



CITY COUNCIL MEETING

Monday, July 29, 2024 at 6:00 PM

1 Benjamin Franklin Way Franklin, Ohio 45005

www.FranklinOhio.org

AGENDA

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVE THE CLERK'S JOURNAL AND ACCEPT THE TAPES AS THE OFFICIAL MINUTES
 - A. [July 15, 2024](#)
5. PRESENTATIONS
 - A. Act of Valor Award (Chief Stitzel)
 - B. Swear In Lieutenant Booth (Chief Stitzel)
 - C. AltaFiber
6. RECEPTION OF VISITORS
7. PUBLIC HEARING
 - A. **RESOLUTION 2024-45** APPROVING THE APPLICATION TO ADD CERTAIN REAL PROPERTY TO THE FRANKLIN NEW COMMUNITY AUTHORITY DISTRICT AND TO AMEND THE PETITION FOR ESTABLISHMENT OF THE FRANKLIN NEW COMMUNITY AUTHORITY AS A NEW COMMUNITY AUTHORITY UNDER CHAPTER 349 OF THE OHIO REVISED CODE (Karisa Steed)
 - a. Exhibit A: Property Boundaries
 - B. **ORDINANCE 2024-17** AN ORDINANCE TO CONSIDER THE REQUEST FROM FORESTAR REAL ESTATE GROUP TO REZONE A 109.5 ACRE PARCEL OF LAND ON SHAKER ROAD AND MANCHESTER ROAD FROM I-2 GENERAL INDUSTRIAL DISTRICT TO R-2 METROPOLITAN RESIDENTIAL DISTRICT (Barry Conway)
 - a. Exhibit A: Rezoning Application
 - C. **ORDINANCE 2024-18** AN ORDINANCE TO CONSIDER A PLANNED UNIT DEVELOPMENT APPLICATION AND PRELIMINARY DEVELOPMENT PLAN FOR SHAKER FARMS FROM FORESTAR REAL ESTATE GROUP FOR A 109.5 ACRE PARCEL OF LAND ON SHAKER ROAD AND MANCHESTER ROAD (Barry Conway)
 - a. Exhibit A: PUD Application and Preliminary Development Plan

8. NEW BUSINESS

- A. RESOLUTION 2024-46** AWARDING THE BID AND AUTHORIZING EXECUTION OF THE CONTRACT WITH JOHN R. JURGENSON COMPANY FOR THE 2024 OPWC BEAL ROAD PAVING PROJECT (Barry Conway)

- B. RESOLUTION 2024-47** AMENDING RESOLUTION 2024-34 AND AUTHORIZING POSITION TITLES AND THE NUMBER OF POSITIONS FOR EACH TITLE FOR CITY OF FRANKLIN PERSONNEL FOR THE YEAR 2024 (Chief Colon)
 - a. Exhibit A: List of Authorized Positions

- C. RESOLUTION 2024-48** AMENDING THE PURCHASE, SALE, AND DEVELOPMENT AGREEMENT WITH RILEY REAL ESTATE, LLC (Karisa Steed)
 - a. Exhibit A: FIRST AMENDMENT TO PURCHASE, SALE, AND DEVELOPMENT AGREEMENT

- D. RESOLUTION 2024-49** CONSENTING TO THE FIRST SUPPLEMENTAL DECLARATION OF COVENANTS AND RESTRICTIONS FOR THE FRANKLIN NEW COMMUNITY AUTHORITY AND PROVIDING RELATED AUTHORIZATIONS (Karisa Steed)
 - a. Exhibit A: First Supplemental Declaration of Covenants and Restrictions

9. INTRODUCTION OF NEW LEGISLATION

- A. ORDINANCE 2024-19** DECLARING THE IMPROVEMENT OF CERTAIN REAL PROPERTY LOCATED IN THE CITY OF FRANKLIN, WARREN COUNTY, OHIO TO BE A PUBLIC PURPOSE PURSUANT TO OHIO REVISED CODE SECTION 5709.41; DECLARING SUCH PROPERTY TO BE EXEMPT FROM REAL PROPERTY TAXATION; DESIGNATING IMPROVEMENTS TO SUCH PARCELS AS A PUBLIC PURPOSE; REQUIRING ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING AN URBAN REDEVELOPMENT TAX INCREMENT EQUIVALENT FUND; AUTHORIZING PAYMENTS TO THE FRANKLIN CITY SCHOOL DISTRICT AND THE WARREN COUNTY CAREER CENTER; AND PROVIDING RELATED AUTHORIZATIONS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.41, 5709.42, 5709.43, 5709.832 AND 5709.85 (Jonathan Westendorf)
 - a. Exhibit A: Property Description
 - b. Exhibit B: Eligible Project Costs

10. CITY MANAGER'S REPORT

11. COUNCIL COMMENTS

12. EXECUTIVE SESSION

- A.** To consider the appointment, employment, and compensation of a public employee or official pursuant to ORC 121.22 (G)(1).

13. ADJOURNMENT



CITY COUNCIL MEETING

Monday, July 15, 2024 at 6:00 PM

1 Benjamin Franklin Way Franklin, Ohio 45005

www.FranklinOhio.org

CLERK'S JOURNAL

1. CALL TO ORDER

Vice Mayor Hall called the meeting to order at 6:00pm.

2. ROLL CALL

PRESENT

- Paul Ruppert
- Vice Mayor Todd Hall
- Michael Aldridge
- Debbie Fouts
- Matt Wilcher

ABSENT

- Denny Centers
- Mayor Brent Centers

The Mayor and Mr. Centers were excused for a family matter.

Mr. Westendorf, Ms. Steed, Ms. Trice, Ms. Dunn, Chief Stitzel, Chief Colon, Mr. Inman, Ms. Chibis, and Mr. Conway were present.

There were approximately 30 guests and one member of the press in attendance.

3. PLEDGE OF ALLEGIANCE

Vice Mayor Hall and his daughter led the pledge of allegiance.

4. APPROVE THE CLERK'S JOURNAL AND ACCEPT THE TAPES AS THE OFFICIAL MINUTES

A. July 1, 2024

Motion made by Ruppert, Seconded by Fouts.

Voting Yea: Ruppert, Vice Mayor Hall, Fouts, Wilcher

Voting Abstaining: Aldridge

Motion passed.

5. PRESENTATIONS

A. Act of Valor Awards

Chief Stitzel presented Act of Valor awards to lifeguards Olivia DeHart and Jordan Milligan for their efforts on June 19. The two responded after a 6-year-old girl suffered a seizure while in the junior pool.

B. Committee Reports

Mr. Wilcher gave an update from the July 1, 2024 Finance Committee meeting.

Ms. Trice updated the committee on fund balances. She is considering a vendor change within utility billing that offers more service options for residents.

Staff reviewed upcoming paving projects, an IGA with Montgomery County, landscaping options in the Downtown, and redevelopment of the 500 Block of Main Street & Sixth Street near the Slipcast brewery site.

6. RECEPTION OF VISITORS

Vice Mayor Hall opened and closed the Reception of Visitors at 6:13pm as none asked to be heard.

7. PUBLIC HEARING

A. ORDINANCE 2024-16 APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF FRANKLIN, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2024 AND DECLARING AN EMERGENCY

This ordinance will adjust appropriations to the following funds:

General Fund

- Increase the General Fund Transfers to the economic Development Fund by \$160,000.

Economic Development Fund

- Increase of \$160,000 to the Other account line for Property Acquisition.

Street Fund

- Increase of \$5,000.00 In Personnel.

Recreation Fund

- Increase of \$14,000.00 in Personnel.

Water Fund

- Increase of \$235,000 to the Water Fund Other for the Meter Reading Project.

Vice Mayor Hall opened and closed the Public Hearing at 6:15pm as none asked to be heard.

Motion made by Wilcher, Seconded by Aldridge.

Voting Yea: Ruppert, Vice Mayor Hall, Aldridge, Fouts, Wilcher

Motion passed.

8. NEW BUSINESS

A. RESOLUTION 2024-44 AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AND SALE AGREEMENT AND OTHER DOCUMENTS FOR THE CITY OF FRANKLIN’S PURCHASE OF CERTAIN REAL PROPERTY IDENTIFIED AS WARREN COUNTY AUDITOR’S PARCEL ID NUMBER 0431137002

This resolution allows the City Manager to execute a purchase and sale agreement for the City’s purchase of 32 W. Fifth Street for \$80,000.

Motion made by Aldridge, Seconded by Ruppert.

Voting Yea: Ruppert, Vice Mayor Hall, Aldridge, Fouts, Wilcher

Motion passed.

9. INTRODUCTION OF NEW LEGISLATION

A. ORDINANCE 2024-17 AN ORDINANCE TO CONSIDER THE REQUEST FROM FORESTAR REAL ESTATE GROUP TO REZONE A 109.5 ACRE PARCEL OF LAND ON SHAKER ROAD AND MANCHESTER ROAD FROM I-2 GENERAL INDUSTRIAL DISTRICT TO R-2 METROPOLITAN RESIDENTIAL DISTRICT

B. ORDINANCE 2024-18 AN ORDINANCE TO CONSIDER A PLANNED UNIT DEVELOPMENT APPLICATION AND PRELIMINARY DEVELOPMENT PLAN FOR SHAKER FARMS FROM FORESTAR REAL ESTATE GROUP FOR A 109.5 ACRE PARCEL OF LAND ON SHAKER ROAD AND MANCHESTER ROAD

10. CITY MANAGER'S REPORT

Mr. Westendorf provided an update on the Main Street Streetscape project. Crews are preparing to pave from Second to Fourth Street. The intersection of Third and Main was closed and will be until next week. The intersection of Fourth and Main would be closed the following day to remove the temporary water main. That intersection should be reopened by early afternoon. The intersection of Main and Second should be open no later than August 7. Fourth Street will be the last major section with work beginning in August.

Downtown and overnight parking on City-owned lots will be discussed on July 29th.

There was some slight storm damage on Sunday at Franklin Community Park. Everything was up and running. The bike trail fence was damaged. The pool is open. Mr. Westendorf thanked Mr. Inman, Mr. Miller, and the teams at Duke and Lake Erie Electric for their work. Daily testing at the pool is being done to ensure there are no future problems. Upgrades were made to equipment.

There is a need for a Parks and Recreation Committee meeting regarding the operation of the pool for the following year.

The water main project continues within Community Park. Staff is trying to keep the front gate open as often as possible. Staff is working on wayfinding signs to help with attendance issues. The roundabout construction will necessitate closure next year as well.

National Night Out will be held on August 6th.
Tennis court paving begins next week.

Chief Stitzel and the Middletown Fire Department are working on an interstate response agreement. The goal is to increase response time to interstate calls. An MOU will be forthcoming.

There are vacancies on the Board of Zoning Appeals and New Community Authority Board of Trustees.

The Shaker Farms Development PUD and rezoning request was read into the record that evening and will be voted on at the next meeting. Sanitary sewer is still an issue that will be discussed further.

On July 22, the Mayor, Vice Mayor and City staff will meet with the Franklin City School Board President, Vice President and other administrative staff to talk about Economic Development tools.

The August 5 Council meeting has been moved up to July 29. AltaFiber will be presenting. National Night Out will occur on August 6 and Mr. Westendorf will be on vacation from August 6 -12.

Mr. Westendorf shared an email from Lt. Walker with Mason Police Department regarding Officer Shelby Davis. Officer Davis has been working with the Warren Couty Tactical Response Unit as negotiator. He praised her work and successful negotiations. Chief Colon added that she is a great officer who is very humble with a great work ethic. She cares about the community.

11. COUNCIL COMMENTS

Mr. Wilcher had no comments.

Mrs. Fouts said that recent world events have been tough and emotional. She is thankful for what we have here, we can work through things. She is proud to have local representative, JD Vance, represent the state of Ohio as the Vice-Presidential candidate for the Republican party.

Mr. Aldridge apologized for missing the last meeting. From what he was told, it sounds like a good conversation was had. Another meeting scheduled with the school board is good news. Communication is key. Both entities want what is best for the community and therefore share a lot of common goals. Good job to everyone.

He asked if there is an opportunity to widen the road on Bryant with the upcoming paving. He recalled a resident attending Council over a “No Parking” zone in front of their residence. Mr. Westendorf reported that staff tried to work with the resident and that he did not want to give up any of his front yard to increase the turning radius.

Mr. Ruppert complimented new interstate signs for West Chester. He would like a cost estimate for something similar in Franklin. Mr. Westendorf will look into this.

Vice Mayor Hall said we hit a stumbling block with the RAISE Grant and he doesn’t want staff to feel a loss in anything that has happened up to this point. We are moving forward and it just takes a little more time. We will reapply and move forward again with the feedback to be received from the Department of Transportation. He appreciates everything that staff does. He thanked Mr. Inman and his team. Keep it positive and move it forward.

12. EXECUTIVE SESSION

- A. To consider the appointment, employment, and compensation of a public employee or official pursuant to ORC 121.22 (G)(1).

Motion to enter executive session made by Aldridge, Seconded by Fouts.
Voting Yea: Ruppert, Aldridge, Fouts, Wilcher
Voting Nay: Vice Mayor Hall
Motion passed. Council entered executive session at 6:38pm.

Motion to exit executive session made by Wilcher, Seconded by Aldridge.
Voting Yea: Vice Mayor Hall, Ruppert, Aldridge, Fouts, Wilcher
Motion passed. Council exited executive session at 7:05pm.

13. ADJOURNMENT

Motion made by Ruppert, Seconded by Aldridge.
Voting Yea: Ruppert, Vice Mayor Hall, Aldridge, Fouts, Wilcher
Motion passed. Council adjourned at 7:06pm

Brent Centers, Mayor

Khristi Dunn, Clerk of Council



LEGISLATIVE COVER MEMO

Meeting Date: July 29, 2024

Agenda Item: Resolution 2024-45

APPROVING THE APPLICATION TO ADD CERTAIN REAL PROPERTY TO THE FRANKLIN NEW COMMUNITY AUTHORITY DISTRICT AND TO AMEND THE PETITION FOR ESTABLISHMENT OF THE FRANKLIN NEW COMMUNITY AUTHORITY AS A NEW COMMUNITY AUTHORITY UNDER CHAPTER 349 OF THE OHIO REVISED CODE

Submitted by: Karisa Steed, Assistant City Manager

Scope/Description: In April of 2023, City Council approved the establishment of the Franklin New Community Authority (the "NCA"), pursuant to City Ordinance 2023-10. On June 17, via Resolution 2024-40, Council determined that the NCA Application for the Sheetz property was sufficient. After holding a public hearing, Council may approve the application to include the new property and to allow the voluntary imposition of community development charges on the property.

Exhibits: Exhibit A: Property Boundaries

Recommendation: Staff recommends approval

CITY OF FRANKLIN, OHIO
RESOLUTION 2024-45

APPROVING THE APPLICATION TO ADD CERTAIN REAL PROPERTY TO THE FRANKLIN NEW COMMUNITY AUTHORITY DISTRICT AND TO AMEND THE PETITION FOR ESTABLISHMENT OF THE FRANKLIN NEW COMMUNITY AUTHORITY AS A NEW COMMUNITY AUTHORITY UNDER CHAPTER 349 OF THE OHIO REVISED CODE

WHEREAS, pursuant to Ohio Revised Code (“R.C.”) Chapter 349, the City of Franklin, Ohio, as statutory developer within the meaning of R.C. Section 349.01(E) (the “Developer”), together with Franklin Watkins Glen, LLC (the “Property Owner”), as owner of the Additional Property, as described therein, filed an application (the “Application”) on June 17, 2024 with the City Council of the City of Franklin, Ohio (the “Council”) to add real property to the territory comprising the Franklin New Community Authority District (the “District”), and to amend the petition (the “Petition”) as originally filed with the Clerk of Council of the City for the establishment of the Franklin New Community Authority; and

WHEREAS, this Council is the “organizational board of commissioners,” as that term is defined in R.C. Section 349.01(F), for the Authority; and

WHEREAS, this Council determined that the Application complies with the requirements of R.C. Section 349.03 as to form and substance by its Resolution No. R-24-40, adopted on June 17, 2024; and

WHEREAS, on July 29, 2024 and pursuant to R.C. Section 349.03(A), this Council held a public hearing on the Application after public notice was duly published in accordance with R.C. Section 349.03;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Franklin, Ohio, a majority of the members present concurring, that:

SECTION 1. Council finds and determines that the addition of property to the District, as described in the Application, will be conducive to the public health, safety, convenience, and welfare, and is intended to result in the continued development of a new community as defined in R.C. Section 349.01(A).

SECTION 2. The Application is hereby accepted and shall be recorded, along with this Resolution, in the journal of Council, as the organizational board of commissioners.

SECTION 3. The existing boundary of the District shall be amended to include the territory set forth in Exhibit A attached to this Resolution.

SECTION 4. Council finds and determines that all formal actions of City Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that result in those formal actions were in meetings open to the public in compliance with the law.

SECTION 5. This Resolution is effective immediately upon its adoption.

ADOPTED: July 29, 2024

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of a resolution passed by that body on July 29, 2024.

_____ Khristi Dunn, Clerk of Council

Map

The attached map shows the location of the Additional Property (Sheetz).





LEGISLATIVE COVER MEMO

Introduction: July 15, 2024

Agenda Item: **Ordinance 2024-17**
AN ORDINANCE TO CONSIDER THE REQUEST FROM FORESTAR REAL ESTATE GROUP TO REZONE 109.5 ACRES OF LAND ON SHAKER ROAD AND MANCHESTER ROAD FROM I-2 GENERAL INDUSTRIAL DISTRICT TO R-2 METROPOLITAN RESIDENTIAL DISTRICT.

Submitted by: Barry Conway, City Engineer

Scope/Description: Charles E. Baverman III, of Dinsmore & Shohl, LLP on behalf of Forestar Real Estate Group, 9292 N. Meridian Street, Suite 211, Indianapolis, Indiana 46260 has requested a rezoning for their 109.5 acre parcel (Parcel # 0835200001) located on Shaker Road and Manchester Road from I-2 General Industrial District to R-2 Metropolitan Residential District.

This rezoning request was reviewed by Planning Commission at its July 10, 2024 regularly scheduled meeting. After holding a public hearing on the request, Planning Commission voted 6-0 to recommend to approve the rezoning request to City Council.

Vote Required for Passage: Per Section 4.12 of the City Charter, the amendment, or rejection of this Ordinance requires the affirmative vote of not less than FOUR members of Council.

Exhibits: Exhibit A: Rezoning Application

CITY OF FRANKLIN, OHIO
ORDINANCE 2024-17

AN ORDINANCE TO CONSIDER THE REQUEST FROM FORESTAR REAL ESTATE GROUP TO REZONE A 109.5 ACRE PARCEL OF LAND ON SHAKER ROAD AND MANCHESTER ROAD FROM I-2 GENERAL INDUSTRIAL DISTRICT TO R-2 METROPOLITAN RESIDENTIAL DISTRICT.

WHEREAS, the Forestar Real Estate Group has submitted a request to rezone a 109.5 acre parcel of land on Shaker Road and Manchester Road District (Parcel # 0835200001) from I-2 General Industrial District to R-2 Metropolitan Residential District and;

WHEREAS, the Franklin City Planning Commission, at its July 10, 2024 meeting, voted 6-0 to make a recommendation to Council for approval on the submitted rezoning request and;

WHEREAS, this Council, upon receipt of said recommendation, has timely conducted a public hearing in accordance with Section 4.03 of the Charter of the City of Franklin;

WHEREAS, this Council, upon receipt of said recommendation, has conducted a public hearing in accordance with Section 4.13 of the Charter of the City of Franklin; and

THE CITY OF FRANKLIN HEREBY ORDAINS

Section 1. Upon an affirmative vote of at least four (4) of the members of Council present, that the rezoning request is approved as recommended by Planning Commission. The Official Zoning Map of the City of Franklin, adopted by Ordinance 2020-01 on February 3, 2020, is hereby amended by changing the zoning from I-2 General Industrial District to R-2 Metropolitan Residential District for Parcel # 0835200001, located on Shaker Road and Manchester Road in the City of Franklin;

OR

Section 1. Upon an affirmative vote of at least four (4) of the members of Council present, that the recommendation of Planning Commission is overruled in the following respects:

_____ and;

Section 2. All ordinances or parts of ordinances that conflict with this ordinance are hereby repealed;

Section 3. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council;

Section 4. This Ordinance shall become effective on August 30, 2024.

INTRODUCED: July 15, 2024

ADOPTED: July 29, 2024

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of an Ordinance passed by that body on July 29, 2024.

Khristi Dunn, Clerk of Council



DINSMORE & SHOHL LLP
255 E. Fifth St., Suite 1900
Cincinnati, OH 45202
www.dinsmore.com

Charles E. Baverman III
513-977-8351 (direct) · (513) 977-8141 (fax)
Charlie.Baverman@Dinsmore.com

May 31, 2024

City of Franklin, Ohio
Building & Zoning Division
1 Benjamin Franklin Way
Franklin, OH 45005

Re: Rezoning Application

**Intersection of Shaker Road and Manchester Road, City of Franklin, Warren County,
Ohio Parcel ID 0835200001**

To Whom It May Concern:

Enclosed herewith are application materials for the proposed re-zoning of the above-referenced property from I-2 Light Industrial to a PUD overlay permitting the development of a residential subdivision thereon. For your convenience, the following is a list of the materials being submitted as part of the application:

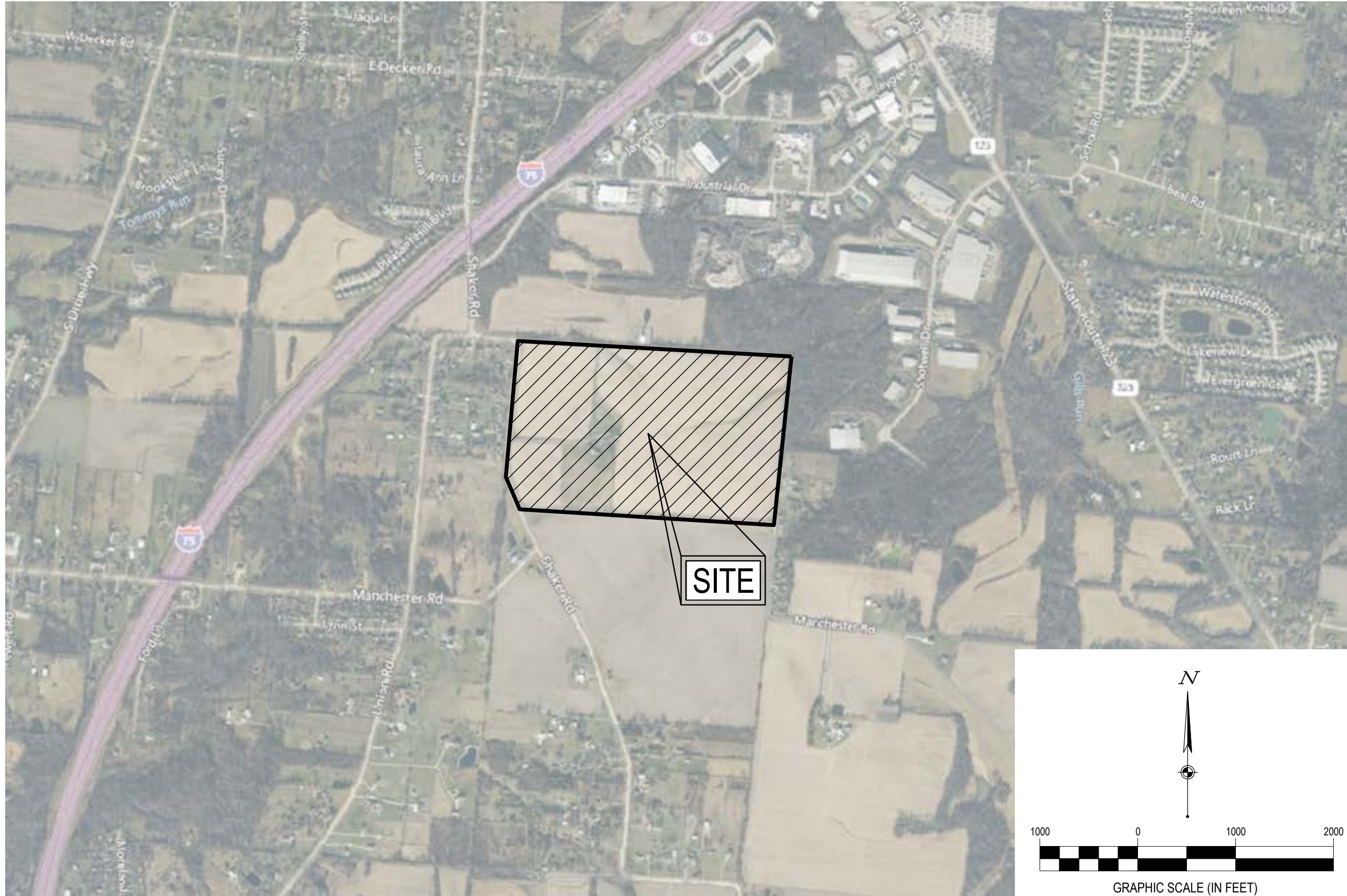
1. Executed copy of the application;
2. Notarized letter of authorization from the property owner;
3. Legal description of the Property;
4. List of all contiguous/adjacent owners;
5. Vicinity map (showing the matters requested by Item D of the application);
6. Statement (addressing the matters requested by Item E of the application);
7. Depictions of proposed community amenities;
8. Sample architectural renderings and housing features; and
9. Application fee check.

My client Forestar (USA) Real Estate Group Inc. and I appreciate your consideration of the application and look forward to working with the City of Franklin to bring this promising development to fruition. Please do not hesitate to reach out to me directly should you have any questions regarding the contents of the application.

Very Truly Yours,

Charles E. Baverman III
Attorney for Forestar (USA) Real Estate
Group Inc.

CEB/mah
enclosures
43751745.1



FORESTAR

SHAKER FARMS
 MANCHESTER ROAD AND SHAKER ROAD
 FRANKLIN TOWNSHIP, OH

© 2024 CESO, INC.

Project Number: 763884-01

Scale: 1"=1000'

Drawn By: RJL

Checked By: JSB

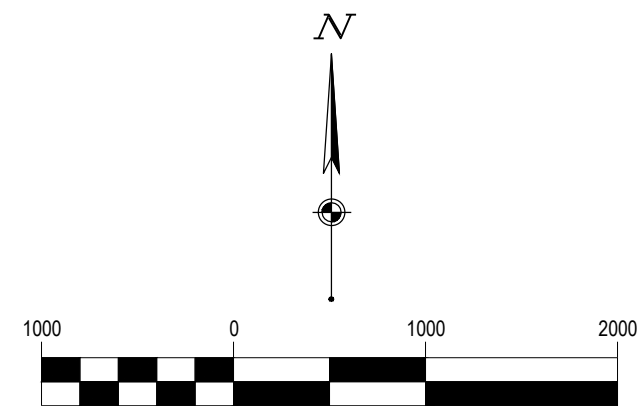
Date: MAY 2024

Issue: PRELIMINARY

Drawing Title:

VICINITY MAP

1



GRAPHIC SCALE (IN FEET)
1 in. = 1000 ft.



DINSMORE & SHOHL LLP
255 E. Fifth St., Suite 1900
Cincinnati, OH 45202
www.dinsmore.com

Charles E. Baverman III
513-977-8351 (direct) · (513) 977-8141 (fax)
Charlie.Baverman@Dinsmore.com

May 31, 2024

City of Franklin, Ohio
Building & Zoning Division
1 Benjamin Franklin Way
Franklin, OH 45005

Re: Supplement to Rezoning Application

Intersection of Shaker Road and Manchester Road, City of Franklin, Warren County, Ohio Parcel ID 0835200001

To Whom It May Concern:

This letter accompanies a Rezoning Application submitted on behalf of my client, Forestar (USA) Real Estate Group Inc. ("Forestar"). Forestar proposes to develop 284 single family residential lots on an approximately 110 acre parcel located at the intersection of Shaker Road and Manchester Road in the City of Franklin (the "City"), Warren County, Ohio Parcel ID 0835200001 (the "Property"). In order to facilitate this development, Forestar proposes to re-zone the Property from the I-2 General Industrial District ("I-2") to the Planned Unit Development Overlay District ("PUD"). Contemporaneously with this application we have also submitted a Planned Unit Development application and a preliminary development plan. This letter will explain Forestar's proposed development and the rationale for the proposed zone change.

Developer Overview

Forestar is a leading national residential lot developer focusing on the affordably priced single family home market. Based in Arlington, Texas, Forestar has averaged more than 14,500 residential lot deliveries annually from 2020 through 2023. It currently holds a portfolio of approximately 82,400 lots throughout the country, as shown in the graphic below.



Forestar is a majority-owned subsidiary of D.R. Horton, the largest homebuilder by volume in the United States since 2002. Forestar’s strong relationship with its parent entity creates a preferred buyer for Forestar developed lots. Forestar expects that D.R. Horton will acquire and develop all or a majority of the lots within this proposed community.

Proposed Community Overview

Forestar proposes to construct a residential subdivision development on the Property containing 46 townhome lots, 135 fifty-foot width lots and 103 sixty-foot width lots. The preliminary development plan included with this application also identifies numerous community amenities including pickleball courts, a children’s play area, dog park and walking trails. Depictions of these proposed amenities are included with this application.

Finally, the homes to be constructed within this community will feature numerous amenities that will be appealing to current and prospective City residents. A list of sample features often included in D.R. Horton home communities is included with this application, as are sample architectural renderings of home construction options for each of the lot types to be offered within the community.

Property Description

The Property is currently being used for agricultural purposes, with one residential structure constructed in 1963 located on the entire 110 acre parcel.

In 2023 the Property was annexed into the City and classified in the I-2 district.

Rationale for PUD Zoning

The City’s planning staff has recommended PUD zoning for the proposed project. Pursuant to Section 1109.05 of the City’s Municipal Code (the “Code”), PUD zoning may be used:

“to accommodate the development or redevelopment of parcels consistent with the design principles of traditional neighborhoods and conservation subdivisions. Traditional neighborhood development means a consolidated, mixed-use neighborhood where residential, commercial and civic buildings are within close proximity or walking distance to each other . . . Such proposed developments may be considered for approval at locations and with conditions that the City determines to be appropriate for the development and the surrounding area.”

The Code also states that PUD zoning should be used “to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning.”

As mentioned above, Forestar’s proposed community will include numerous attractive amenities and it will be designed in accordance with the City’s standards to ensure a high quality finished product.

Comprehensive Plan Compliance

Forestar’s proposed development aligns with the recently completed Reinvent Franklin 2040 Comprehensive Plan (the “Plan”), which intends for the Property to be used for single-family residential housing. The Future Land Use Map identified as Map 2.7 in Chapter 2: Land Use of the Plan designates the Property for “low density residential” use in the future. Under the Plan, “low-density residential” is defined as:

“0-6 dwelling units per acre. Characterized by single-family residential development with lots ranging in size and one to two-story buildings. These lots are characterized by a variety of single-family dwellings, ample open space, extensive landscaping, and separations between single-family dwellings and/or accessory buildings.”

The Plan identifies that the future land use map “provides a clear understanding of what the City expects for new development.”

Forestar’s proposed development would also promote the goals and findings of the Plan. Chapter 5 of the Plan lists the main goal of the Plan’s housing chapter as creating the conditions that create choice neighborhoods in the City, resulting in those neighborhoods becoming desirable and attractive housing options in the Miami Valley market. This goal comports with the finding made on page 82 of the Plan, which states that there is a need

for higher-end housing in the City and housing designed to lure young professionals and families to the City. The Plan identifies infill development as one of the ways that the Plan hopes to achieve its goal of creating choice neighborhoods of higher-end housing within the City, as outlined in Chapter 2: Land Use. However, as stated in the Plan, infill development in ‘core neighborhoods’ should shy away from single-family redevelopment.

Ultimately, Forestar’s development of the Property into single-family home lots would achieve the above-stated goals of the Plan by creating a highly desirable neighborhood that will stand out in the Miami Valley market and provide higher-end housing options that attract young professionals and families into the City. Further, the development of this community on a newly annexed site comports with the Plan’s goal of utilizing infill development on underdeveloped property to achieve the goals of the Plan, while avoiding the infilling of core neighborhoods where the Plan indicates that higher-density housing options are desired. Overall, the Forestar development will signal that the City is an economically vibrant and desirable locale where high-quality development is taking place, both of which concepts are underscored throughout the Plan.

Positive Community Impact

Forestar’s research indicates that the City, like most communities in this region, is in need of additional housing stock to both grow its population base and provide opportunities for existing residents to improve their standard of living. A rezoning of the Property to permit residential usage would accomplish those goals by taking an underutilized parcel and transforming it into a vibrant community containing a mixture of desirable housing options at different price points together with attractive community amenities.

Forestar intends to spend approximately \$23,000,000 in the development of this proposed residential community. That investment, combined with the investment in homes construction to be made following subdivision development, will enhance the value of surrounding properties and the addition of this community to the City’s tax base will benefit the City as a whole. Furthermore, the inflow of new residents who also work, eat and shop in the City will help existing business located throughout the City to thrive.

Forestar’s proposed development will benefit surrounding properties in numerous ways. Forestar will extend public utility lines to the Property in order to facilitate this development, which lines will then be accessible for use in any future development of neighboring properties thereby lessening the cost to develop those properties. The development of residential homes on this Property will also demonstrate the market for new housing in this portion of the City, which will have a positive impact on property values in the surrounding area.

Conclusion

As explained above, a single family residential home community is an ideal use for the Property that will have a positive economic impact for the City and will enhance the quality

of life available to current and future City residents. We respectfully request approval of this application so as to facilitate the development of this exciting project.

Very Truly Yours,



Charles E. Baverman III
Attorney for Forestar (USA) Real Estate
Group Inc.

CEB/MAH
enclosures

40307931.1

SCHEDULE II

Sample Elevations

See attached.







SCHEDULE III

Sample Depictions

See attached.







SAMPLE FEATURES

Community Included Features

- Cluster Mailboxes
- Stone water table with address plaque

A Gourmet's Delight

- Premium Aristokraft cabinetry with 36" upper cabinets
- Whirlpool stainless steel appliances, including electric smooth top range, microwave and dishwasher
- Stainless steel 8" deep double bowl sink
- Walk-in Pantry
- Ice maker water line rough-in
- Garbage disposal
- Microwave vented to the outside

Heart of the Home

- 9' Ceilings first floor
- Half wall on lower staircase
- Granite in kitchen with Spot-Resistant Pull-Down Faucet
- Quartz bathroom countertops
- Rev-wood flooring on first floor per plan
- Low-maintenance vinyl flooring in bath/laundry room
- Mohawk carpet in select areas of home
- Mohawk 3/8" 5lb carpet pad
- Moen chrome faucets in kitchen and baths
- Large 6' sliding glass door
- Arch top interior doors with smooth finish & knob handles
- Elongated commodes- Fiberglass tub/shower surround
- By-pass Shower doors
- Maxim exterior lighting
- Puck lights in Kitchen/Great room/all bedrooms/breakfast nook/study/ bathrooms & showers per plan
- Ceiling Fan R/I in Great room/ Bedroom 1
- Pre-primed interior trim & casing/ Sherwin Williams Paint
- Ventilated wire shelving in closets
- Smoke detectors w/ battery back-up in bedroom/ hallway

Luxurious Bedroom 1 Suite

- Generously sized Bedroom 1 with attached full Bath
- 4 Puck Lights and Ceiling Fan R/I
- Spacious walk-in closets
- Raised height double bowl vanities

Distinctive Exteriors

- Professionally designed exterior elevations
- Sodded front and side yards /Seed straw rear yard
- Landscaping package
- Low maintenance wood grain textured vinyl siding
- Dimensional fiberglass shingles
- Garage door opener, keypad & transmitters
- Garage coach lights
- Grids on front windows
- Shutters on front elevation per plan/elevation
- Vinyl ventilated soffits
- Continuous aluminum gutters and downspouts
- Two frost-proof exterior hose bibs
- Two exterior electrical outlets
- Concrete driveway and walkways

Energy Saving Features

- MI Vinyl insulated double pane windows with low-E glass, and screens
- 95% high-efficiency electric heat pump
- 15 SEER High efficiency air conditioner
- 50-gallon electric water heater with quick recovery
- Ridge vents for maximum attic ventilation
- High density R-15 wall insulation batt with vapor barrier
- R-49 Ceiling insulation
- Blower door & duct blasting tests prior to close
- Advanced air barrier & air sealing techniques
- Insulated wood front door & house to garage door

Home Is Connected

- DEAKO Switch package
- Video doorbell installed
- Programmable smart thermostat
- Amazon Echo Dot®
- Smart lock on front door
- Lamp Module
- Touchscreen control panel
- All smart home features are professionally integrated after closing
- Garage door opener w/ 2 transmitters & keypad

Superior Construction

- 2 CAT 6, 1 Phone Line CAT 5
- Non-corrosive PEX plumbing
- Passive radon mitigation system
- Engineered roof truss system
- All studs at 16" on center on all load bearing walls & exterior walls
- 220V Dryer outlet with dryer vent
- 200 AMP electric service

D.R. Horton's Personal Touch

- **America's #1 Homebuilder Since 2002****
- One-year limited warranty from D.R. Horton
- Two-year limited mechanical, electrical, plumbing and HVAC warranty from D.R. Horton
- Each D.R. Horton home is backed by an industry leading RWC Ten-year insured, transferable structural limited warranty
- 30 Year Tuff-n-Dri foundation waterproof and insulation on Basement plans
- Lifetime Limited Dimensional roof shingles
- Personalized homeowner orientation
- Final walk-through prior to closing
- 30 day, 6 month and 11 month scheduled warranty service.
- 50 Year Vinyl Siding Warranty

D.R. Horton is an Equal Housing Opportunity builder. Home and community information, including pricing, included features, terms, availability and amenities, are subject to change and prior sale at any time without notice or obligation. Options and upgrades are available at an additional cost and are subject to construction cut-off dates. D.R. Horton reserves the right to substitute for equal or higher priced models. See sales agent for complete details. D.R. Horton America's Builder is a registered trademark of D.R. Horton, Inc. Other registered trademarks used above are used for informational purposes only and do not indicate endorsement or sponsorship of the products or services of D.R. Horton, Inc. *Peephole not included if home has glass front door option. **D.R. Horton is America's largest new home builder by volume. Rev. 06/21/21



LEGISLATIVE COVER MEMO

Introduction: July 15, 2024

Agenda Item: **Ordinance 2024-18**

AN ORDINANCE TO CONSIDER A PLANNED UNIT DEVELOPMENT APPLICATION AND PRELIMINARY DEVELOPMENT PLAN FOR SHAKER FARMS FROM FORESTAR REAL ESTATE GROUP FOR A 109.5 ACRE PARCEL OF LAND ON SHAKER ROAD AND MANCHESTER ROAD.

Submitted by: Barry Conway, City Engineer

Scope/Description: Charles E. Baverman III, of Dinsmore & Shohl, LLP on behalf of Forestar Real Estate Group, 9292 N. Meridian Street, Suite 211, Indianapolis, Indiana 46260 has submitted a Planned Unit Development (PUD) Application and Preliminary Development Plan for Shaker Farms, a 109.5 acre parcel located on Shaker Road and Manchester Road.

This PUD Application and Preliminary Development Plan was reviewed by Planning Commission at its July 10, 2024 regularly scheduled meeting. After holding a public hearing on the request, Planning Commission voted 6-0 to recommend approval of the PUD Application and Preliminary Development Plan to City Council.

Vote Required for Passage: Per Section 4.12 of the City Charter, the amendment, or rejection of this Ordinance requires the affirmative vote of not less than FOUR members of Council.

Exhibits: Exhibit A: PUD Application and Preliminary Development Plan

CITY OF FRANKLIN, OHIO
ORDINANCE 2024-18

AN ORDINANCE TO CONSIDER A PLANNED UNIT DEVELOPMENT APPLICATION AND PRELIMINARY DEVELOPMENT PLAN FOR SHAKER FARMS FROM FORESTAR REAL ESTATE GROUP FOR A 109.5 ACRE PARCEL OF LAND ON SHAKER ROAD AND MANCHESTER ROAD.

WHEREAS, the Forestar Real Estate Group has submitted a Planned Unit Development (PUD) Application and Preliminary Development Plan for Shaker Farms, a 109.5 acre parcel of land on Shaker Road and Manchester Road District (Parcel # 0835200001) and;

WHEREAS, the Franklin City Planning Commission, at its July 10, 2024 meeting, voted 6-0 to make a recommendation to Council for approval of the Planned Unit Development Application and Preliminary Development Plan and;

WHEREAS, this Council, upon receipt of said recommendation, has timely conducted a public hearing in accordance with Section 4.03 of the Charter of the City of Franklin; and

WHEREAS, this Council, upon receipt of said recommendation, has conducted a public hearing in accordance with Section 4.13 of the Charter of the City of Franklin; and

THE CITY OF FRANKLIN HEREBY ORDAINS

Section 1. Upon an affirmative vote of at least four (4) of the members of Council present, that the Planned Unit Development Application and Preliminary Development Plan for Shaker Meadows are approved, as recommended by Planning Commission;

OR

Section 1. Upon an affirmative vote of at least four (4) of the members of Council present, that the Planned Unit Development Application and Preliminary Development Plan for Shaker Meadows are denied, overruling the recommendation by Planning Commission;

OR

Section 1. Upon an affirmative vote of at least four (4) of the members of Council present, that the Planned Unit Development Application and Preliminary Development Plan for Shaker Meadows are approved, as recommended by Planning Commission subject to additional conditions and restrictions to which the owner agreed;

_____ and;

Section 2. All ordinances or parts of ordinances that conflict with this ordinance are hereby repealed;

Section 3. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council;

Section 4. This Ordinance shall become effective on August 30, 2024.

INTRODUCED: July 15, 2024

ADOPTED: July 29, 2024

Section 7, Item C.

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of an Ordinance passed by that body on July 29, 2024.

Khristi Dunn, Clerk of Council



DINSMORE & SHOHL LLP
255 E. Fifth St., Suite 1900
Cincinnati, OH 45202
www.dinsmore.com

Charles E. Baverman III
513-977-8351 (direct) · (513) 977-8141 (fax)
Charlie.Baverman@Dinsmore.com

May 31, 2024

City of Franklin, Ohio
Building & Zoning Division
1 Benjamin Franklin Way
Franklin, OH 45005

Re: Planned Unit Development – Preliminary Development Plan Application

**Intersection of Shaker Road and Manchester Road, City of Franklin, Warren
County, Ohio Parcel ID 0835200001**

To Whom It May Concern:

Enclosed herewith are application materials for my client Forestar (USA) Real Estate Group Inc.'s proposed development of a single family residential home subdivision on the above-referenced property. For your convenience, the following is a list of the materials being submitted as part of the application:

1. Executed copy of the application;
2. Notarized letter of authorization from the property owner;
3. Legal description of the property;
4. List of all contiguous/adjacent owners;
5. General support narrative and statement (addressing the matters required by Items D and E of the application);
6. Preliminary Development Plan (showing the matters required by Item F of the application), including Parkland Requirements and Standards;
7. Depictions of proposed community amenities;
8. Existing Conditions Plan (included within Preliminary Development Plan);
9. Engineering feasibility statement; and
10. Application Fee Check;

My client and I appreciate your consideration of the Application and look forward to working with the City of Franklin to bring this promising development to fruition. Please do not hesitate to reach out to me directly should you have any questions regarding the contents of the application.

Very Truly Yours,

Charles E. Baverman III
Attorney for Forestar (USA) Real Estate
Group Inc.



DINSMORE & SHOHL LLP
255 E. Fifth St., Suite 1900
Cincinnati, OH 45202
www.dinsmore.com

Charles E. Baverman III
513-977-8351 (direct) · (513) 977-8141 (fax)
Charlie.Baverman@Dinsmore.com

May 31, 2024

City of Franklin, Ohio
Building & Zoning Division
1 Benjamin Franklin Way
Franklin, OH 45005

Re: Supplement to Planned Unit Development Application

Intersection of Shaker Road and Manchester Road, City of Franklin, Warren County, Ohio Parcel ID 0835200001

To Whom It May Concern:

This letter accompanies a Planned Unit Development Application submitted on behalf of my client, Forestar (USA) Real Estate Group Inc. ("Forestar"). Forestar proposes to develop 284 single family residential lots on an approximately 110 acre parcel located at the intersection of Shaker Road and Manchester Road in the City of Franklin (the "City"), Warren County, Ohio Parcel ID 0835200001 (the "Property"), as set forth in the preliminary development plan that accompanies this application (the "Plan").

In order to facilitate this development, contemporaneously with this application Forestar has also submitted an application to re-zone the Property to the Planned Unit Development Overlay District ("PUD"). This letter will explain Forestar's proposed development of the Property as depicted in the Plan.

Developer Overview

Forestar is a leading national residential lot developer focusing on the affordably priced single family home market. Based in Arlington, Texas, Forestar has averaged more than 14,500 residential lot deliveries annually from 2020 through 2023. It currently holds a portfolio of approximately 82,400 lots throughout the country, as shown in the graphic below.



Forestar is a majority-owned subsidiary of D.R. Horton, the largest homebuilder by volume in the United States since 2002. Forestar’s strong relationship with its parent entity creates a preferred buyer for Forestar developed lots. Forestar expects that D.R. Horton will acquire and develop all or a majority of the lots within this PUD.

Property and Surrounding Area

The Property is currently being used for agricultural purposes, with one residential structure constructed in 1963 located on the entire 110 acre parcel. In 2023 the Property was annexed into the City.

The Property sits along the southern boundary line of the City and is bordered by agricultural farmland to the north and industrial property to the east. Outside of the City’s boundaries, the land immediately south of the Property is being used as agricultural farmland and to the west is a single family residential home subdivision.

Preliminary Development Plan

The Plan included with this application contains 46 townhome lots, 135 fifty-foot width lots and 103 sixty-foot width lots for a total density of 2.59 units per acre. All lots will have 25-foot front and rear setbacks. Numerous community amenities are featured including pickleball courts, a children’s play area, dog park and walking trails, which will all be maintained by a homeowners association to be created prior to the sale of lots to end users. Over 20% of the total land area is designated as open space, some of which will be dedicated as parkland as further explained below.

Forestar will extend public water and sewer connections to and throughout this development and construct public streets and street lighting in compliance with City standards. All other components of the development will also comply with City standards,

including without limitation Chapter 1109.05 and 1111.03 of Section 1109.05 of the City's Municipal Code.

Forestar expects to spend approximately \$23,000,000 in the development of this project. That investment, combined with the investment in homes construction to be made following subdivision development, will enhance the value of surrounding properties and the addition of this community to the City's tax base will benefit the City as a whole.

Comprehensive Plan Compliance

Forestar's proposed development aligns with the recently completed Reinvent Franklin 2040 Comprehensive Plan (the "Plan"), which intends for the Property to be used for single-family residential housing. The Future Land Use Map identified as Map 2.7 in Chapter 2: Land Use of the Plan designates the Property for "low density residential" use in the future. Under the Plan, "low-density residential" is defined as:

"0-6 dwelling units per acre. Characterized by single-family residential development with lots ranging in size and one to two-story buildings. These lots are characterized by a variety of single-family dwellings, ample open space, extensive landscaping, and separations between single-family dwellings and/or accessory buildings."

The Plan identifies that the future land use map "provides a clear understanding of what the City expects for new development."

Forestar's proposed development would also promote the goals and findings of the Plan. Chapter 5 of the Plan lists the main goal of the Plan's housing chapter as creating the conditions that create choice neighborhoods in the City, resulting in those neighborhoods becoming desirable and attractive housing options in the Miami Valley market. This goal comports with the finding made on page 82 of the Plan, which states that there is a need for higher-end housing in the City and housing designed to lure young professionals and families to the City. The Plan identifies infill development as one of the ways that the Plan hopes to achieve its goal of creating choice neighborhoods of higher-end housing within the City, as outlined in Chapter 2: Land Use. However, as stated in the Plan, infill development in 'core neighborhoods' should shy away from single-family redevelopment.

Ultimately, Forestar's development of the Property into single-family home lots would achieve the above-stated goals of the Plan by creating a highly desirable neighborhood that will stand out in the Miami Valley market and provide higher-end housing options that attract young professionals and families into the City. Further, the development of this community on a newly annexed site comports with the Plan's goal of utilizing infill development on underdeveloped property to achieve the goals of the Plan, while avoiding the infilling of core neighborhoods where the Plan indicates that higher-density housing options are desired. Overall, the Forestar development will signal that the City is an economically vibrant and desirable locale where high-quality development is taking place, both of which concepts are underscored throughout the Plan.

Parkland Requirements and Standards

At a rate of 3.25 persons per single family home, this 284 lot PUD can be expected to have a total population of 923 persons. Forestar proposes to dedicate approximately 15.09 acres of open space within the development (13.78% of the Property) as parkland, in the location shown on the Plan.

Conclusion

As explained above, a single family residential home community is an ideal use for the Property that will have a positive economic impact for the City and will enhance the quality of life available to current and future City residents. We respectfully request approval of this application so as to facilitate the development of this exciting project.

Very Truly Yours,



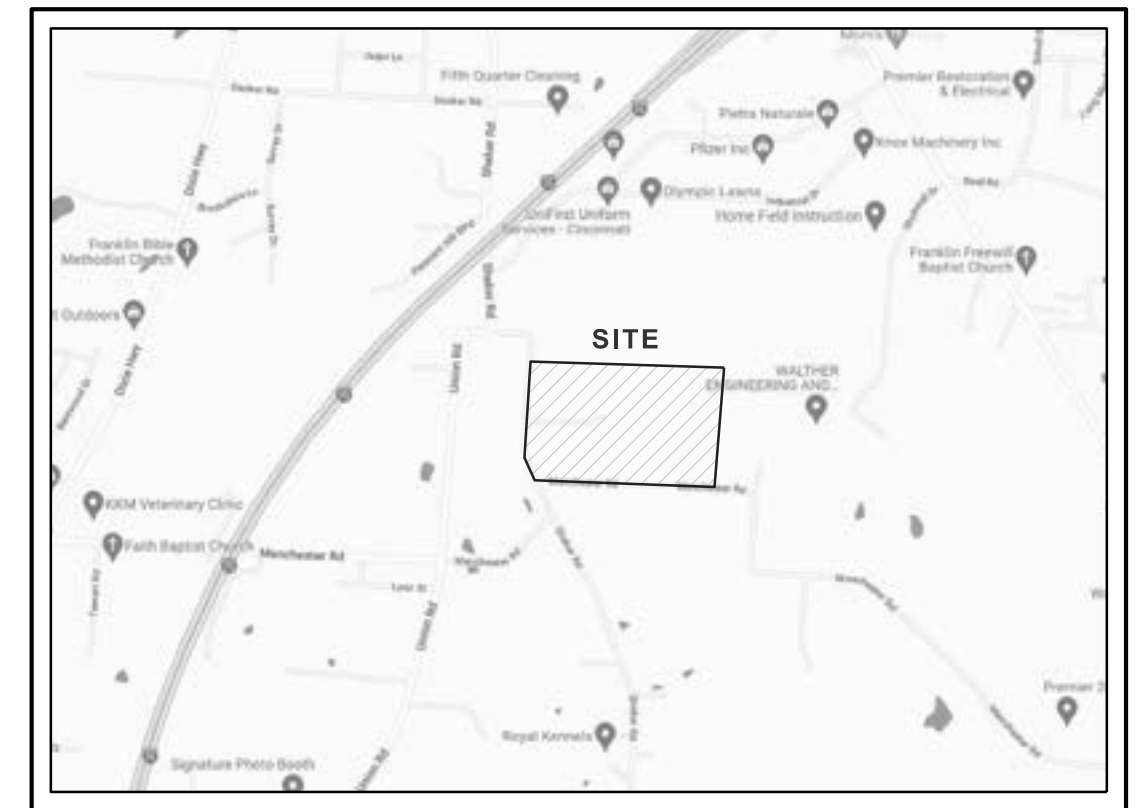
Charles E. Baverman III
Attorney for Forestar (USA) Real Estate
Group Inc.

CEB/MAH
enclosures

40307931.1

PRELIMINARY DEVELOPMENT PLAN SHAKER FARMS

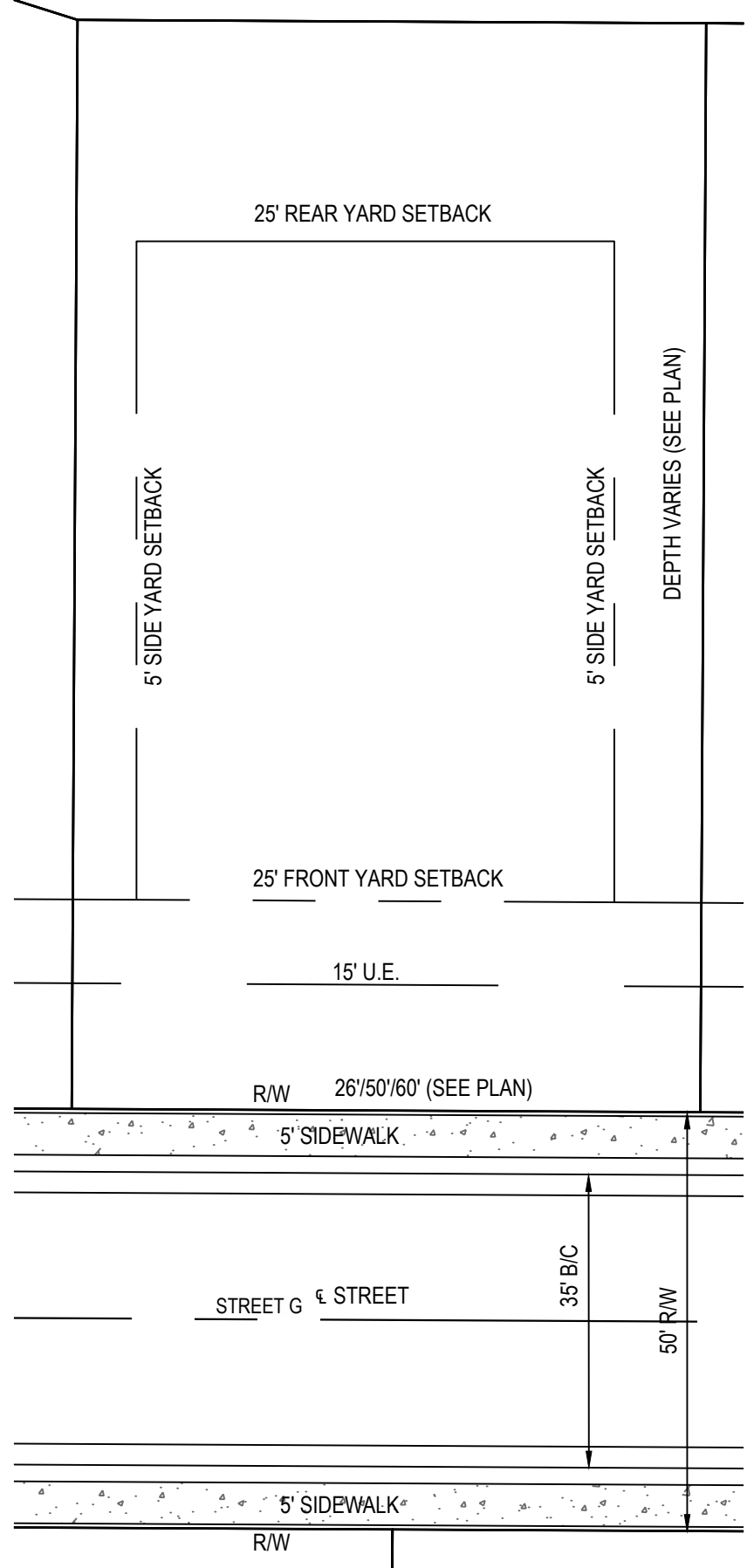
MANCHESTER ROAD AND SHAKER ROAD
FRANKLIN TOWNSHIP
WARREN COUNTY, OHIO
SECTION 35, TOWN 3, RANGE 4
MAY 31 2024



VICINITY MAP
NTS



THIS INFORMATION IS PRELIMINARY AND IS NOT TO BE USED FOR CONSTRUCTION OR RECORDING PURPOSES OR REPRESENTATION.

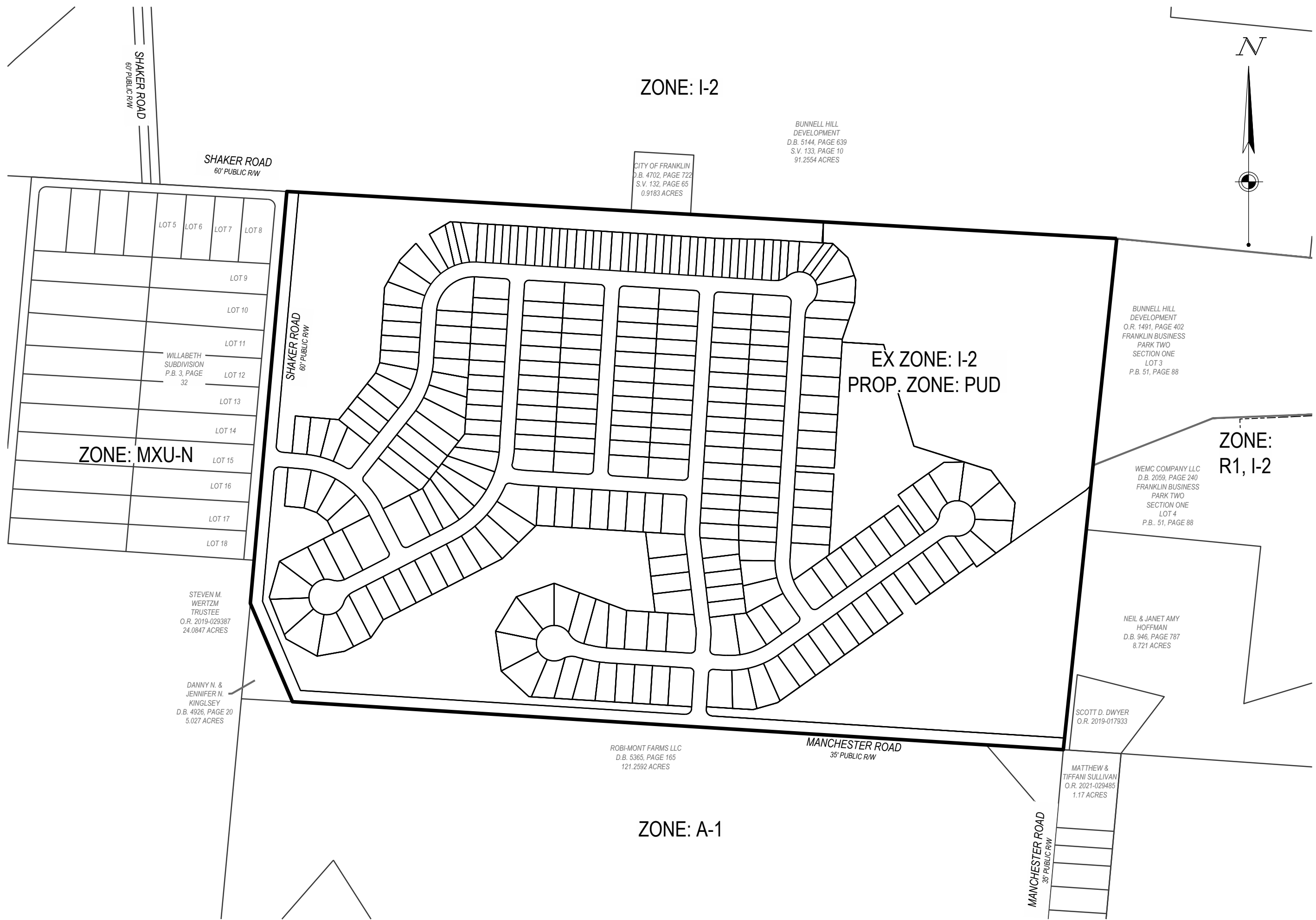


TYPICAL LOT DATA
SCALE: 1" = 20'
LOT DATA
LOT WIDTHS 26'(TOWNHOME)/50'(SINGLE FAMILY)
MIN. FRONT YARD SETBACK 25'
MIN. REAR YARD SETBACK 25'
MIN. SIDE YARD SETBACK 5', 10' TOTAL
MIN. SINGLE FAMILY LOT SIZE 6,000 SF

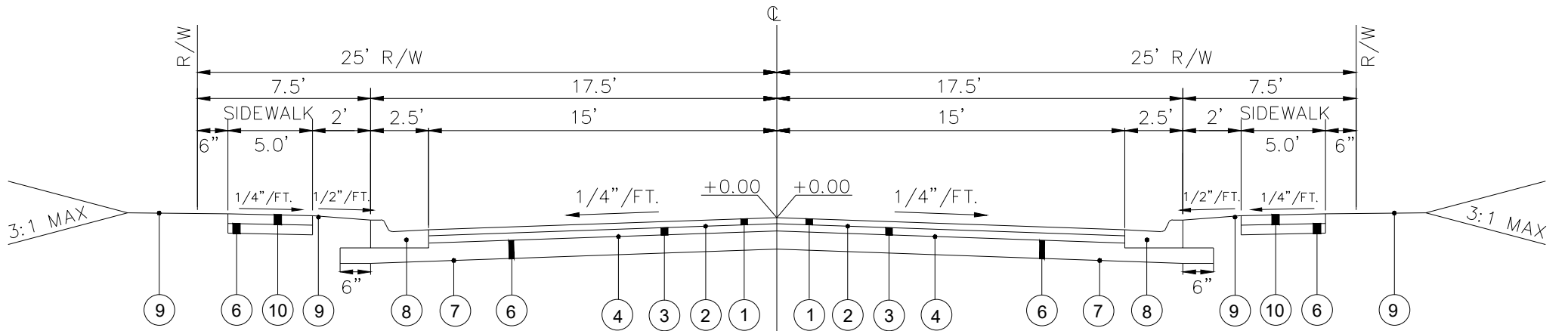
SHEET LIST TABLE	
SHEET NUMBER	SHEET TITLE
1	TITLE SHEET
2	EXISTING CONDITIONS
3	EXISTING CONDITIONS
4	EXISTING CONDITIONS
5	EXISTING CONDITIONS
6	OVERALL PLAN
7	LAYOUT PLAN
8	UTILITY PLAN
9	UTILITY OFFSITE CONNECTION PLAN
10	PRE-DEVELOPED DRAINAGE PLAN
11	POST-DEVELOPED DRAINAGE PLAN

SITE DATA TABLE	
OVERALL ACREAGE	109.50 ACRES
LOT/UNIT COUNT	284
DENSITY	2.59 UNITS/ACRE
OPEN SPACE	31.01 AC (28.32%)
PARKLAND DEDICATION AREA	15.09 AC (13.78%)

BENCHMARKS:
A- CHISELED X ON FIRE HYDRANT BOLT. HYDRANT LOCATED ON THE EAST EDGE OF PAVEMENT OF SHAKER ROAD NEAR THE NORTHWEST CORNER OF THE SITE. ELEV = 818.59
B- SPIKE IN A TELEPHONE POLE. POLE LOCATED ON THE WEST EDGE OF PAVEMENT OF SHAKER ROAD AT THE SOUTHWEST CORNER OF THE INTERSECTION OF MANCHESTER ROAD AND SHAKER ROAD. ELEV=861.08
C- SPIKE IN A TELEPHONE POLE. POLE LOCATED ON THE SOUTH EDGE OF PAVEMENT OF MANCHESTER ROAD. ELEV=889.37
D- CHISELD X ON FIRE HYDRANT BOLT. HYDRANT LOCATED ON THE WEST EDGE OF PAVEMENT AND GRAVEL SPLIT. BETWEEN HOUSES #4982 & #4990 ON ACCESS ROAD OFF MANCHESTER ROAD. ELEV=863.92



AREA MAP
SCALE: 1" = 300'



TYPICAL SECTION
(50' ROW)

- ① ITEM 441 - ASPHALT CONCRETE SURFACE COURSE, TYPE 1
- ② ITEM 407 - TACK COAT @0.1 GAL./S.Y.
- ③ ITEM 441 - ASPHALT CONCRETE INTERMEDIATE COURSE, TYPE 2
- ④ ITEM 408 - PRIME COAT @0.4 GAL./S.Y.
- ⑤ ITEM 301 - ASPHALT CONCRETE BASE
- ⑥ ITEM 304 - AGGREGATE BASE
- ⑦ ITEM 608 - SUBGRADE COMPACTION
- ⑧ ITEM 609 - COMBINATION CURB AND GUTTER
- ⑨ ITEM 659 - SEEDING AND MULCHING
- ⑩ ITEM 608 - 4" CONCRETE WALK

NOTES:

- ALL LOTS WILL CONTAIN SINGLE-FAMILY, DETACHED RESIDENCES AND ATTACHED TOWNHOMES.
- THE SITE WAS PREVIOUSLY FARMLAND.
- WATER SUPPLY TO BE BY CITY OF FRANKLIN.
- WASTEWATER DISPOSAL TO BE BY THE CITY OF FRANKLIN.
- STORMWATER SHALL COMPLY WITH THE CITY OF FRANKLIN STANDARDS AND OEPA.
- ALL STREETS ARE TO BE PUBLIC STREETS CONSTRUCTED TO THE CITY OF FRANKLIN STANDARDS.
- STREET LIGHTING SHALL BE PROVIDED TO CITY OF FRANKLIN STANDARDS AND IN COORDINATION WITH ELECTRIC UTILITY.
- THE OPEN SPACE AREAS SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
- EXISTING ZONING: I-2
- PROPOSED ZONING: PUD

DEVELOPER

FORESTAR
9292 N. MERIDIAN STREET, SITE 211
INDIANAPOLIS, IN 46260
PH: (317) 754-6951

ENGINEER/SURVEYOR

CESO, INC.
3601 RIGBY ROAD, SUITE 300
MIAMISBURG, OH 45342
PH: (937) 435-8584
JUSTIN ELAM, P.E.

OWNER(S)

MARY L. WERLINE, ETAL
5764 SHAKER RD.
FRANKLIN OH 45005

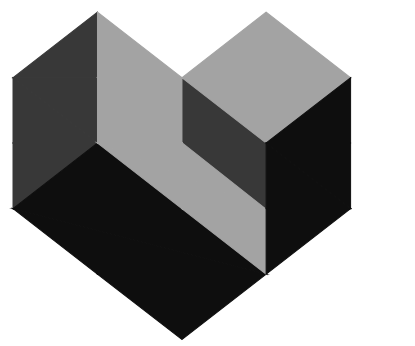
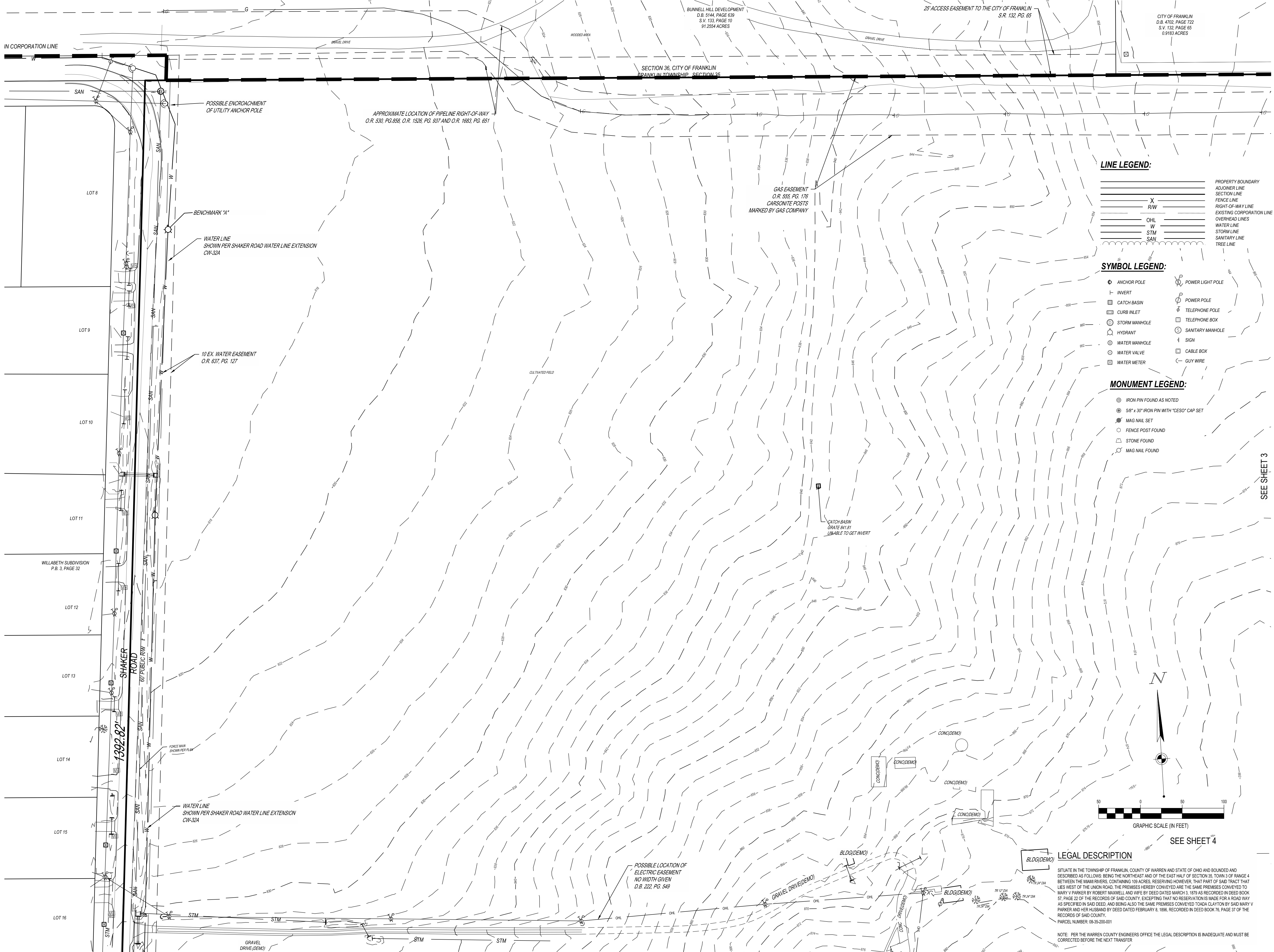
JUSTIN ELAM, P.E. DATE
OHIO LICENSE NO. E-76298

FORESTAR
SHAKER FARMS
 MANCHESTER ROAD AND SHAKER ROAD
 FRANKLIN TOWNSHIP, OH

Revisions / Submissions		
ID	Description	Date

© 2022 CESO, INC.
Project Number: 763884
Scale: 1" = 300'
Drawn By: SJS
Checked By: JEE
Date: MAY 31 2024
Issue: PRELIMINARY

Drawing Title:
TITLE SHEET



CESO
WWW.CESOINC.COM

3601 Regby Rd., Suite 300
Mansfield, OH 44880
Phone: 937.435.8584 Fax: 888.208.4826

LINE LEGEND:

---	PROPERTY BOUNDARY
---	ADJOINER LINE
---	SECTION LINE
---	FENCE LINE
X	RIGHT-OF-WAY LINE
---	EXISTING CORPORATION LINE
---	OVERHEAD LINES
W	WATER LINE
STM	STORM LINE
SAN	SANITARY LINE
---	TREE LINE

SYMBOL LEGEND:

●	ANCHOR POLE	⊕	POWER LIGHT POLE
⊥	INVERT	⊕	POWER POLE
⊠	CATCH BASIN	⊕	TELEPHONE POLE
⊠	CURB INLET	⊕	TELEPHONE BOX
⊕	STORM MANHOLE	⊕	SANITARY MANHOLE
⊕	HYDRANT	+	SIGN
⊕	WATER MANHOLE	⊠	CABLE BOX
⊕	WATER VALVE	---	GUY WIRE
⊕	WATER METER		

MONUMENT LEGEND:

⊕	IRON PIN FOUND AS NOTED
⊕	5/8" x 30" IRON PIN WITH "CESO" CAP SET
⊕	MAG NAIL SET
⊕	FENCE POST FOUND
⊕	STONE FOUND
⊕	MAG NAIL FOUND

THE INFORMATION ON THIS DOCUMENT IS PRELIMINARY OR CONSTRUCTION RECORDING PURPOSES ONLY. NOT FOR PERMANENT RECORD.

FORESTAR

SHAKER FARMS
MANCHESTER ROAD AND SHAKER ROAD
FRANKLIN TOWNSHIP, OH

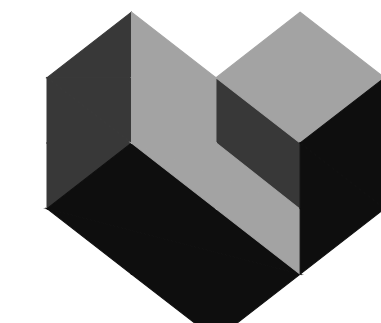
Revisions / Submissions

ID	Description	Date

Project Number: 763884
Scale: 1" = 100'
Drawn By: SJS
Checked By: JEE
Date: MAY 31 2024
Issue: PRELIMINARY

Drawing Title:
EXISTING CONDITIONS

W:\PROJECTS\FORESTAR\Ohio\763884-01 Shaker Farms\05-CIVIL\2-PRELIMINARY\PLAN\763884_Plan.dwg - 5/31/2024 - Riley Lake



CESO
WWW.CESOINC.COM

3601 Rgby Rd., Suite 300
Mansfield, OH 44880
Phone: 937.435.8584 Fax: 888.208.4826

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IS NOT TO BE USED FOR
CONSTRUCTION, RECORDING OR
PURPOSES OF REPRESENTATION.

FORESTAR

SHAKER FARMS
MANCHESTER ROAD AND SHAKER ROAD
FRANKLIN TOWNSHIP, OH

Revisions / Submissions

ID	Description	Date

© 2022 CESO, INC.

Project Number: 763884

Scale: 1" = 100'

Drawn By: SJS

Checked By: JEE

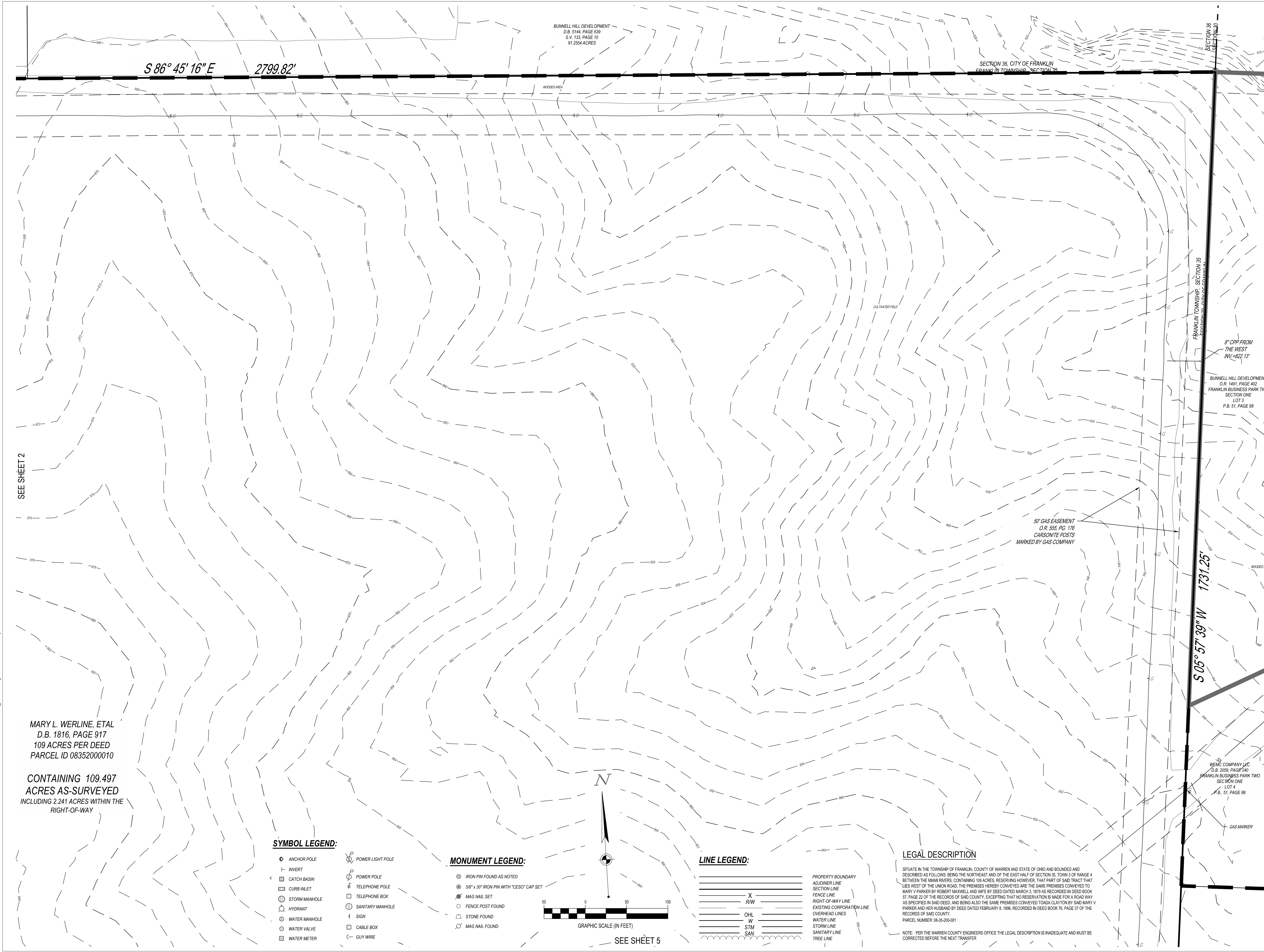
Date: MAY 31 2024

Issue: PRELIMINARY

Drawing Title:

**EXISTING
CONDITIONS**

3



S 86° 45' 16" E 2799.82'

BUNNELL HILL DEVELOPMENT
D.B. 5144, PAGE 639
S.V. 133, PAGE 10
91.2554 ACRES

SECTION 36, CITY OF FRANKLIN
FRANKLIN TOWNSHIP, SECTION 35

8" CPP FROM
THE WEST
INV. = 822.13'

BUNNELL HILL DEVELOPMENT
O.R. 1491, PAGE 402
FRANKLIN BUSINESS PARK TWO
SECTION ONE
LOT 3
P.B. 51, PAGE 88

50' GAS EASEMENT
O.R. 555, PG. 176
CARBONITE POSTS
MARKED BY GAS COMPANY

S 05° 57' 39" W 1731.25'

WELIC COMPANY LLC
O.R. 2069, PAGE 242
FRANKLIN BUSINESS PARK TWO
SECTION ONE
LOT 4
P.B. 51, PAGE 88

MARY L. WERLINE, ETAL
D.B. 1816, PAGE 917
109 ACRES PER DEED
PARCEL ID 08352000010

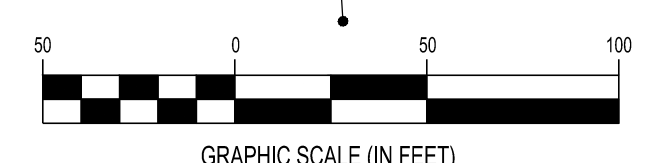
CONTAINING 109.497
ACRES AS-SURVEYED
INCLUDING 2.241 ACRES WITHIN THE
RIGHT-OF-WAY

SYMBOL LEGEND:

- ANCHOR POLE
- ⊥ INVERT
- ⊠ CATCH BASIN
- ⊠ CURB INLET
- ⊠ STORM MANHOLE
- ⊠ HYDRANT
- ⊠ WATER MANHOLE
- ⊠ WATER VALVE
- ⊠ WATER METER
- ⊠ POWER LIGHT POLE
- ⊠ POWER POLE
- ⊠ TELEPHONE POLE
- ⊠ TELEPHONE BOX
- ⊠ SANITARY MANHOLE
- ⊠ SIGN
- ⊠ CABLE BOX
- ⊠ GUY WIRE

MONUMENT LEGEND:

- ⊙ IRON PIN FOUND AS NOTED
- ⊙ 5/8" x 30" IRON PIN WITH "CESO" CAP SET
- ⊙ MAG NAIL SET
- ⊙ FENCE POST FOUND
- ⊙ STONE FOUND
- ⊙ MAG NAIL FOUND



N

SEE SHEET 5

LINE LEGEND:

- PROPERTY BOUNDARY
- ADJOINER LINE
- SECTION LINE
- FENCE LINE
- RIGHT-OF-WAY LINE
- EXISTING CORPORATE LINE
- OVERHEAD LINES
- WATER LINE
- STORM LINE
- SANITARY LINE
- TREE LINE
- X RW
- OHL
- W
- STM
- SAN

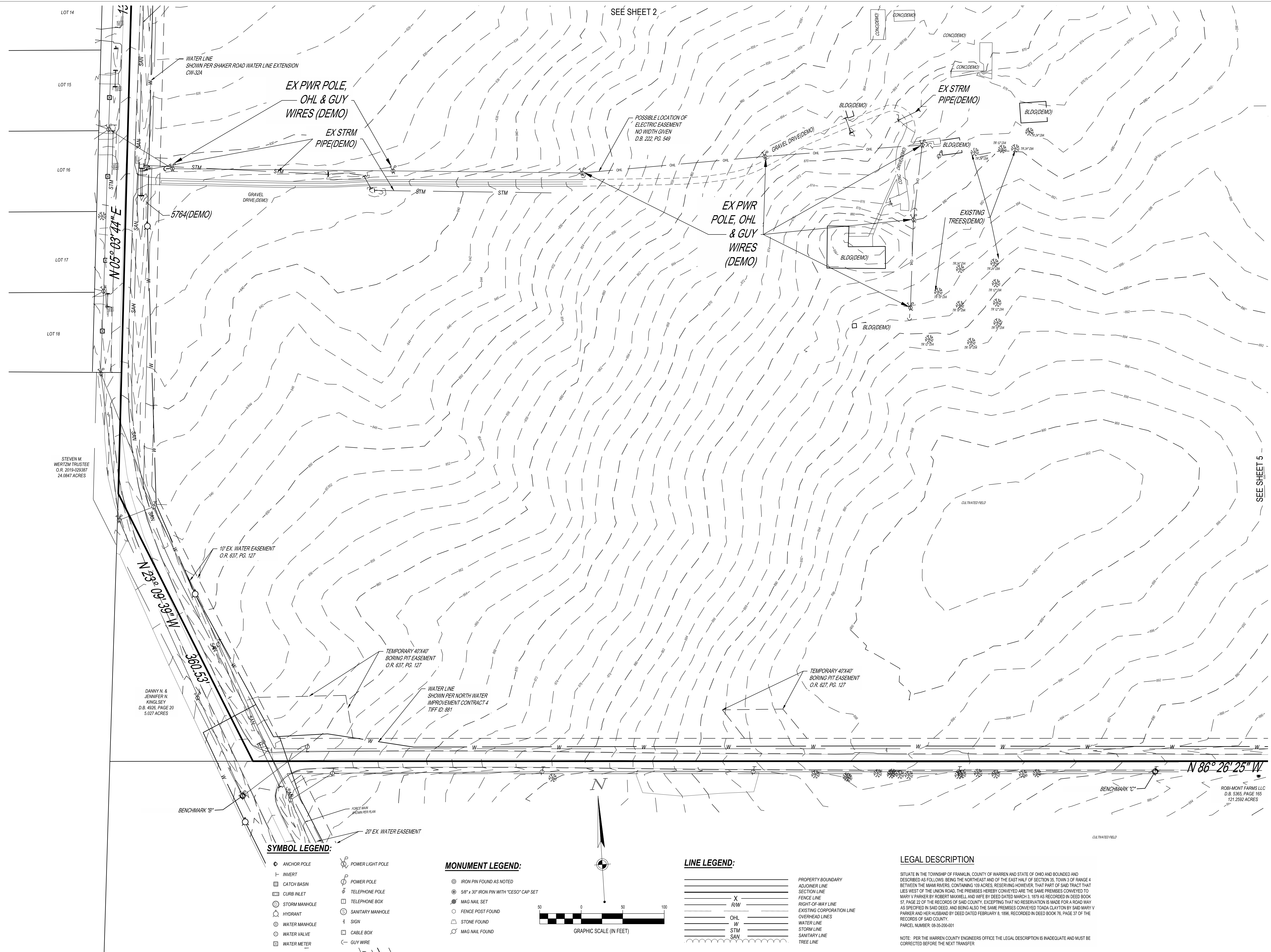
LEGAL DESCRIPTION

SITUATE IN THE TOWNSHIP OF FRANKLIN, COUNTY OF WARREN AND STATE OF OHIO AND BOUNDED AND DESCRIBED AS FOLLOWS: BEING THE NORTHEAST AND OF THE EAST HALF OF SECTION 35, TOWN 3 OF RANGE 4 BETWEEN THE MIAMI RIVERS, CONTAINING 109 ACRES, RESERVING HOWEVER, THAT PART OF SAID TRACT THAT LIES WEST OF THE UNION ROAD. THE PREMISES HEREIN CONVEYED ARE THE SAME PREMISES CONVEYED TO MARY V PARKER BY ROBERT MAXWELL AND WIFE BY DEED DATED MARCH 3, 1879 AS RECORDED IN DEED BOOK 57, PAGE 22 OF THE RECORDS OF SAID COUNTY, EXCEPTING THAT NO RESERVATION IS MADE FOR A ROAD WAY AS SPECIFIED IN SAID DEED, AND BEING ALSO THE SAME PREMISES CONVEYED TODIA CLAYTON BY SAID MARY V PARKER AND HER HUSBAND BY DEED DATED FEBRUARY 6, 1896, RECORDED IN DEED BOOK 76, PAGE 37 OF THE RECORDS OF SAID COUNTY. PARCEL NUMBER: 08-35-200-001.

NOTE: PER THE WARREN COUNTY ENGINEERS OFFICE THE LEGAL DESCRIPTION IS INADEQUATE AND MUST BE CORRECTED BEFORE THE NEXT TRANSFER.

W:\PROJECTS\FORESTAR\Ohio\763884-01 Shaker Farms\05-CIVIL\2-PRELIMINARY\PLAN\763884_PLN.dwg - 5/31/2024 - Riley Lake

SEE SHEET 2



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FORESTAR
SHAKER FARMS
 MANCHESTER ROAD AND SHAKER ROAD
 FRANKLIN TOWNSHIP, OH

Revisions / Submissions

ID	Description	Date

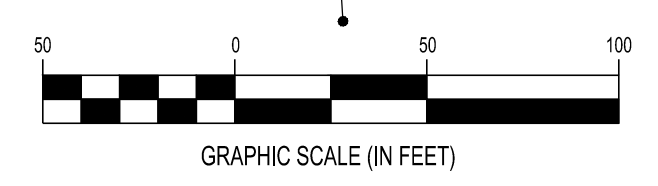
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 Project Number: 763884
 Scale: 1" = 100'
 Drawn By: SJS
 Checked By: JEE
 Date: MAY 31 2024
 Issue: PRELIMINARY

Drawing Title:
EXISTING CONDITIONS
4

W:\PROJECTS\FORESTAR\Ohio\763884-01 Shaker Farms\05-CIVIL\2-PRELIMINARY\PLAN\763884_PLAN.dwg - 5/31/2024 - Riley Lake

- SYMBOL LEGEND:**
- ANCHOR POLE
 - ⊥ INVERT
 - ▣ CATCH BASIN
 - ▣ CURB INLET
 - ⊙ STORM MANHOLE
 - ⊙ HYDRANT
 - ⊙ WATER MAINHOLE
 - ⊙ WATER VALVE
 - ⊙ WATER METER
 - ⊙ POWER LIGHT POLE
 - ⊙ POWER POLE
 - ⊙ TELEPHONE POLE
 - ⊙ TELEPHONE BOX
 - ⊙ SANITARY MANHOLE
 - ⊙ SIGN
 - ⊙ CABLE BOX
 - ⊙ GUY WIRE

- MONUMENT LEGEND:**
- ⊙ IRON PIN FOUND AS NOTED
 - ⊙ 5/8" x 30" IRON PIN WITH "CESO" CAP SET
 - ⊙ MAG NAIL SET
 - ⊙ FENCE POST FOUND
 - ⊙ STONE FOUND
 - ⊙ MAG NAIL FOUND



- LINE LEGEND:**
- PROPERTY BOUNDARY
 - ADJOINER LINE
 - SECTION LINE
 - FENCE LINE
 - RIGHT-OF-WAY LINE
 - EXISTING CORPORATION LINE
 - OVERHEAD LINES
 - WATER LINE
 - STM
 - SAN
 - TREE LINE
 - X- R/W
 - OHL
 - W
 - STM
 - SAN

LEGAL DESCRIPTION

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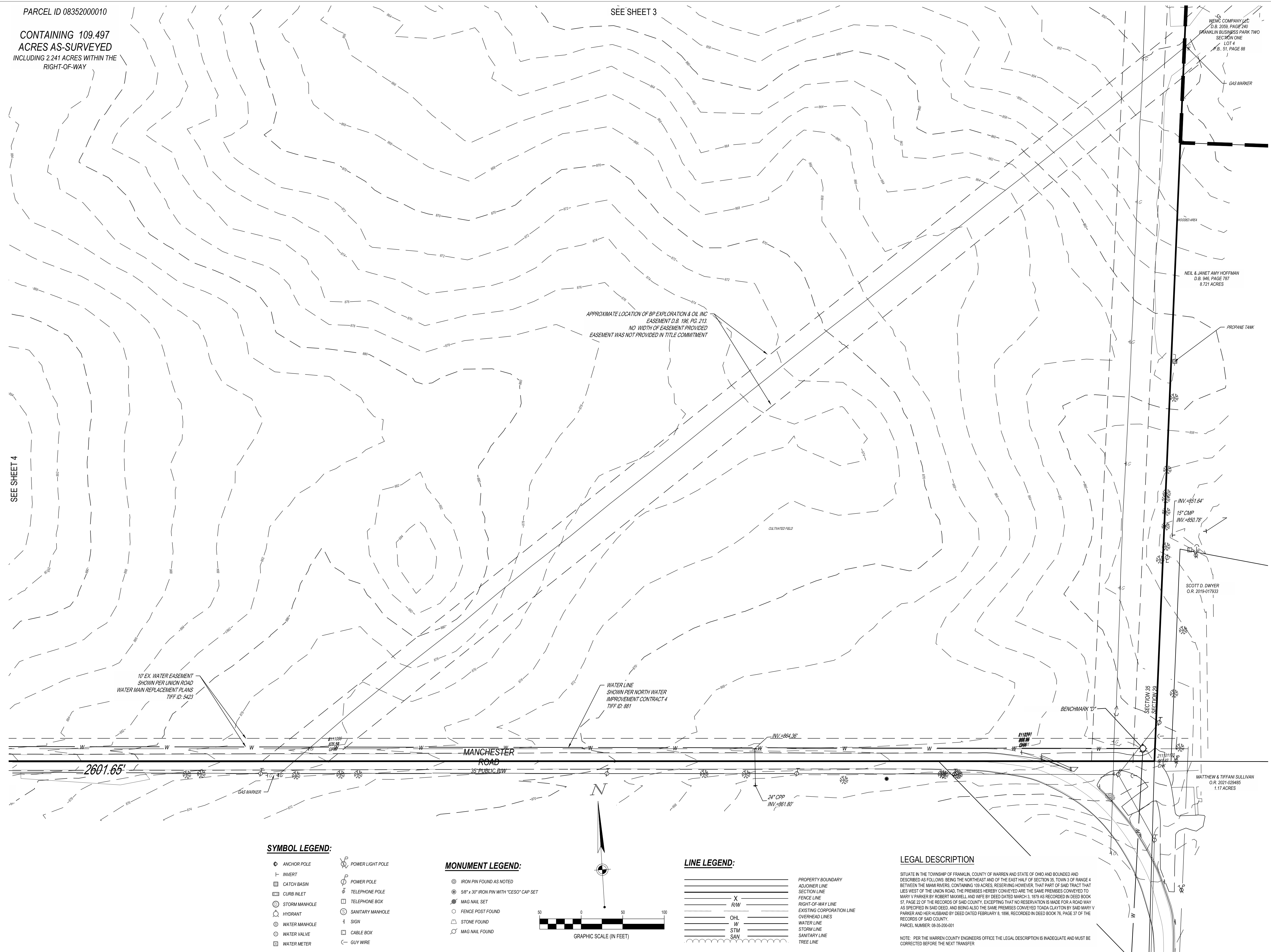
PARCEL ID 08352000010

SEE SHEET 3

CONTAINING 109.497 ACRES AS-SURVEYED INCLUDING 2.241 ACRES WITHIN THE RIGHT-OF-WAY



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SEE SHEET 4

APPROXIMATE LOCATION OF BP EXPLORATION & OIL, INC. EASEMENT D.B. 196, PG. 213. NO WIDTH OF EASEMENT PROVIDED. EASEMENT WAS NOT PROVIDED IN TITLE COMMITMENT.

10' EX. WATER EASEMENT SHOWN PER UNION ROAD WATER MAIN REPLACEMENT PLANS TIF ID: 5423

WATER LINE SHOWN PER NORTH WATER IMPROVEMENT CONTRACT 4 TIF ID: 881

WEAC COMPANY LLC D.B. 2009, PAGE 240 FRANKLIN BUSINESS PARK TWO SECTION ONE LOT 4 P.B. 51, PAGE 88

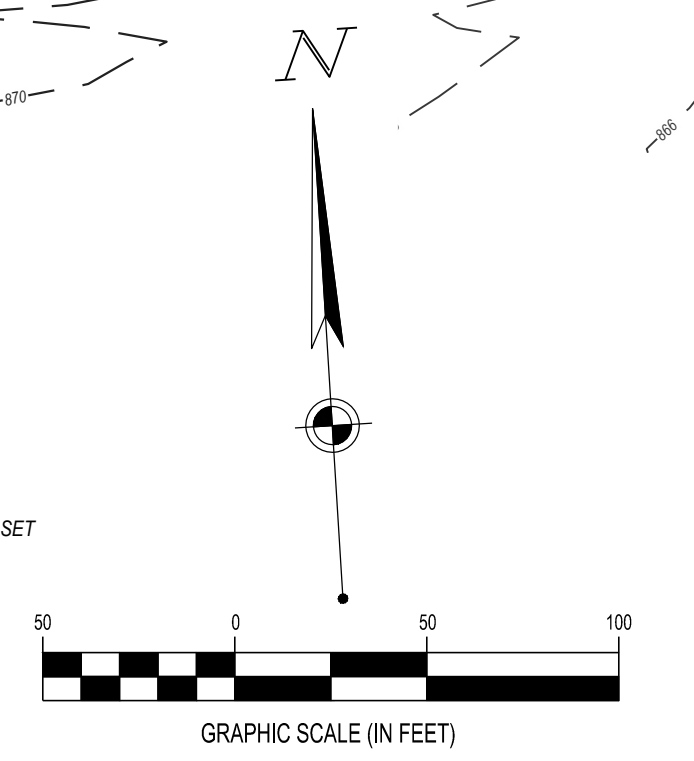
NEIL & JANET AMY HOFFMAN D.B. 946, PAGE 787 8.721 ACRES

SCOTT D. DWYER O.R. 2019-017933

MATTHEW & TIFFANI SULLIVAN O.R. 2021-029465 1.17 ACRES

- ANCHOR POLE, INVERT, CATCH BASIN, CURB INLET, STORM MANHOLE, HYDRANT, WATER MANHOLE, WATER VALVE, WATER METER, POWER LIGHT POLE, POWER POLE, TELEPHONE POLE, TELEPHONE BOX, SANITARY MANHOLE, SIGN, CABLE BOX, GUY WIRE

- IRON PIN FOUND AS NOTED, 5/8" x 30" IRON PIN WITH "CESO" CAP SET, MAG NAIL SET, FENCE POST FOUND, STONE FOUND, MAG NAIL FOUND



- PROPERTY BOUNDARY, ADJOINER LINE, SECTION LINE, FENCE LINE, RIGHT-OF-WAY LINE, EXISTING CORPORATION LINE, OVERHEAD LINES, WATER LINE, STORM LINE, SANITARY LINE, TREE LINE

LEGAL DESCRIPTION

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FORESTAR

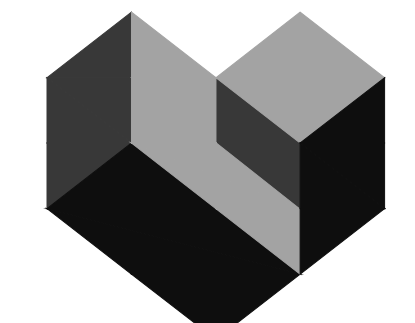
SHAKER FARMS MANCHESTER ROAD AND SHAKER ROAD FRANKLIN TOWNSHIP, OH

Revisions / Submissions

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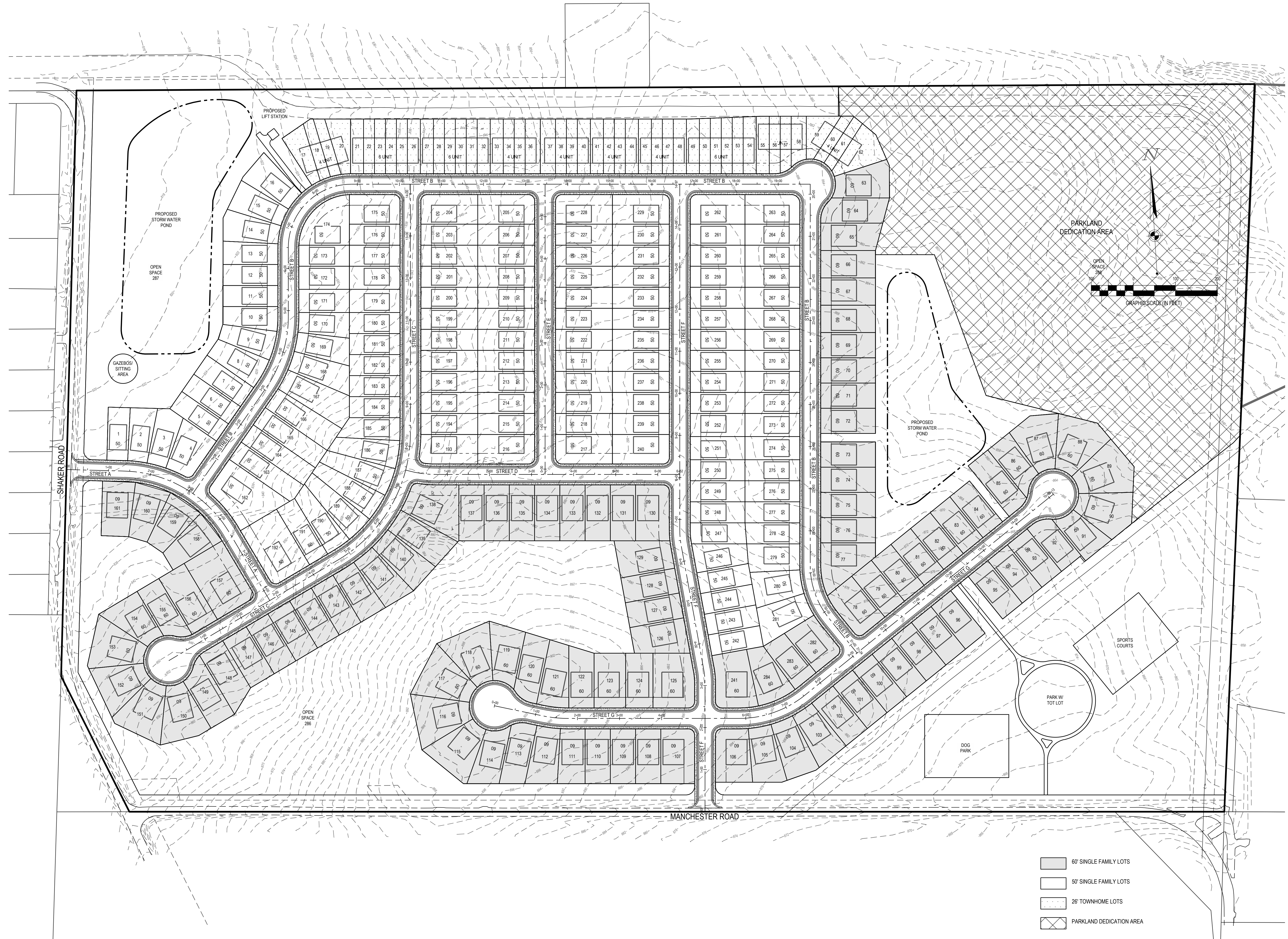
Drawing Title: EXISTING CONDITIONS



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Mansfield, OH 43042
Phone: 937.435.8584 Fax: 888.208.4826

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- 60' SINGLE FAMILY LOTS
- 60' SINGLE FAMILY LOTS
- 26' TOWNHOME LOTS
- PARKLAND DEDICATION AREA

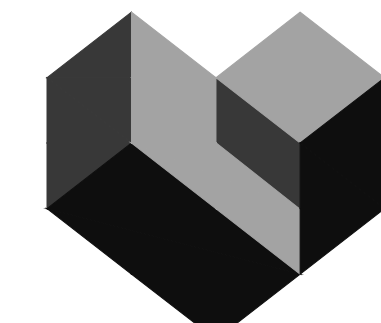
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SHAKER FARMS
MANCHESTER ROAD AND SHAKER ROAD
FRANKLIN TOWNSHIP, OH

Revisions / Submissions		
ID	Description	Date

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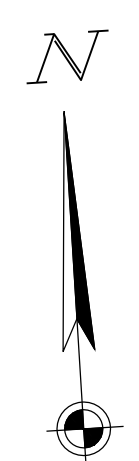
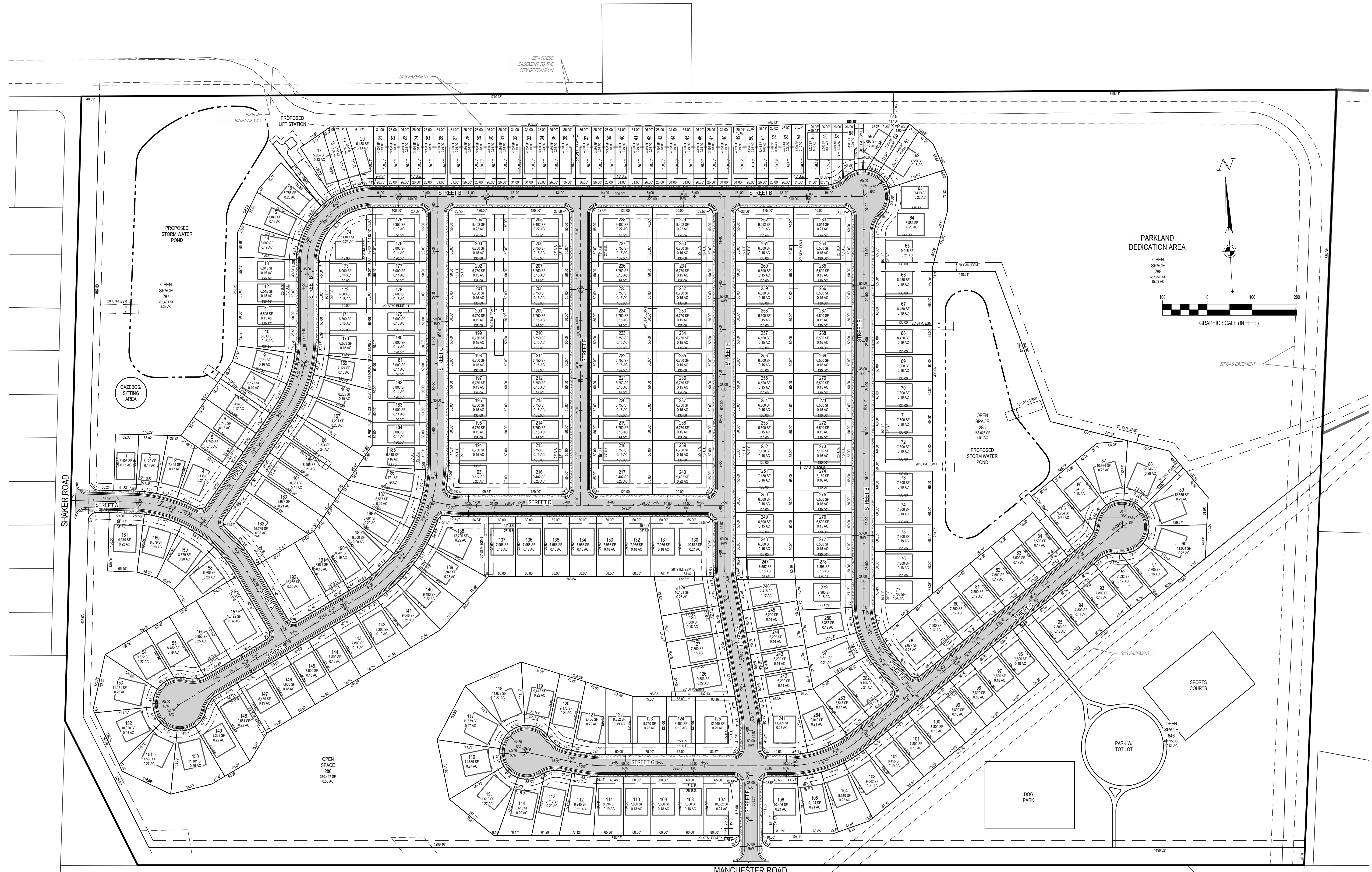
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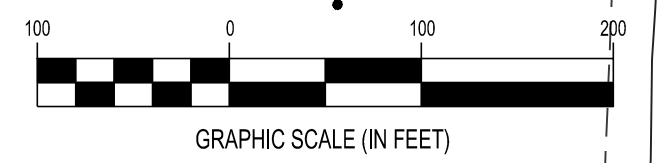
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PARKLAND DEDICATION AREA



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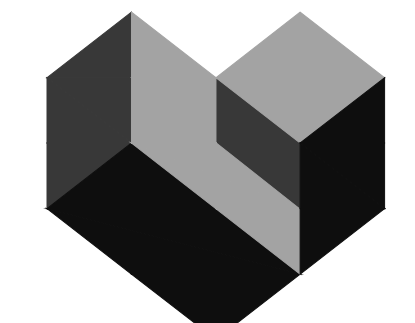
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FRANKLIN TOWNSHIP, OH

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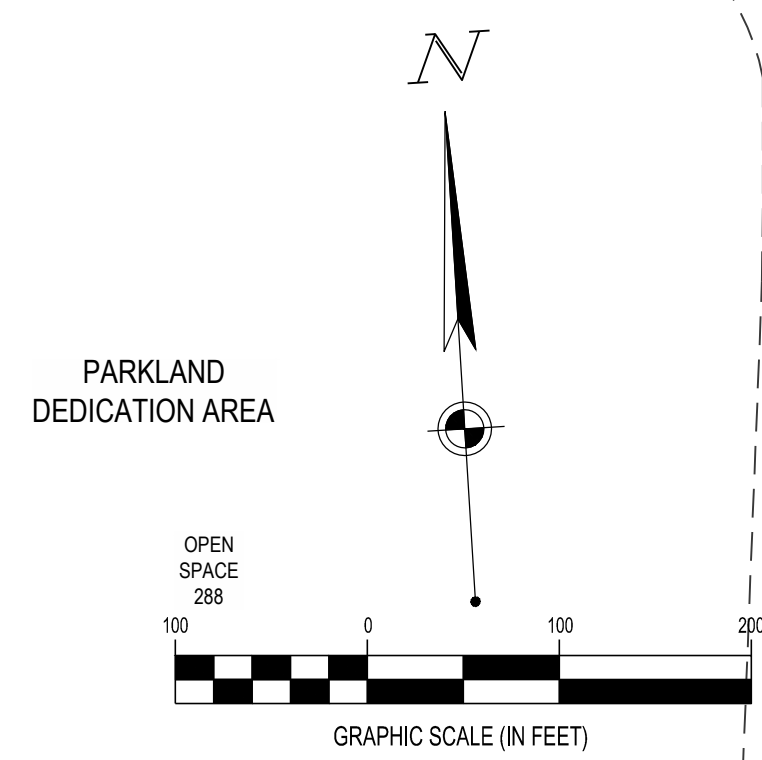
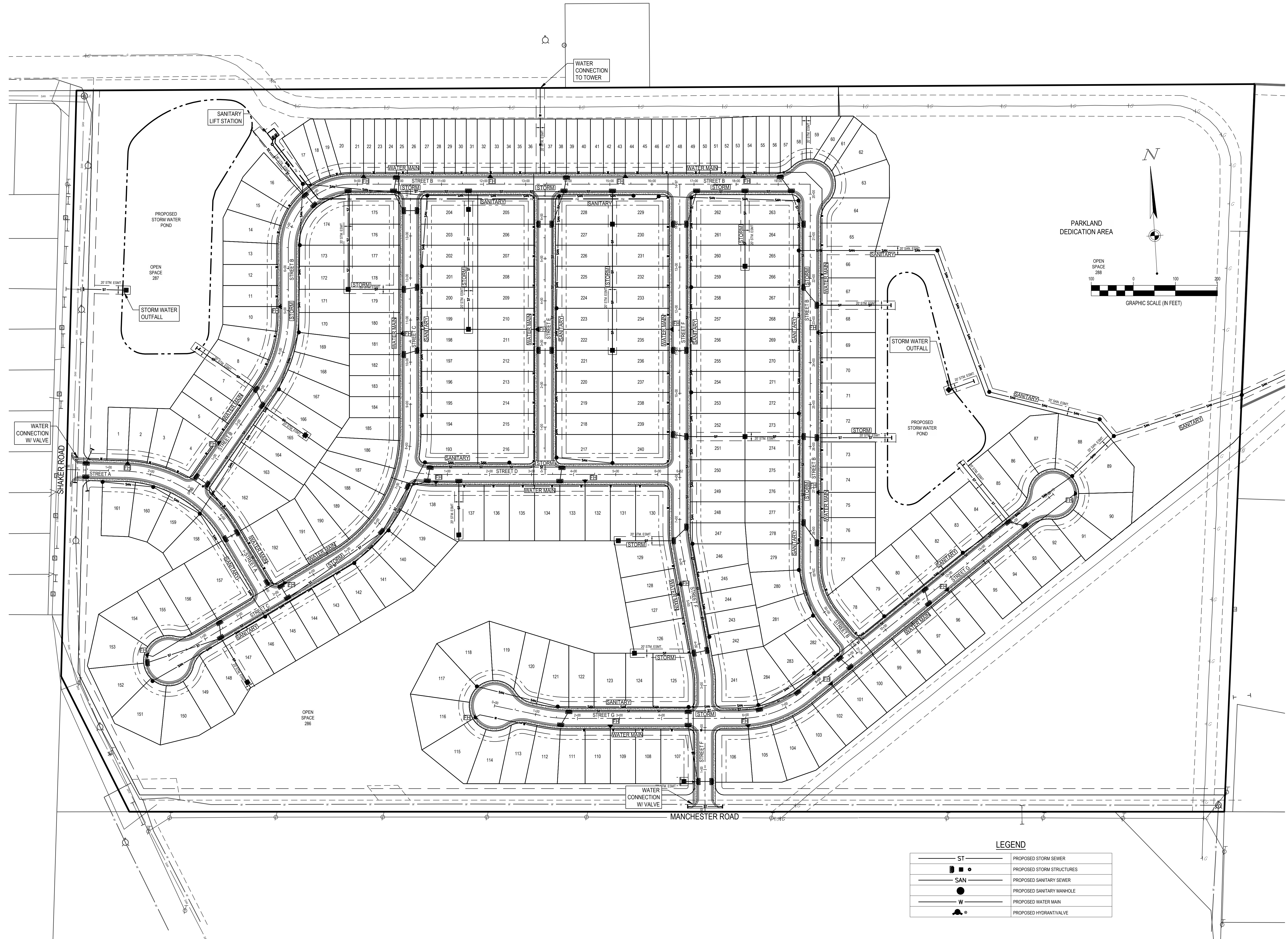
Drawing Title:
LAYOUT PLAN



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LEGEND

ST	PROPOSED STORM SEWER
ST	PROPOSED STORM STRUCTURES
SAN	PROPOSED SANITARY SEWER
●	PROPOSED SANITARY MANHOLE
W	PROPOSED WATER MAIN
●	PROPOSED HYDRANT VALVE

FORESTAR

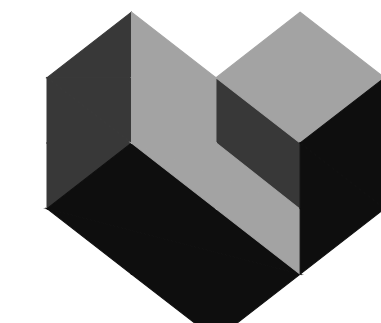
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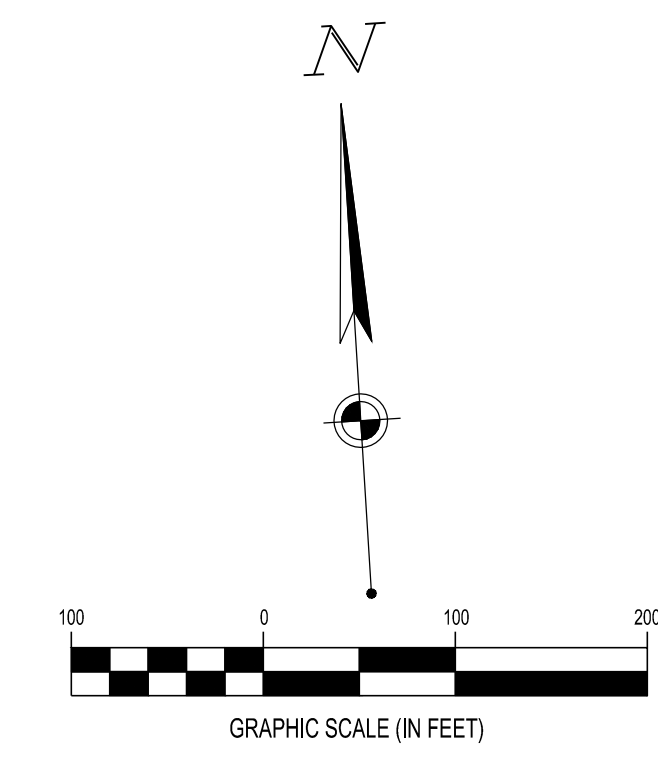
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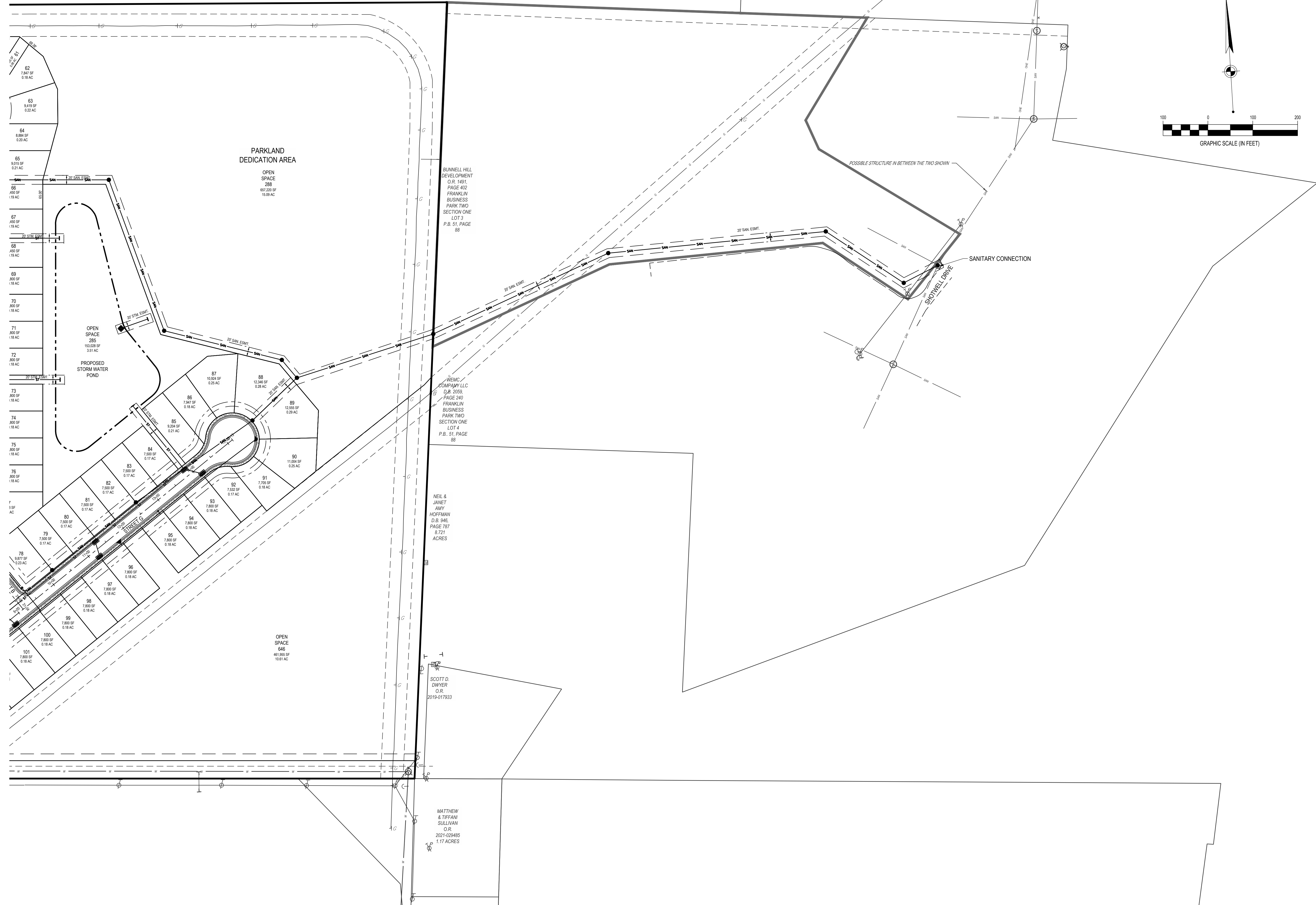
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BUNNELL HILL DEVELOPMENT
D.B. 5144, PAGE 639
S.V. 131, PAGE 110
97.2554 ACRES



PARKLAND
DEDICATION AREA

OPEN
SPACE
258
402,200 SF
15.59 AC

OPEN
SPACE
285
153,028 SF
5.51 AC

OPEN
SPACE
646
402,200 SF
15.51 AC

BUNNELL HILL
DEVELOPMENT
O.R. 1491,
PAGE 402
FRANKLIN
BUSINESS
PARK TWO
SECTION ONE
LOT 3
P.B. 51, PAGE
88

WEMC
COMPANY LLC
D.R. 2056,
PAGE 240
FRANKLIN
BUSINESS
PARK TWO
SECTION ONE
LOT 4
P.B. 51, PAGE
88

NEIL &
JANET
AMY
HOFFMAN
D.B. 946,
PAGE 787
8.721
ACRES

SCOTT D.
DWYER
O.R.
2019-017933

MATTHEW
& TIFFANI
SULLIVAN
O.R.
2021-029485
1.17 ACRES

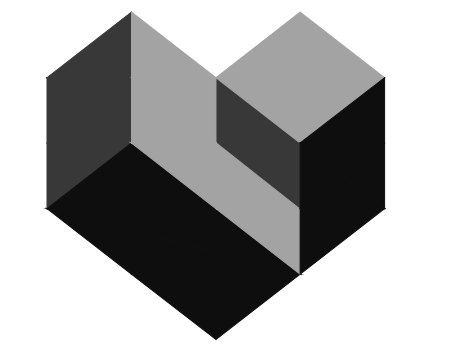
FORESTAR

SHAKER FARMS
MANCHESTER ROAD AND SHAKER ROAD
FRANKLIN TOWNSHIP, OH

Revisions / Submissions		
ID	Description	Date

Project Number: 763884
 Scale: 1" = 100'
 Drawn By: SJS
 Checked By: JEE
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 Issue: PRELIMINARY

Drawing Title:
**UTILITY OFFSITE
 CONNECTION PLAN**



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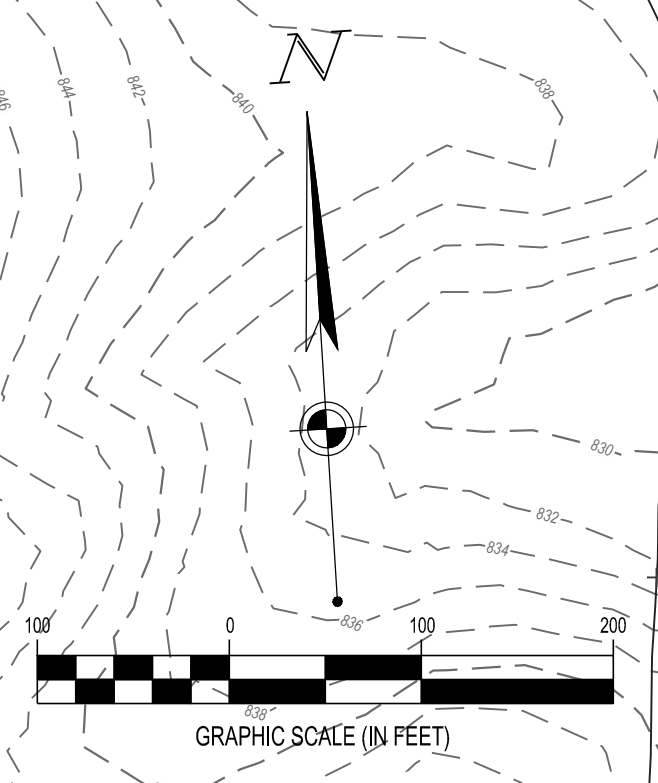
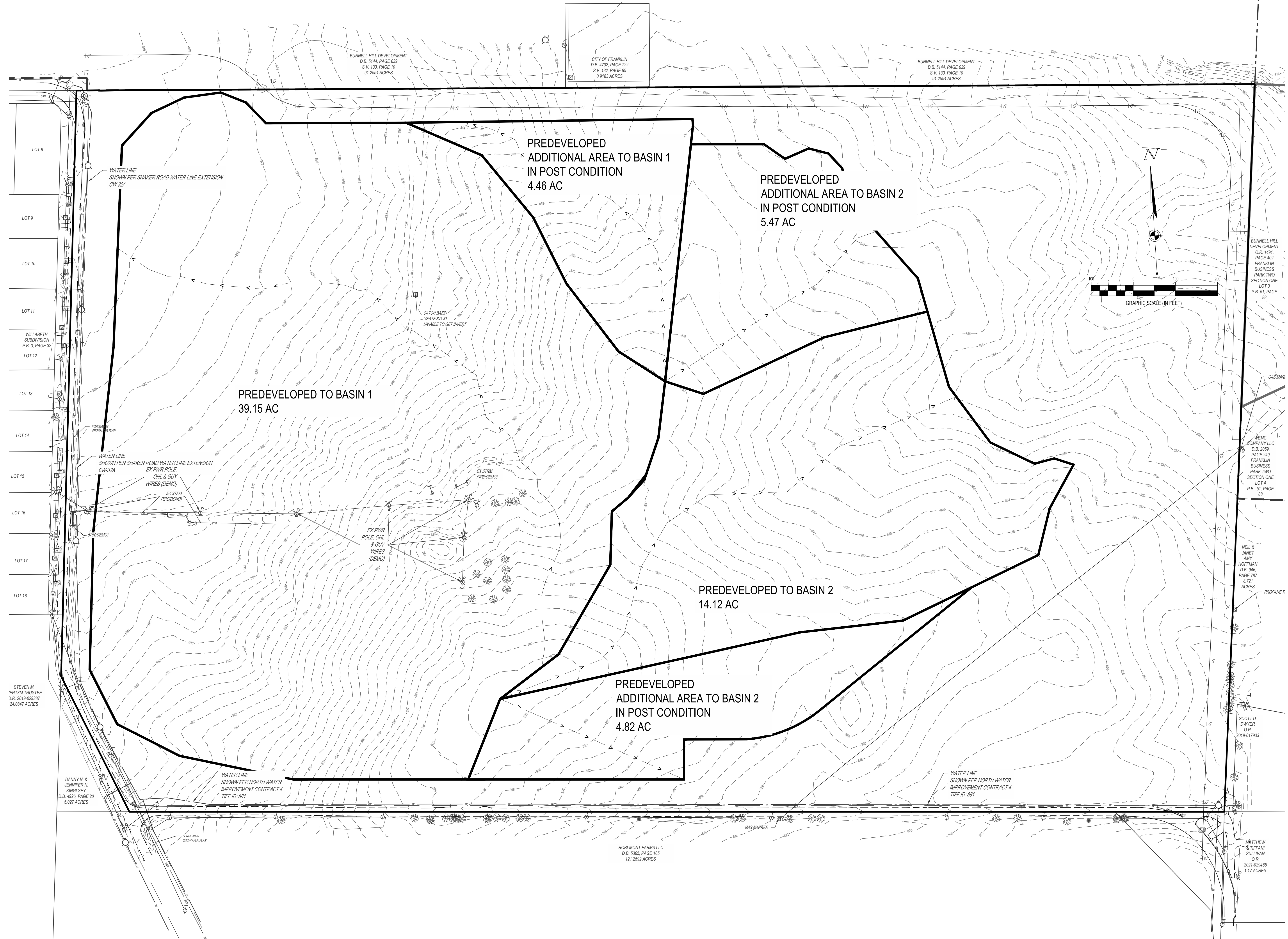
SHAKER FARMS
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Revisions / Submissions

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Project Number: 763884
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Drawn By: SJS
Checked By: JEE
Date: MAY 31 2024
Issue: PRELIMINARY

Drawing Title:
**PRE-DEVELOPED
DRAINAGE PLAN**



LOT 8
LOT 9
LOT 10
LOT 11
LOT 12
LOT 13
LOT 14
LOT 15
LOT 16
LOT 17
LOT 18

WILLABETH SUBDIVISION P.B. 3, PAGE 32
STEVEN M. ERTZM TRUSTEE O.R. 2019-029387 24.0847 ACRES
DANNY N. & JENNIFER N. KINGLESY D.B. 4926, PAGE 20 5.027 ACRES

BUNNELL HILL DEVELOPMENT D.B. 5144, PAGE 639 S.V. 133, PAGE 10 91.2554 ACRES

CITY OF FRANKLIN D.B. 4702, PAGE 722 S.V. 132, PAGE 65 0.9183 ACRES

BUNNELL HILL DEVELOPMENT D.B. 5144, PAGE 639 S.V. 133, PAGE 10 91.2554 ACRES

BUNNELL HILL DEVELOPMENT O.R. 1491, PAGE 402 FRANKLIN BUSINESS PARK TWO SECTION ONE LOT 3 P.B. 51, PAGE 88

WEMIC COMPANY LLC D.B. 2059, PAGE 240 FRANKLIN BUSINESS PARK TWO SECTION ONE LOT 4 P.B. 51, PAGE 88

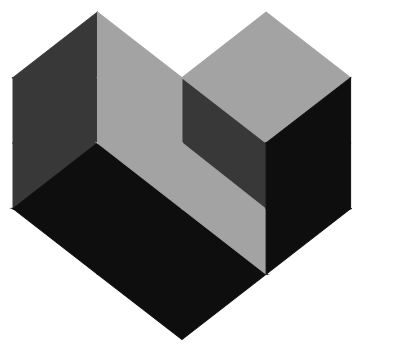
NEEL & JANET AMY HOFFMAN D.B. 546, PAGE 787 8.721 ACRES

SCOTT D. DWYER O.R. 2019-017933

MATTHEW & TIFFANI SULLIVAN O.R. 2021-029485 1.17 ACRES

ROB-MONT FARMS LLC D.B. 5395, PAGE 165 121.2592 ACRES

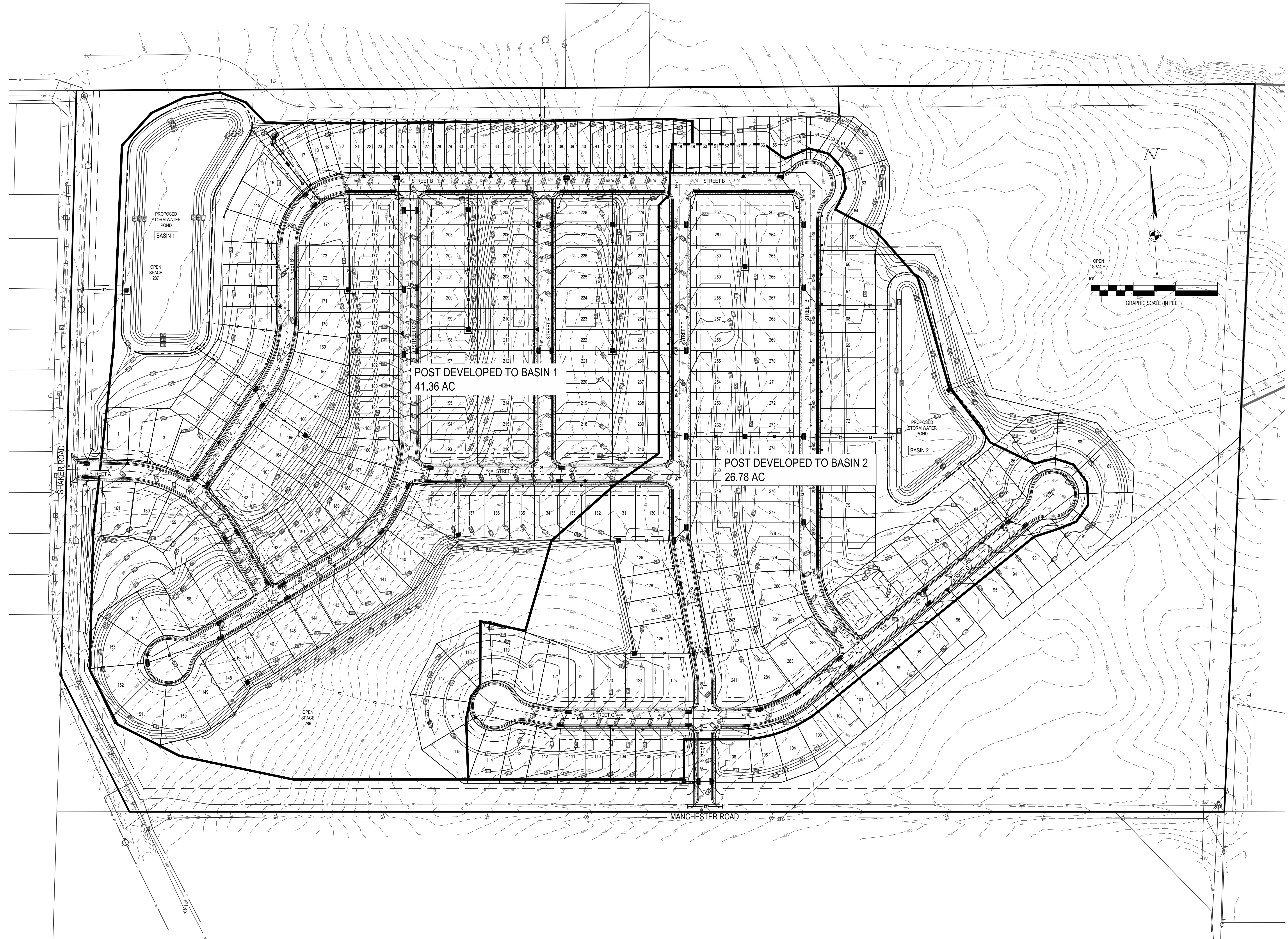
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SHAKER FARMS
MANCHESTER ROAD AND SHAKER ROAD
FRANKLIN TOWNSHIP, OH

Revisions / Submissions

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Drawn By: SJS
Checked By: JEE
Date: MAY 31 2024
Issue: PRELIMINARY

Drawing Title:
**POST-DEVELOPED
DRAINAGE PLAN**

SCHEDULE II

Sample Depictions

See attached.





May 31, 2024

Building and Zoning Division
1 Benjamin Franklin Way
Franklin, Ohio 45005

RE: Shaker Farms Engineering Feasibility – Preliminary Development Plan – Franklin, OH

Dear Planning Commission:

On behalf of Forestar (USA) Real Estate Group, Inc., CESO, Inc. is pleased to submit this engineering feasibility statement to accompany the Preliminary Development Plan application for the Shaker Farms Development. This project is located at 5764 Shaker Road, Franklin, OH 45005. The subject parcel (PID: 08352000010) is presently owned by Mary L. Werline, Trustee of the Werline Family Revocable Trust.

Stormwater Management

The existing site currently consists predominantly of open fields. The site is bound to the north and south by agricultural fields, to the west by several single-family lots and Shaker Road, and to the east by woods and an existing homestead. The existing tributary area consists of type B, C, B/D & C/D soils. The site is split by a ridgeline near the middle of the property with approximately half the site draining via overland flow to the east and the other half draining via overland flow to the west.

The proposed development consists of 284 single-family units and two (2) large open space reserves with associated roadway, walkways, site utilities, and two (2) retention basins. Post construction drainage patterns will generally follow existing conditions. This will be done by utilizing the two (2) proposed retention basins located in the northwest and eastern areas of the site.

Drainage swales and an underground storm sewer network will be constructed to convey runoff to the proposed retention basins. The stormwater runoff will be collected using a system of curb & gutter inlets and catch basins at localized low points. The storm sewer design on this project will be based on the 10-year storm event and checked using the 25-year storm event in accordance with the regulations set forth by the Warren County Stormwater Design Manual. If a higher storm event would take place or clogging/obstructions were to occur the site will be properly graded to convey the 100-year storm event by overland flow to the proposed retention basins while providing a minimum 1-foot of freeboard from any home.

Runoff from the development will be routed to the proposed retention basins. The proposed retention basins will be utilized to serve the site for both water quality and water quantity purposes. During the final engineering process, CESO, Inc. will develop a detailed stormwater management plan designed to meet the requirements set forth by the City of Franklin, outlined by the Warren County Stormwater Design Manual, as well as the water quality requirements set forth by the Ohio EPA General Construction Permit OHC000006.

Sanitary Sewer

An existing sanitary sewer is accessible along Shotwell Drive, east of the proposed development. Based on the ridgeline near the middle of the site, a portion of the development would require to be serviced by a sanitary lift station, that ties into gravity sewer on the eastern portion of the site, that ultimately ties into the existing sanitary sewer along Shotwell Drive. It is CESO's understanding the City of Franklin would allow for this development to tie into this existing sewer. However, capacities would need to be confirmed based on the proposed development plan.

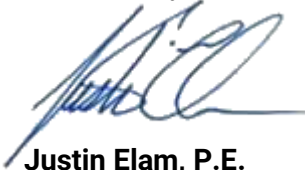
Water Main

An existing water main is accessible along both Shaker Road to the west and Manchester Road to the south. It is CESO's understanding these water mains are controlled by Warren County and connection to these may not be feasible. Connection is also proposed to the City of Franklin Water Tower directly north of and adjacent to the proposed development. Water capacities would need to be confirmed based on the proposed development plan, including ample fire flow capabilities in the water distribution system for residential uses.

Thank you for your consideration of the above Preliminary Development Plan application.

Should you have any further questions, please do not hesitate to contact me.

Respectfully,



Justin Elam, P.E.
Senior Engineer
elam@cesoinc.com
(937) 401-3959



LEGISLATIVE COVER MEMO

Introduction: July 29, 2024

Agenda Item: Resolution 2024-46

AWARDING THE BID AND AUTHORIZING EXECUTION OF THE CONTRACT WITH JOHN R. JURGENSON COMPANY FOR THE 2024 OPWC BEAL ROAD PAVING PROJECT.

Submitted by: Barry Conway, City Engineer

Scope/Description: The Engineer’s estimated cost for the Project was \$510,000. The project includes:

- Beal Road from the east side of the new bridge to the Eastern Corporation Line

On July 24, 2024, the City opened bids for this project, which were as follows:

Bidder	Total Bid
John R. Jurgensen Co.	\$349,697.80
Barrett Paving Materials, Inc.	\$358,018.00
Normac Company	\$358,893.00

Budget Impact: The OPWC Beal Road Paving Project will be taken out of the Issue Two Fund and the Capital Improvement Fund.

Exhibits: None.

Recommendation: Staff recommends that we accept the bid in the amount of \$349,697.80 from John R. Jurgenson Company as the lowest and best bid.

CITY OF FRANKLIN, OHIO
RESOLUTION 2024-46

**AWARDING THE BID AND AUTHORIZING EXECUTION OF THE CONTRACT WITH JOHN R. JURGENSON COMPANY
FOR THE 2024 OPWC BEAL ROAD PAVING PROJECT.**

WHEREAS, bids for the for the 2024 OPWC Beal Road Paving Project were opened on July 24, 2024, in accordance with the Notice to Bidders;

WHEREAS, it is determined by Council that the bid from John R. Jurgenson Company is the lowest and best; and

WHEREAS, this Council, by Ordinance 2023-29 has authorized the expenditure of funds for said contract through the appropriation of funds in the City's operating budget,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Franklin, Ohio, a majority of the members present concurring, that:

Section 1. The Bid for the 2024 OPWC Beal Road Paving Project is hereby awarded to John R. Jurgenson Company, 11641 Mosteller Road, Cincinnati, Ohio 45241, in the total bid amount of Three Hundred Forty-nine Thousand, Six Hundred Ninety-seven Dollars and 80 Cents (\$349,697.80), all in accordance with the Notice to Bidders, Instructions to Bidders, General Conditions, Specifications, Plans, and other documents contained in the bid packet.

Section 2. The City Manager is hereby directed to execute a contract with John R. Jurgenson Company for the 2024 OPWC Beal Road Paving Project, in accordance with Notice to Bidders, Instructions to Bidders, General Conditions, Specifications, Plans, and other documents contained in the bid packet upon which the bid was received. The costs of the contract shall be paid out of the funds appropriated for it in the City's operating budget.

Section 3. It is hereby found that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

Section 4. This Resolution shall become effective immediately upon its passage.

ADOPTED: July 29, 2024

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of a resolution passed by that body on July 29, 2024.

Khristi Dunn, Clerk of Council



LEGISLATIVE COVER MEMO

Introduction: July 29, 2024

Agenda Item: **Resolution 2024-47**

AMENDING RESOLUTION 2024-34 AND AUTHORIZING POSITION TITLES AND THE NUMBER OF POSITIONS FOR EACH TITLE FOR CITY OF FRANKLIN PERSONNEL FOR THE YEAR 2024

Submitted by: Adam Colon, Chief of Police

Scope/Description: In preparation for an upcoming retirement, this resolution will change the authorized Sergeant levels in the Division of Police from four to five. Once the position is filled and the retirement occurs, staff would like to keep the authorized Sergeant positions and reduce the officer positions by one, resulting in a net zero change of authorized positions.

Budget Impact: None.

Exhibits: Exhibit A: List of Authorized Positions

Recommendation: Approval

CITY OF FRANKLIN, OHIO
RESOLUTION 2024-47

AMENDING RESOLUTION 2024-34 AND AUTHORIZING POSITION TITLES AND THE NUMBER OF POSITIONS FOR EACH TITLE FOR CITY OF FRANKLIN PERSONNEL FOR THE YEAR 2024

WHEREAS Section 3.03 of the City of Franklin Charter grants this Council the power to fix the number of employees in the various offices, departments, divisions, bureaus, boards and commissions of the City, by ordinance or resolution; and

WHEREAS, Section 171.04 of the Codified Ordinances of the City of Franklin requires this Council, by ordinance or resolution, to establish a yearly list of position titles and the number of positions that may be filled under each title for each department of the City government; and

WHEREAS, on May 6, 2024 this Council passed Resolution 2024-34 Authorizing position titles for each title for City of Franklin personnel for the Year 2024;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Franklin, a majority of the members of Council present concurring, that:

Section 1. The attached list, Exhibit A, of position titles and the number of positions to be filled under each title for the year 2024 is hereby authorized and approved, subject to the availability of funds authorized in the Annual Appropriations Ordinance:

Section 2. It is hereby found that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

Section 3. This Resolution shall become effective July 29, 2024.

ADOPTED: July 29, 2024

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of a resolution passed by that body on July 29, 2024.

Khristi Dunn, Clerk of Council

City of Franklin
Authorized Position Titles

Full Time Part-Time Seasonal Volunteer

A. Council:

Clerk of Council	1	0	0	0
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B. Administration:

City Manager	1	0	0	0
Assistant City Manager	1	0	0	0
Admin. Assistant to City Manager	0	0	0	0
Secretary to City Manager	0	1	0	0
Human Resources Specialist	1	0	0	0
Seasonal Intern	0	0	4	0

C. Finance Department:

Finance Director	1	0	0	0
Finance Clerk	0	1	0	0
Payroll Clerk	1	0	0	0
Accounts Payable Clerk	1	0	0	0

Income Tax Division:

Income Tax Administrator	1	0	0	0
Income Tax Clerk	1	1	0	0
Seasonal Income Tax Clerk	0	0	2	0

Utility Billing Division:

Utility Billing Administrator	1	0	0	0
Utility Clerk	1	1	0	0

D. Law Department:

Law Director	0	1 (contractual)		
Prosecutor	0	1 (contractual)		

E. Public Works Department:

Public Works Director	1	0	0	0
Assistant Public Works Director	1	0	0	0
Administrative Assistant for Public Works	1	0	0	0
Custodian	1	0	0	0
Seasonal Labor	0	0	15	0

Parks Division:

Park Worker/Lead	1	0	0	0
Park Worker	1	0	0	0
Recreation/Event Coordinator	0	1	0	0
Parks & Recreation Personnel	0	0	15	0

Stormwater Division:

Utility Person – Stormwater	2	0	0	0
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**City of Franklin
Authorized Position Titles**

	<u>Full Time</u>	<u>Part-Time</u>	<u>Seasonal</u>	<u>Volunteer</u>
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Streets Division:

Street Superintendent	1	0	0	0
Utility Person – Street	4	0	0	0

Water Division & Sewer Division:

Water & Sewer Lead	1	0	0	0
Utility Person	8	0	0	0

Water Treatment Division:

Water Treatment Superintendent	1	0	0	0
Water Operator	1	0	0	0

F. Safety Department:

Safety Director	0	0	0	0
Assistant to the Safety Director	0	0	0	0
Administrative Assistant for Safety Department	0	1	0	0

Fire & EMS Division:

Chief	1	0	0	0
Administrative Assistant for Fire & EMS	0	2	0	0
Captain	1	0	0	0
Lieutenant	5	0	0	0
Firefighter	12	0	0	0
Second Lieutenant	0	0	0	2
Volunteer Firefighter	0	0	0	65

Police Division:

Chief	1	0	0	0
Captain	1	0	0	0
Lieutenant	0	0	0	0
Sergeant	<u>5</u> 4	0	0	0
Patrol Officer	22	0	0	0
Cadet (included in Patrol Officers Total)	2	0	0	0
School Resource Officer	0	1	0	0
Lead Dispatcher	1	0	0	0
Dispatcher	6	0	0	0
Property Room & Evidence Manager	0	1	0	0
Reserve Officer	0	0	0	5
Reserve Dispatcher	0	0	0	5

Building & Zoning Division:

Senior City Engineer	1	1	0	0
City Engineer	1	0	0	0
Assistant City Engineer	1	0	0	0
Zoning Official	0	1	0	0
Code Official	1	0	0	0
Property Maintenance	1	1	0	0

City of Franklin
Authorized Position Titles
Full Time Part-Time Seasonal Volunteer

Section 8, Item B.

G. Boards & Commissions:

Civil Service Comm. Secretary	0	1	0	0
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H. Municipal Court:

Municipal Court positions as authorized by the Ohio Revised Code or Municipal Court Judge



LEGISLATIVE COVER MEMO

Meeting Date: July 29, 2024

Agenda Item: **Resolution 2024-48**

AMENDING THE PURCHASE, SALE, AND DEVELOPMENT AGREEMENT WITH RILEY REAL ESTATE, LLC

Submitted by: Karisa Steed, Assistant City Manager

Scope/Description: On March 18, 2024, this Council authorized a Purchase, Sale, and Development Agreement with Riley Real Estate, LLC for seven (7) adjacent parcels located on the corner of Sixth Street and Riley Boulevard. RILEY REAL ESTATE, LLC desires develop a brewery and taproom on the property. City staff supports this project from an economic development perspective.

This resolution authorizes an amendment to the original PSDA. The purchase price for the City-owned property shall be \$1.00. For six (6) months following closing, the City will waive any City-charged sewer and tap fees that may be associated with the proposed development of the Property as a brewery and taphouse.

Pursuant to Section 115.03(a) of the City’s Codified Ordinances, City Council may authorize the sale of the involved property to RILEY REAL ESTATE, LLC by a super-majority vote of at least five (5) members of Council in favor of this Resolution.

Exhibits: Exhibit A: FIRST AMENDMENT TO PURCHASE, SALE, AND DEVELOPMENT AGREEMENT

Recommendation: Approval

CITY OF FRANKLIN, OHIO
RESOLUTION 2024-48

Section 8, Item C.

AMENDING THE PURCHASE, SALE, AND DEVELOPMENT AGREEMENT WITH RILEY REAL ESTATE, LLC

WHEREAS, the City of Franklin, Ohio presently owns seven (7) parcels of real property located on the corner of Sixth Street and Riley Boulevard in the City limits, more particularly described as Warren County Auditor’s Parcel Nos. 0431138025, 0431138024, 0431138026, 0431138022, 0431138027, 0431138018, and 0431138017 (the “Property”); and

WHEREAS, on March 18, 2024, this Council authorized a Purchase, Sale, and Development Agreement with Riley Real Estate, LLC vis Resolution 2024-21; and

WHEREAS, the City Council of the City of Franklin, Ohio finds the Project to be a desirable and productive use of the Property, and consistent with the City’s ongoing economic development efforts in the area; and

WHEREAS, both parties desire to amend the Agreement pursuant to the terms and conditions of the Amendment attached as Exhibit A; and

WHEREAS, Section 115.03(a) of the City’s Codified Ordinances empowers Council to authorize the sale of City-owned real property via resolution when at least five (5) members of Council vote to approve the resolution.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Franklin, Ohio, at least five (5) members of Council concurring, that:

Section 1. Council hereby authorizes the amendment attached as Exhibit A to the Purchase and Sale Agreement with RILEY REAL ESTATE, LLC authorized by this Council on March 18, 2024 via Resolution 2024-21 and dated effective as of March 25, 2024.

Section 2. The City Manager is further authorized to execute and provide any and all contracts (including, but not limited to, the purchase and sale agreement described above), documentation and information necessary to effectuate the sale of the Property to RILEY REAL ESTATE, LLC in accordance with this Resolution.

Section 3. It is found that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action occurred in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

Section 4. This Resolution shall become effective immediately upon its passage.

ADOPTED: July 29, 2024

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
Mayor Brent Centers

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of a Resolution passed by that body on July 29, 2024.

Khristi Dunn, Clerk of Council

FIRST AMENDMENT TO PURCHASE, SALE, AND DEVELOPMENT AGREEMENT

This First Amendment to Purchase, Sale, and Development Agreement (this “Amendment”) is entered into effective as of July ____, 2024 (the “Effective Date”) by and between the City of Franklin, Ohio (“Seller”) and Riley Real Estate, LLC (“Buyer”). The Buyer and Seller may be referred to hereinafter individually as a “Party” and collectively as the “Parties.

WHEREAS, Buyer and Seller are parties to that certain Purchase, Sale, and Development Agreement dated effective as of March 25, 2024 (the “Agreement”), pursuant to which the parties agreed that the Buyer would acquire the Property (defined therein) from Seller at Closing.

WHEREAS, The Parties desire to amend the Agreement pursuant to the terms and conditions of this Amendment.

NOW, THEREFORE, in consideration of the premises and of the mutual agreements herein contained, the Buyer and Seller agree as follows:

Section 1. Defined Terms. All capitalized terms not specifically defined herein shall have the same meaning as they are given in the Agreement.

Section 2. Amendment to Purchase Price. Section 3 of the Agreement is hereby amended to read as follows:

The purchase price to be paid by Buyer to Seller for the Property is One and no/100 Dollars (\$1.00) (the “Purchase Price”) and its undertakings, representations, and warranties specified in this Agreement (and the Seller acknowledges and agrees that such amount and undertakings are good and valuable consideration for the Property).

Section 3. Waiver of Tap Fees. Seller furthermore agrees, for a period of six (6) months following closing, to waive any City-charged sewer and tap fees that may be associated with the Buyer’s proposed development of the Property as a brewery and taphouse.

Section 4. Conflicting Terms Rescinded. Any and all terms and conditions set forth in the Agreement which directly conflict with the terms and conditions set forth in this Amendment are hereby rescinded, considered null and void, and of no further force and effect. The remainder of the terms and conditions set forth in the Agreement which are not expressly modified by this Amendment shall be unchanged, and continue on as-written in the Agreement and in full force and effect.

Section 5. Entire Amendment. This Amendment reflects the Parties’ entire agreement and understanding with respect to their mutual modification of the Agreement, as set forth herein. The Agreement shall not be considered modified in any respect by any other agreement, statement or promise made by either Party, or any officer, representative, employee or agent of either Party, whether express or implied, oral or written, which is not contained in this Amendment.

IN WITNESS WHEREOF, the Buyer and Seller have each caused this Amendment to be executed by its respective duly authorized officer, as of the day and year first above written.

CITY OF FRANKLIN, OHIO

By: _____
Jonathan Westendorf, City Manager

Approved as to form

Ben Yoder, Law Director

RILEY REAL ESTATE, LLC

By: _____
Name: _____
Title: _____



LEGISLATIVE COVER MEMO

Introduction: July 29, 2024

Agenda Item: Resolution 2024-49

CONSENTING TO THE FIRST SUPPLEMENTAL DECLARATION OF COVENANTS AND RESTRICTIONS FOR THE FRANKLIN NEW COMMUNITY AUTHORITY AND PROVIDING RELATED AUTHORIZATIONS

Submitted by: Karisa Steed, Assistant City Manager

Scope/Description: The City of Franklin, as statutory developer of the Franklin New Community Authority (the “NCA”) under Ohio Revised Code chapter 349, by and through its City Manager, Jonathan Westendorf, has presented to council a proposed First Supplemental Declaration of Covenants and Restrictions (the “First Supplement”) that will apply “Community Development Charges” as that term is used in the Declaration over all parcels within the NCA for the benefit and use of the NCA to a specific portion of property already located within the NCA, and subject to transfer to Riley Real Estate, LLC or an affiliate thereof, to cover all or part of the cost of the acquisition, construction, operation and maintenance of land, land development and community facilities, the debt service thereof and any other cost incurred by the authority in the exercise of the powers granted by Chapter 349 of the Ohio Revised Code. The First Supplement will be recorded on the ground that is to be transferred to Riley Real Estate, LLC, as outlined in the First Supplement. currently owned by the City and within the boundaries of the NCA.

Exhibit: Exhibit A: First Supplemental Declaration of Covenants and Restrictions

Budget Impact: None

Recommendation: Approval

CITY OF FRANKLIN, OHIO
RESOLUTION 2024-49

CONSENTING TO THE FIRST SUPPLEMENTAL DECLARATION OF COVENANTS AND RESTRICTIONS FOR THE FRANKLIN NEW COMMUNITY AUTHORITY AND PROVIDING RELATED AUTHORIZATIONS

WHEREAS, the City of Franklin, Ohio (the “City”) established the Franklin New Community Authority (the “Authority”) pursuant to Ordinance 2023-10, adopted by City Council on April 17, 2023; and

WHEREAS, the City, as the statutory developer of the Authority as that term is defined in Ohio Revised Code Section 349.01(E), submitted to the City Council (the “Council”), a Declaration of Covenants and Restrictions for the Franklin New Community Authority (the “Declaration”), and Council approved the City’s execution of the Declaration pursuant to Resolution 2024-32, approved by Council on May 5, 2024; and

WHEREAS, the City has submitted to Council a First Supplemental Declaration of Covenants and Restrictions for the Franklin New Community Authority (the “First Supplement”) attached hereto as **Exhibit A**, incorporated by reference, specifically relating to particular parcels of real property within the boundaries of the Authority, and located in the City, to be transferred to Riley Real Estate, LLC (the “Transferred Property”) pursuant to Resolution 2024-21, approved by Council on March 18, 2024; and

WHEREAS, in accordance with the terms of the Declaration and Ohio Revised Code Chapter 349, it is necessary for the City to consent to the First Supplement and authorize its execution and recordation in the land records of the Warren County Recorder, in order to perfect certain “Community Development Charges” for the benefit and use of the Authority to cover all or part of the cost of the acquisition, construction, operation and maintenance of land, land development and community facilities, the debt service thereof and any other cost incurred by the authority in the exercise of the powers granted by Chapter 349 of the Ohio Revised Code.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Franklin, Ohio, a majority of members present concurring, that:

Section 1. The First Supplement, substantially in the form attached hereto as **Exhibit A**, is hereby approved and its execution is authorized with changes or amendments thereto not inconsistent with this Resolution and not substantially adverse to the City, as determined by the City Manager, or his or her designee executing the Declaration, and any other documents necessary to implement the First Supplement, on behalf of the City. The City Manager, or his or her designee, is authorized to implement the First Supplement on behalf of the City.

Section 2. This Council hereby finds and determines that all formal actions taken relative to the passage of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code and the Rules of Council.

Section 3. This Resolution shall be in full force and effect immediately upon its passage.

ADOPTED: July 29,, 2024

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of a resolution passed by that body on July 29, 2024.

Khristi Dunn, Clerk of Council

**FIRST SUPPLEMENTAL DECLARATION TO
THE DECLARATION OF COVENANTS AND RESTRICTIONS
FOR THE FRANKLIN NEW COMMUNITY AUTHORITY
WARREN COUNTY, OHIO**

WHEREAS, the City of Franklin, Ohio (the “Developer”), an Ohio municipal corporation, as developer pursuant to Section 349.01 of the Ohio Revised Code, caused the execution of the Declaration of Covenants and Restrictions (the “Declaration”) (capitalized terms not herein defined having the meanings provided to them in the Declaration) for the Franklin New Community Authority (the “Authority”) on _____, 2024, recorded on _____, 2024 in the Official Records Volume _____, Pages _____, Recorder’s Office, Warren County, Ohio, a copy of which Declaration is attached hereto as Exhibit A and made a part hereof;

WHEREAS, by virtue of a certain [_____] deed dated as of [_____] 2024, a copy of which is attached hereto as Exhibit B and made a part hereof, the Developer conveyed certain interests in real property within the boundaries of the Authority including, specifically, the following parcels in the City of Franklin, Ohio identified by the Warren County Auditor for tax year 2023: 0431138016, 0431138017, 0431138018, 0431138022, 0431138024, 0431138025, 0431138026, 0431138027 (each a Parcel, and, collectively, the “Transferred Property”) to Riley Real Estate, LLC an affiliate of Slipcast Brewing, LLC, an Ohio limited liability company (“Slipcast”); and

WHEREAS, the Transferred Property, prior to conveyance from the Developer to Slipcast qualified as Initial Property within the Authority, and upon the conveyance to Slipcast, the Transferred Property now qualifies as Chargeable Property within the Authority, and each parcel within the Transferred Property now qualifies as a Chargeable Parcel; and

WHEREAS, pursuant to Section 5.02 of the Declaration, the Community Development Charges applicable to the Transferred Property will be modified in this supplemental declaration (the First Supplemental Declaration”) as requested by Slipcast, and agreed upon by the Board of Trustees of the Authority, and the Developer

WHEREAS, the Developer and Slipcast have caused the execution of this First Supplemental Declaration; and

WHEREAS, the Authority has joined this First Supplemental Declaration pursuant to Resolution No. [_____] adopted by the Board of Trustees of the Authority on [_____] 2024, a copy of which is attached hereto as Exhibit C.

NOW, THEREFORE, pursuant to the Declaration, the Developer, and Slipcast, do hereby submit the Transferred Property to the provisions set forth in the Declaration, do hereby consent to the conversion of the Transferred Property from Initial Property to Chargeable Property, as more fully provided hereinbelow, and do hereby consent to the application of the Restrictions as set forth in the Declaration to the Transferred Property.

Section 1. The Transferred Property is hereby made subject to the Restrictions as set forth in the Declaration applicable to Chargeable Property, subject to the provisions of this First Supplemental Declaration. For the avoidance of any doubt, this First Supplemental Declaration is intended to amend and supplement the terms of the Declaration with respect to the Transferred Property; however, to the extent that any terms of this First Supplemental Declaration are inconsistent with the terms of the Declaration, this First Supplemental Declaration shall control.

Section 2. Notwithstanding Section 8.02 of the Declaration, unless amended or terminated as provided in Article VIII of the Declaration, the Restrictions shall continue in full force and effect with respect to each Parcel in the Transferred Property, without reduction of the Community Development Charges other than as provided in Article VI of the Declaration, until the later of (a) the date when any Obligations plus any interest thereon and any expenses and Administrative Expenses related thereto are paid in full; or (b) the date mutually agreed upon by the Developer and the Authority in a recorded written instrument, each as defined in the Declaration.

Section 3. Pursuant to Section 5.02 of the Declaration, the Developer and Slipcast acknowledge and agree that the Community Development Charges with respect to the Transferred Property shall be equal to: (a) the CRA Abatement Replacement Charge, if applicable, (b) the Additional Charge, in an amount of five (5) mills, and (c) a Sales Charge in an amount of one percent (1%) on the gross receipts of any Sale of any goods that would otherwise not qualify as a "Retail Sale" pursuant to Ohio Revised Code Section 5739.01. The revenues of which Community Development Charges described in items (a) through (c) above, inclusive, shall be allocated and applied as provided in Section 5.02 of the Declaration.

Section 4. The Developer consents to the amendment of the Restrictions of the Declaration that are contained in this Supplemental Declaration applicable to the Transferred Property as provided in Section 9.01 of the Declaration.

[Signature Page Follows]

IN WITNESS WHEREOF, the undersigned Secretary of the Authority hereby confirms pursuant to Section 9.02 of the Declaration the receipt of all necessary consents with respect to this Supplemental Declaration.

FRANKLIN NEW COMMUNITY
AUTHORITY

By: _____

Name: _____

Title: Secretary
Franklin New Community Authority

[Secretary Signature Page to First Supplemental Declaration to the Declaration of Covenants and Restrictions for the Franklin New Community Authority]

Exhibit A to the First Supplemental Declaration to the Declaration of Covenants and Restrictions for Franklin New Community Authority, Warren County, Ohio

[See Attached Declaration]

Exhibit B to the First Supplemental Declaration to the Declaration of Covenants and Restrictions for Franklin New Community Authority, Warren County, Ohio

[See attached legal description, which reflects the Transferred Property]

Exhibit C to the First Supplemental Declaration to the Declaration of Covenants and Restrictions for Franklin New Community Authority, Warren County, Ohio

[See attached Authority resolution joining in the First Supplemental Declaration]



LEGISLATIVE COVER MEMO

Introduction: July 29, 2024

Public Hearing: August 19, 2024

Agenda Item: Ordinance 2024-19

DECLARING THE IMPROVEMENT OF CERTAIN REAL PROPERTY LOCATED IN THE CITY OF FRANKLIN, WARREN COUNTY, OHIO TO BE A PUBLIC PURPOSE PURSUANT TO OHIO REVISED CODE SECTION 5709.41; DECLARING SUCH PROPERTY TO BE EXEMPT FROM REAL PROPERTY TAXATION; DESIGNATING IMPROVEMENTS TO SUCH PARCELS AS A PUBLIC PURPOSE; REQUIRING ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING AN URBAN REDEVELOPMENT TAX INCREMENT EQUIVALENT FUND; AUTHORIZING PAYMENTS TO THE FRANKLIN CITY SCHOOL DISTRICT AND THE WARREN COUNTY CAREER CENTER; AND PROVIDING RELATED AUTHORIZATIONS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.41, 5709.42, 5709.43, 5709.832 AND 5709.85

Submitted by: Jonathan Westendorf, City Manager

Scope/Description: This Ordinance authorizes a Tax Increment Financing (TIF) Agreement between the City of Franklin and Riley Real Estate, LLC, (“Slipcast”). The property described in Exhibit A is currently owned by the City, who intends to convey ownership of the Property to Riley Real Estate, LLC pursuant to Resolution 2024-21, passed March 18, 2024. Upon transfer of ownership, Slipcast intends to construct a brewery and taproom at the Property.

The property is located within the City’s “Community Reinvestment Area #1”. Community Reinvestment Area #1 authorizes exemptions from real property taxes for 100% of the assessed value of improvements on the Property for a period of up to 15 years.

The owner of the parcel will make annual service payments in lieu of taxes with respect to any Improvement to the Warren County Treasurer, which Service Payments will be distributed, in part, to the Franklin City School District, and the Warren County Career Center in amounts equal to the real property taxes that the School Districts, to reimburse the Developer for costs of the Public Infrastructure Improvements, and for such other purposes as may be authorized by law.

Exhibits: Exhibit A: Property Description
Exhibit B: Eligible Project Costs

Recommendation: Approval

CITY OF FRANKLIN, OHIO
ORDINANCE 2024-19

DECLARING THE IMPROVEMENT OF CERTAIN REAL PROPERTY LOCATED IN THE CITY OF FRANKLIN, WARREN COUNTY, OHIO TO BE A PUBLIC PURPOSE PURSUANT TO OHIO REVISED CODE SECTION 5709.41; DECLARING SUCH PROPERTY TO BE EXEMPT FROM REAL PROPERTY TAXATION; DESIGNATING IMPROVEMENTS TO SUCH PARCELS AS A PUBLIC PURPOSE; REQUIRING ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING AN URBAN REDEVELOPMENT TAX INCREMENT EQUIVALENT FUND; AUTHORIZING PAYMENTS TO THE FRANKLIN CITY SCHOOL DISTRICT AND THE WARREN COUNTY CAREER CENTER; AND PROVIDING RELATED AUTHORIZATIONS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.41, 5709.42, 5709.43, 5709.832 AND 5709.85

WHEREAS, Ohio Revised Code (“R.C.”) Sections 5709.41, 5709.42 and 5709.43 (the “TIF Statutes”) provide that this Council may, under certain circumstances, declare Improvement (as defined below and in the TIF Statutes) to certain parcels of real property located in the City of Franklin, Ohio (the “City”) to be a public purpose and exempt from real property taxation, provide for the payment service payments in lieu of real property taxes by the owners of such property and establish an urban redevelopment tax increment equivalent fund for the deposit of such service payments in lieu of taxes; and

WHEREAS, Pursuant to R.C. Section 5709.41(C)(1), said exemption may be up to one hundred percent (100%) of such improvement for up to thirty (30) years without approval of the board of education of a city, local or exempted city school district within the territory of which the improvement is or will be located if payments in lieu of taxes, as provided for in R.C. Section 5709.42, shall be paid to such school district in the amount of the taxes that would have been payable if the improvement had not been exempted from taxation; and

WHEREAS, the real property described in Exhibit A attached hereto and incorporated herein by reference (the “Property”) is currently owned by the City, and is located in the State of Ohio (the “State”), County of Warren (the “County”), and the City, with each parcel of the Property referred to herein as a “Parcel” (whether as presently appearing on County tax duplicates or as subdivided or combined and appearing on future tax duplicates); and

WHEREAS, the Property is currently located within the City’s “Community Reinvestment Area #1” a community reinvestment area (“CRA”) established under “pre-1994” rules pursuant to R.C. Sections 3735.65 through 3735.70, pursuant to City Resolution 1979-18, as amended by Resolution 1994-42, passed May 16, 1994, (collectively, as amended, the “CRA Ordinance”); and

WHEREAS, pursuant to the CRA Ordinance and in connection with the development of the Property, the City shall, upon receipt of an application for exemption from the Developer, grant exemptions from real property taxes for 100% of the assessed value of new structures constructed on the Property for a period of up to 15 years (the “CRA Exemption”); and

WHEREAS, it is the intention of this Council that the TIF Exemption (as defined herein) shall be subordinate to the CRA Exemption; and

WHEREAS, pursuant to R.C. Sections 5709.41(C) and 5709.42, this Council has determined that it is necessary and appropriate and in the best interests of the City to require the current and future owners (each such owner individually, an “Owner,” and collectively, the “Owners”) of each of the Parcels comprising the Property to make annual service payments in lieu of real property taxes (“Service Payments,” as further defined by Section 3 hereof) in the same amount as the Owners would have made but for the TIF Exemption (as defined herein) authorized by this Ordinance; and

WHEREAS, The City intends to convey ownership of the Property to Riley Real Estate, LLC, (“Slipcast”) pursuant to City Resolution 2024-21, passed March 18, 2024, and upon transfer of ownership, Slipcast intends to construct, or cause the construction of, a brewery and taproom at the Property (collectively the

building and related site improvements that are actually constructed shall be referred to as the "Project," and

WHEREAS, in support of the Project, the City desires to fund certain costs of the Project in furtherance of the City's urban redevelopment purposes as described in Exhibit B, attached hereto and incorporated herein by this reference (the "Eligible Project Costs"), with the Service Payments generated as a result of the completion of the Project; and

WHEREAS, the City's support of the Project is consistent with several planning initiatives to further its economic development efforts, including, but not limited to, the Main Street Streetscaping Plan and the 2023 Downtown Master Plan pursuant to City Resolution 2023-18, passed on March 20, 2023 (collectively the "Development Plans"); and

WHEREAS, as evidenced by the Development Plans, the City is "engaged in urban redevelopment" with respect to the Property as provided in R.C. Section 5709.41; and

WHEREAS in connection with the construction of the Project, the City has determined to provide for the execution and delivery of a tax increment financing agreement between the City and Slipcast (the "TIF Agreement"); and

WHEREAS, pursuant to Ohio Revised Code Sections 5709.41 and 5709.83, notice of this proposed Ordinance has been delivered to the Boards of Education of the Franklin City School District (the "School District"), and the Warren County Career Center (the "Career Center"); and

WHEREAS, this Council has determined that Service Payments shall be paid to the School District and the Career Center pursuant to R.C. Section 5709.42 in the amount of the real property taxes that the School District and the Career Center each would have received if such increase in the assessed value of the Property had not been exempted from real property taxes pursuant to this Ordinance.

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

Section 1. The Eligible Project Costs described in Exhibit B attached hereto, intended to be made, or caused to be made, in support of the Project, are hereby designated as urban redevelopment costs that, once made, will support the City's Development Plans in furtherance of the City's urban redevelopment efforts.

Section 2. One-hundred percent (100%) of the increase in the assessed value of each Parcel (as each may be subdivided or combined) (each of which increase in assessed value is an "Improvement" as defined in R.C. Section 5709.41) shall be a public purpose and shall be exempt from real property taxation for a period commencing for each Parcel in the first year following the effective date of this Ordinance in which an exemption is claimed by any DTE 24 exemption application, or any successor exemption application as the same may be updated by the State of Ohio, is filed by the City with respect to such Parcel, and ending for each Parcel on the earlier of (a) thirty (30) years after such commencement, or (b) the date on which the City can no longer require Service Payments in lieu of taxes, all in accordance with the requirements of R.C. Sections 5709.41, 5709.42 and 5709.43 (the "TIF Exemption"). Notwithstanding any other provision of this Ordinance, the TIF Exemption granted pursuant to this Section 2 and the payment obligations established pursuant to Section 3 of this Ordinance are subject and subordinate to any CRA Exemptions applicable to the Improvements approved by the City pursuant to the CRA Ordinance during the time that any CRA Exemption may be applicable to any Parcel within the Property, irrespective of the person or entity that files the DTE 24 exemption application pursuant to R.C. Section 5709.911.

Section 3. As provided in R.C. Section 5709.42, the Owner of any Parcel with an Improvement exempt under Section 2 hereof is required hereby to make annual payments in lieu of taxes to the County Treasurer of Warren County, Ohio (the "County Treasurer") on or before the final dates for payment of real property

taxes. Each such payment (including interest and penalties) shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the Improvements if they were not exempt from taxation (with the payments in lieu of tax, including any penalties and interest, being the "Service Payments"). Pursuant to Ohio Revised Code Sections 5709.41, 5709.42, 5709.43, and 5709.82, the County Treasurer shall first distribute a portion of the Service Payments to the School District and to the Career Center in an amount equal to 100% of the real property taxes that the School District and the Career Center would have received, but for the TIF Exemption, and then shall remit all remaining Service Payments to the City for deposit in the Franklin Urban Redevelopment Tax Increment Equivalent Fund (the "TIF Fund") established in Section 4 herein.

This Council hereby authorizes the City Manager or other appropriate officers of the City to provide such information and certifications and execute and deliver, or accept delivery of such instruments as are necessary and incidental to collect those Service Payments and to make such arrangements as are necessary and proper for payment of the Service Payments. Any late payments shall be subject to penalty and bear interest at the then current rate established under R.C. Sections 323.121 and 5703.47, as may be amended from time to time, or any successor provisions thereto, as the same may be amended from time to time. The Service Payments shall be allocated and deposited in accordance with Sections 3 and 4 of this Ordinance.

Section 4. This Council hereby establishes, pursuant to and in accordance with the provisions of R.C. Section 5709.43, the TIF Fund, into which shall be deposited all of the Service Payments distributed to the City with respect to the Improvements to Parcels of the Property by or on behalf of the County Treasurer, as provided in R.C. Section 5709.42, and hereby appropriates all of the moneys deposited in the TIF Fund from time to time to pay any costs associated with the public infrastructure improvement or private improvements for urban redevelopment purposes approved by the City, including, but not limited to, the "costs of permanent improvements" described in R.C. Section 133.15(B).

The TIF Fund shall remain in existence so long as Service Payments are collected and used for the aforesaid purposes, subject to the limits set forth in Section 2 hereof, after which said TIF Fund shall be dissolved in accordance with R.C. Section 5709.43(D). Upon dissolution, any incidental surplus money remaining in the Fund shall be transferred to the City general fund as provided in R.C. Section 5709.43(D).

Section 5. This Council hereby authorizes the City Manager or other appropriate officers of the City to take such actions as are necessary or appropriate to implement the transactions contemplated by this Ordinance, including the filing of one or more applications for exemption and any related forms in accordance with R.C. Section 5709.911.

Section 6. In accordance with Ohio Revised Code Section 5709.832, the City hereby determines that no employer located in the Property shall deny any individual employment based on considerations of race, religion, sex, disability, color, national origin or ancestry.

Section 7. This Council hereby finds and determines that notice of this proposed Ordinance has been delivered to the School District in accordance with R.C. Section 5709.83, and hereby ratifies the giving of that notice.

Section 8. The City hereby creates the Franklin Tax Incentive Review Council with the membership of that Council constituted in accordance with Section 5709.85 of the Ohio Revised Code. That Council shall, in accordance with Section 5709.85 of the Ohio Revised Code, review annually all exemptions from taxation resulting from the declarations set forth in this Ordinance and any other such matters as may properly come before that Council, all in accordance with Ohio Revised Code Section 5709.85.

Section 9. The Clerk of this Council is hereby directed to deliver, not later than 15 days after the effective date of this Ordinance, a copy thereof to the Director of the Department of Development of the State of

Ohio and to further deliver to such Director, not later than March 31 of each year during which the tax exemption remains in effect, a status report outlining the progress of the project herein described.

Section 10. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including R.C. Section 121.22.

Section 11. This Ordinance shall take effect and be in force at the earliest date permitted by law.

INTRODUCED: July 29, 2024

ADOPTED: August 19, 2024

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of an Ordinance passed by that body on August 19, 2024.

Khristi Dunn, Clerk of Council

EXHIBIT A

DESCRIPTION OF PROPERTY

The Property is the real property situated in the City of Franklin, County of Warren, State of Ohio that as of the date of this Ordinance is identified by the County Auditor of Warren County, Ohio as having tax parcel identification numbers listed below, as that real property may be subdivided, combined and be designated with different parcel numbers from time to time, and as depicted in the below map:

0431138005
0431138006
0431138016
0431138017
0431138018
0431138019

0431138022
0431138024
0431138025
0431138026
0431138027

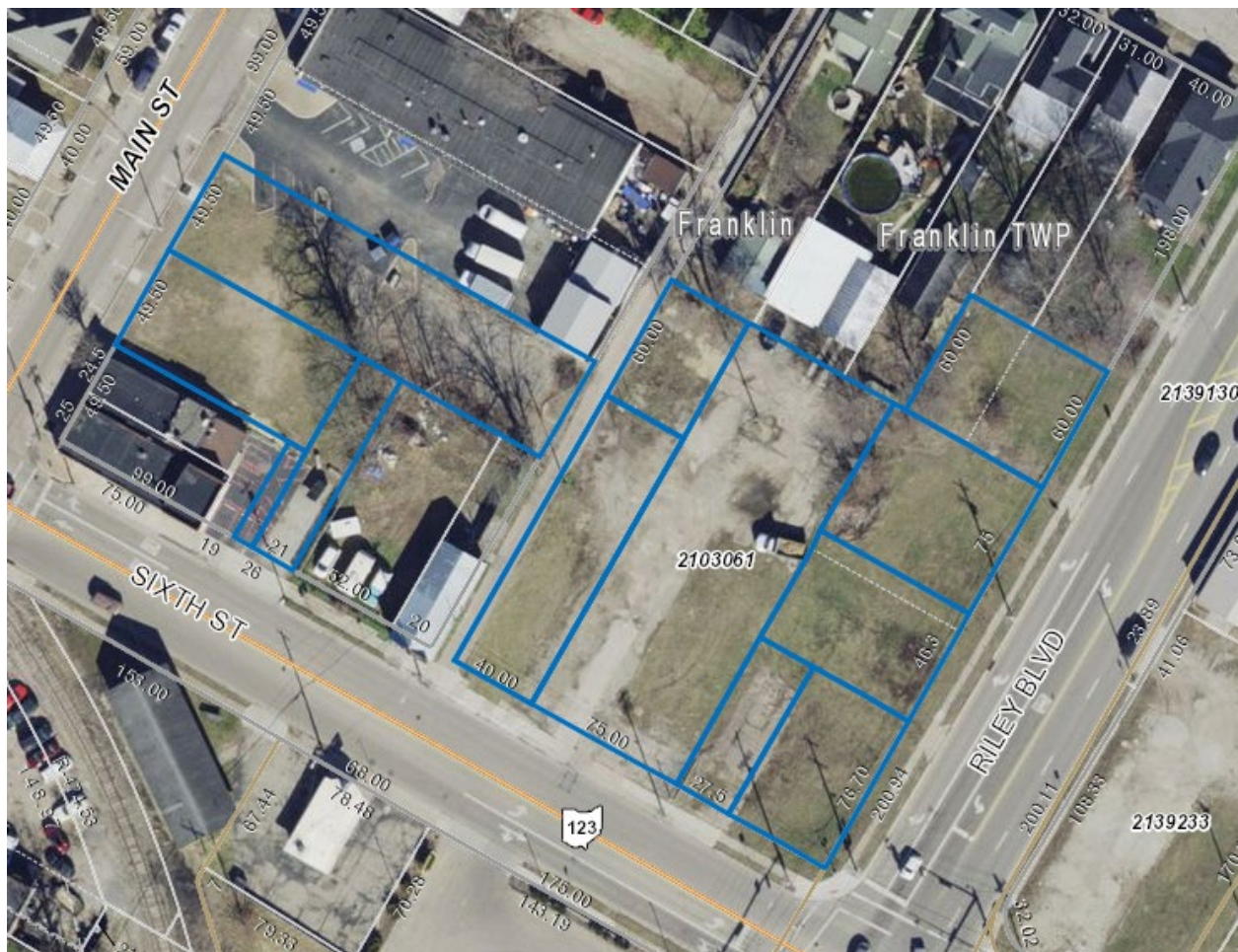


EXHIBIT B

Eligible Project Costs

The Eligible Project Costs include public infrastructure improvements and private improvements for urban redevelopment purposes, and include, but are not limited to, acquiring and constructing the infrastructure and other improvements described below, all as selected and determined in the sole discretion of the City in accordance with the TIF Statutes and its related rules and laws:

- Any costs of private improvements to the Property; and
- Community facilities, land acquisition, and land development, as each may be authorized by any new community authority district that may be established pursuant to Ohio Revised Code Chapter 349 in which the Parcels or any portion of any Parcel comprising the Property may be located from time to time; and
- Construction, reconstruction, extension, opening, improving, widening, grading, draining, curbing or changing of, as well as the continued maintenance of, the lines and traffic patterns of roads, highways, streets, bridges (both roadway and pedestrian), traffic calming devices, sidewalks, bikeways, medians and viaducts accessible to and serving the public, and providing lighting systems, signalization, and traffic controls, and all other appurtenances thereto; and
- Construction, reconstruction or installation of, as well as the continued maintenance of, public utility improvements (including any underground publicly-owned utilities), storm and sanitary sewers (including necessary site grading therefore), police equipment and police station buildings and improvements, fire equipment and fire buildings and improvements, water and fire protection systems, and all other appurtenances thereto; and
- Construction, reconstruction or installation of publicly-owned gas, electric, and communication service facilities, and all other appurtenances thereto; and
- Construction or reconstruction of one or more public parks, including grading, trees and other park plantings, park accessories and related improvements, and all other appurtenances thereto; and
- Construction or installation of streetscape and landscape improvements including trees and shrubs, landscaping mounds and fencing, tree grates, planting beds, signage, curbs, sidewalks, street and sidewalk lighting, trash receptacles, benches, newspaper racks, burial of overhead utility lines and related improvements, and all other appurtenances thereto; and
- Construction of one or more public parking facilities, including public surface parking and public parking structures and related improvements, and all other appurtenances thereto; and
- Demolition and excavation, including demolition and excavation on private property when determined to be necessary for economic development purposes; and
- Acquisition of real estate or interests in real estate (including easements) necessary to accomplish the foregoing improvements; and
- Any on-going administrative expenses relating to the public infrastructure improvements and private improvements for urban redevelopment purposes as well as maintaining the TIF revenues, including but not limited to, engineering, architectural, legal, and other consulting and professional services; and

- All inspection fees and other governmental fees related to the foregoing; and
- Any and all other costs of the public infrastructure improvements and private improvements for urban redevelopment purposes related to the Property, all as determined by the City in its sole discretion and in accordance with the TIF Statutes and its related rules and laws.

The Eligible Project Costs for urban redevelopment purposes related to any Parcel or any portion of any Parcel specifically include the costs of financing the Eligible Project Costs for urban redevelopment purposes, including the items of “costs of permanent improvements” set forth in Ohio Revised Code Section 133.15(B), and incurred with respect to the Eligible Project Costs. “Costs” specifically include any reimbursement payments for the reimbursement of the costs of the Eligible Project Costs and the debt service on any bonds or other obligations issued to finance the Eligible Project Costs (including fees and administrative expenses of, and fund reserve funds necessary to pay or service any bonds or other obligations) all as determined by the City in its sole discretion and in accordance with the TIF Statutes and its related rules and laws.