitary sewer improvements to provide the opportunity to serve properties outside the subdivision; and,

WHEREAS, the City has agreed to financially reimburse Monterra, LLC for a portion of these improvements; and

WHEREAS, the Subdivider wishes to change the subdivision street name from Jules Court to Terra Court.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

ORDINANCE NO. 25-2013
(As Amended)

SECTION 1. That the Subdivider's Agreement between the City of Worthington and Monterra, LLC, be approved, in substantially the form of the Subdivider's Agreement attached hereto as Exhibit "A" and made a part hereof, with such changes as may be necessary or advisable that are not detrimental to the City.

SECTION 2. That there be and hereby is appropriated from the Capital Improvements Fund Unappropriated Balance to Account No. 308.8170.533262 the sum of Thirty Thousand Dollars (\$30,000.00) to reimburse Monterra, LLC for the cost of constructing public sanitary sewer improvements in the Michaela Subdivision.

SECTION 3. That the subdivision street name currently known as Jules Court be and hereby is changed to Terra Court.

SECTION 4. That notice of the passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the Office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.

Passed: September 3, 2013

[Signature on File]
President of Council

Attest:

[Signature on File]
Clerk of Council

Introduced July 15, 2013
P.H. September 3, 2013
Effective September 26, 2013