

ORDINANCE 2021-29

**AN ORDINANCE ACCEPTING THE FINAL PLAT OF RICKENBACKER EXCHANGE PART 3
AS PRESENTED BY K-NOVA, LLC, AND DECLARING AN EMERGENCY.**

WHEREAS, K-Nova, LLC has presented a final plat for Rickenbacker Exchange Part 3 which has been approved by the Village Engineer; and

WHEREAS, the Council of the Village of Commercial Point is authorized to adopt and approve final plats for subdivisions within the Village of Commercial Point pursuant to Ohio Revised Code Chapters 711 and 713;

WHEREAS, the final plat of Rickenbacker Exchange Part 3 is being presented to this Council for approval and for dedication of the public rights-of-way; and

WHEREAS, on March 1st, 2021, Council adopted Resolution 09-2021 giving its approval of the Preliminary Plan for Rickenbacker Exchange Part 3; and

WHEREAS, the final plat application as submitted to the Village of Commercial Point on August 11, 2021;

WHEREAS, a bond satisfactory to the Village Engineer and this Council guaranteeing the construction of the infrastructure within the rights-of-way dedicated on this final plat has been posted; and

WHEREAS, Scannell Properties desires to purchase lots within Rickenbacker Exchange Part 3 prior to the end of August 2021, which requires approval of the final plat; and

WHEREAS, the Council of the Village of Commercial Point desires to expedite the approval of the final plat in order to enhance the economic and development opportunities for the Village of Commercial Point.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF COMMERCIAL POINT, PICKAWAY COUNTY, OHIO THAT:

Section 1. Approval of Final Plat. The final plat of Rickenbacker Exchange Part 3, situated in the Village of Commercial Point, Ohio, as shown on Exhibit A to this Ordinance, is hereby accepted and incorporated by reference, subject to this final plat being properly recorded, the road rights-of-way dedicated thereon and the easements and reserves granted thereon are accepted by the Village of Commercial Point.

Section 2. Endorsement of Final Plat. The Mayor and Fiscal Officer of the Village of Commercial Point are hereby authorized and directed to endorse upon the original of said final plat the approval of this Council.

Section 3. Waiver of Certain Requirements for Final Plat Approval and Reservation of Rights. Council hereby waives certain requirements under the Planning and Zoning Code of the Village of Commercial Point. Specifically, Council waives the requirement that each final plat be submitted to the Village thirty days in advance of Council's consideration of said plat under Section 1109.04(c) of the Zoning Code, and the requirement that improvements be installed prior to the approval of a final plat under Section 1115.01(a) of the Zoning Code. By granting these waivers, Council does not thereby waive any other rights under the Planning and Zoning Code and these waivers shall not operate to preclude Council from exercising any and all rights under the Zoning Code hereafter, which rights are expressly hereby reserved.

Section 4. Maintenance of Road Rights-of-Way. That the responsibility for the maintenance of any road rights-of-way being dedicated therein and the easements and reserves granted on this final plat shall not be effective for the Village until the completion of these road rights-of-way and the expiration of any applicable builder's warranties.

Section 5. Open Meetings Certification. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any other committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

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Section 6. Emergency Declaration. Because the sale of lots between K-Nova, LLC and Scannell Properties must be completed prior to the end of August 2021, and because approval of the final plat is necessary for the completion of said sale, this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety in the Village of Commercial Point and shall, therefore, take immediate effect upon passage.

Vote on Suspension of Readings:

Motion by: Jason Thompson

2nd: Laura Wolfe

Roll Call:

Yes Jason Thompson

N/A Aaron Grassel

Yes Ryan Mitchem

Yes Nancy Geiger

Yes Tracy Joiner

Yes Laura Wolfe

Vote on Passage of the Ordinance:

Motion by: Jason Thompson

2nd: Tracy Joiner

Roll Call:

Yes Jason Thompson

N/A Aaron Grassel

Yes Ryan Mitchem

Yes Nancy Geiger

Yes Tracy Joiner

Yes Laura Wolfe

Adopted this 16th day of August, 2021.



Allan D. Goldhardt, Mayor



Wendy L. Hastings, Fiscal Officer

Approved as to Form:



Joshua Cartee, Village Solicitor

**EXHIBIT A
TO
ORDINANCE 2021-29**