

ORDINANCE NO. 17-2016

Approving an Agreement with the City of Columbus and United Dairy Farmers, Inc. to Provide for the Provision of Municipal Services, the Jurisdiction for Enforcement of Municipal Building and Zoning Regulations and the Sharing of Income Taxes and Personal Property Taxes for the Redevelopment of the 1.446± Acres at 2204 West Dublin-Granville Road.

WHEREAS, United Dairy Farmers, Inc. (the “Company”) is the owner of a 0.634± acre parcel (PIN: 610-217753) in the City of Columbus and a 0.812± acre parcel (PIN: 100-006096) in the City of Worthington; and,

WHEREAS, a United Dairy Farmers convenience store and gas pumps are currently located entirely on the Columbus parcel but are proposed to be demolished and reconstructed upon both parcels; and,

WHEREAS, the City of Worthington and the City of Columbus deem it necessary and advisable to reach an agreement regarding the enforcement of each municipality’s building and zoning regulations, the sharing of income tax and personal property tax and the provision of municipal services;

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

SECTION 1. That the City Manager hereby is authorized and directed to execute the Agreement Regarding Municipal Services for 2204 West Dublin-Granville Road, in substantially the form attached to this Ordinance as Exhibit “A”, upon the approval of the Director of Law.

SECTION 2. That notice of 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 May 16, 2016

/s/ Bonnie D. Michael
President of Council

Attest:

/s/ D. Kay Thress
Clerk of Council

Introduced May 2, 2016
P.H. May 16, 2016
Effective June 8, 2016

**AGREEMENT REGARDING MUNICIPAL SERVICES FOR
2204 WEST DUBLIN-GRANVILLE ROAD**

THIS AGREEMENT REGARDING MUNICIPAL SERVICES FOR 2204 WEST DUBLIN-GRANVILLE ROAD is entered into and shall be effective on this ____ day of _____, 2016, by and among the City of Columbus, an Ohio municipal corporation ("Columbus"), the City of Worthington, an Ohio municipal corporation ("Worthington") and United Dairy Farmers, Inc., an Ohio corporation ("Company").

WITNESSETH

WHEREAS, Company is the owner of a 1.446± acre parcel of land, the legal description of which is attached hereto as Exhibit A (the "Property"), 0.634± acre of which is in the City of Columbus (the "Columbus Parcel") and 0.812± acre of which is in the City of Worthington (the "Worthington Parcel");

WHEREAS, Company desires to construct a convenience store with gasoline pumps and canopy on the Property, portions of which will be located on the Columbus Parcel and portions of which will be located on the Worthington Parcel;

WHEREAS, Columbus, Worthington and Company desire to reach agreement relative to providing municipal services to the Property, the jurisdiction for the enforcement of regulations and the sharing of income taxes, personal property taxes and municipal fees generated from the Property;

NOW THEREFORE, in consideration of the mutual covenants and provisions set forth herein, the parties agree as follows:

A. Building and Fire Regulations

1. Worthington shall be responsible for providing building plan review, issuing building permits and performing building and fire inspections in compliance with the Ohio Building Code and the State Fire Code for the entire Property. Fees charged for performing such building duties shall be those charged by Worthington for similar buildings constructed in the City of Worthington. No building permit for any building constructed on the Property, all or any part of which is located on the Columbus Parcel, shall be issued by Worthington until Columbus has first issued a certificate of zoning clearance for said building in compliance with Columbus City Codes Section 3305.01. The certificate of zoning clearance authorizes the use of the Columbus Parcel and the portion of the building constructed thereon. Worthington shall, as part of its building plan review and approval and its inspection of the construction of the buildings on the Property, in addition to enforcing Worthington's codes, require Company's compliance with the certificate of zoning clearance issued by Columbus.

2. Company shall apply for building permits and pay permit and inspection fees to Worthington. Company shall deliver copies of site plans and building plans approved by Worthington to the Columbus Department of Building and Zoning services.

B. Zoning Codes

1. Worthington shall enforce the Worthington Zoning Code for the Worthington Parcel based solely on that portion of any buildings constructed in Worthington.
2. Columbus shall enforce the Columbus Zoning Code on the Columbus Parcel based solely on that portion of any buildings constructed in Columbus.
3. Company shall submit site plans accurately depicting the location of any building constructed on the Property, delineating the Columbus/Worthington municipal boundary and calculating the square footage of that portion of the retail store building to be constructed on the Columbus Parcel and the Worthington Parcel, respectively.

C. Utilities. Sanitary sewer and water rates for the Property shall be charged in accordance with Rule and Regulation No. 90-5 of the Division of Water, Columbus Department of Public Utilities.

D. Income Tax. Company shall withhold income tax from its employees, based on Columbus' tax rates. All taxes withheld shall be paid to Columbus.

E. Personal Property Tax

Columbus and Worthington shall share personal property taxes, if any, generated from the Property in proportion to the square footage of the building located in each jurisdiction.

F. Public Area Payment

Company shall pay to: 1) Columbus the parkland fee set forth in Columbus City Codes Section 3318.13 attributable to the Columbus Parcel and 2) Worthington the Public Area Payment in accordance with Section 1175.11 of the Worthington Planning and Zoning Code, based on the square footage of the building area built on the Worthington Parcel.

G. Successors and Assigns

This Agreement shall inure to the benefit of and be binding on all parties and their respective successors and assigns.

H. Public Record

Company shall cause an affidavit to be filed of record with the Franklin County Recorder, which affidavit shall have attached thereto this Agreement and shall refer to the ordinances or resolutions passed or adopted by the respective City Council of Worthington and Columbus authorizing the execution of this Agreement. Said affidavit shall state that any amendment to the Agreement shall be in writing executed by each party, with both Worthington's and Columbus' execution thereof first authorized by its respective City Council.

[Signatures on Following Page]

CITY OF COLUMBUS

by: _____

its: _____

Date: _____

per authority granted in
Ordinance No. _____,
passed _____, _____

CITY OF WORTHINGTON

by: _____

its: _____

Date: _____

per authority granted in
Ordinance/Resolution No. _____,
passed _____, _____

UNITED DAIRY FARMERS, INC.

by: _____

its: _____

Date: _____

Approved as to Form By:

Columbus City Attorney

Worthington City Attorney
