

RECORD OF RESOLUTIONS

Resolution No. 35-2024

Passed: November 26, 2024

A RESOLUTION DETERMINING THAT THE ESTABLISHMENT OF THE RIVER DISTRICT NEW COMMUNITY AUTHORITY WILL BE CONDUCIVE TO THE PUBLIC SAFETY, CONVENIENCE, AND WELFARE AND IS INTENDED TO RESULT IN THE DEVELOPMENT OF A NEW COMMUNITY; DECLARING THE RIVER DISTRICT NEW COMMUNITY AUTHORITY TO BE ORGANIZED AS A BODY POLITIC AND CORPORATE; DEFINING THE BOUNDARIES OF THE NEW COMMUNITY DISTRICT; AND APPOINTING BOARD MEMBERS.

WHEREAS, the City of West Carrollton, Ohio (the "City"), in its capacity as "developer" within the meaning of Ohio Revised Code ("Revised Code") Section 349.01(E) plans to establish a new community development program for the purposes of encouraging and supporting the development of a mixture of uses, including commercial and mixed-use space, for-rent multi-family housing units, townhome units, commercial outlots and hotels built in multiple phases, with such real property being located within the municipal corporate boundaries of the City, as community facilities and other public infrastructure improvements, as described in Revised Code Chapter 349; and

WHEREAS, on October 4, 2024, the City Manager, on behalf of the City in its capacity as developer, submitted to the Council of the City ("Council"), pursuant to Revised Code Section 349.03, a Petition for Establishment of the River District New Community Authority under Chapter 349 of the Ohio Revised Code (the "Petition"), a copy of which such Petition is on file with the Clerk of Council; and

WHEREAS, the River District New Community District (the "District"), as described in the Petition, is located entirely within the municipal corporate boundaries of the City, and this Council, as the legislative authority of the City, is therefore the "organizational board of commissioners" for purposes of the Petition pursuant to Revised Code Section 349.01(F)(3); and

WHEREAS, on October 8, 2024, pursuant to Revised Code Section 349.03(A), this Council adopted its Resolution No. 23-2024, which such Resolution determined that the Petition is sufficient and complies with the requirements of Revised Code Section 349.03 in form and substance; and

WHEREAS, pursuant to Revised Code Section 349.03, this Council held a public hearing on the Petition on November 12, 2024, notice of which was published as required by Revised Code Section 349.03, and the date of which such hearing was not more than thirty (30) nor more than forty-five (45) days after the filing date of the Petition with the Council; and

WHEREAS, this Council has determined that the Petition will be conducive to the public health, safety, convenience, and welfare, and is intended to result in the development of a new community; and

WHEREAS, it is necessary that this Resolution take effect immediately upon its passage in order to comply with statutory timing requirements associated with the initiation of proceedings for the organization of new community authorities under Revised Code Section 349.03, to facilitate

RECORD OF RESOLUTIONS

Resolution No. 35-2024

Passed: November 26, 2024

development in a timely manner, and for the immediate preservation of the public peace, property, health, and safety of the City.

NOW, THEREFORE, BE IS RESOLVED BY THE COUNCIL OF THE CITY OF WEST CARROLLTON, OHIO, THAT:

Section 1. The Petition is hereby accepted and shall be recorded, along with this Resolution, in the journal of this Council as the “organizational board of commissioners” for the purposes of Revised Code Chapter 349. This Council hereby determines that the River District New Community Authority will be conducive to the public health, safety, convenience, and welfare, and is intended to result in the development of a new community, as defined in Revised Code Section 349.01(A).

- (i) Pursuant to the Petition, the River District New Community Authority is hereby organized as a body politic and corporate with the corporate name designated in the Petition (such name being the “River District New Community Authority”), and the boundaries of the District are consistent with the boundaries described in the Petition.
- (ii) Pursuant to Revised Code Section 349.14, this Council may, as the organizational board of commissioners, provide for an alternative method for the dissolution of the River District New Community Authority. This Council determines that the River District New Community Authority may be dissolved by unanimous vote of this Council prior to the issuance of, or when no, community authority bonds or notes are outstanding and all other legal indebtedness of the authority has been discharged or otherwise provided for.

Section 2. Pursuant to Revised Code Section 349.04(C), the City may, as the “organizational board of commissioners,” adopt an alternative method of selecting or electing successor members of the Board of Trustees of the River District New Community Authority (the “Board”). Pursuant to this authority, the Board shall be comprised of seven (7) members selected and appointed as provided in the Petition. The following alternative method, as further identified in the Petition, shall exist until an alternative method is approved by resolution of this Council:

- (i) This Council, as the “organizational board of commissioners” under Revised Code Section 349.01(F), shall appoint three (3) citizen members of the Board to represent the interests of present and future residents and employers of the District (the “Citizen Members”):

Citizen Member 1 shall be Tracy Moore.

Citizen Member 2 shall be Chris White.

Citizen Member 3 shall be Jonah Nassmacher.

- (ii) In addition, this Council shall appoint one (1) member to serve as a representative of local government (the “Local Government Representative”):

RECORD OF RESOLUTIONS

Resolution No. 35-2024

Passed: November 26, 2024

The Local Government Representative shall be Assistant City Manager Dan Wendt.

- (iii) The City, in its capacity as “developer” and through the City Manager, shall appoint three (3) members to serve on the Board as representatives of the City in its capacity as “developer” (the “Developer Representatives”).

Developer Representative 1 shall be Tom Johnson.

Developer Representative 2 shall be Todd Duplain.

Developer Representative 3 shall be Rich Norton.

The members of the Board shall serve two-year (2) overlapping terms, with Citizen Member 1, Citizen Member 2, Developer Representative 1, and Developer Representative 2 serving initial one-year (1) terms. Citizen Member 3, the Local Government Representative, and Developer Representative 3 shall serve initial two-year (2) terms.

Section 3. Pursuant to Revised Code Section 349.04, this Council may adopt a method for selection of successor members of the Board which determines the projected total population of the new community. This Council hereby determines that the projected population of the District shall consist of approximately 575 residents. This Council further adopts an alternative method of selection of successor members of the Board, to be selected as follows:

- (i) This Council shall continue to appoint replacement Citizen Members of the Board and the Local Government Representative upon the expiration of that member’s term or resignation by that member unless this Council determines such Citizen Members of the Board and the Local Government Representative shall be elected in the manner prescribed by Revised Code Sections 349.04(A) and (C).
- (ii) The City as “developer,” through the City Manager, shall appoint replacement Developer Representatives to the Board upon the expiration of that member’s term or resignation by that member, unless this Council determines such Developer Representatives of the Board shall be elected in the manner prescribed by Revised Code Section 349.04(B).

Section 4. Pursuant to Revised Code Section 349.04(C), there shall be posted for each member of the Board a bond in the amount of ten thousand dollars and zero cents (\$10,000.00) for the faithful performance of his or her duties. The bond shall be with a company authorized to conduct business within the State of Ohio as a surety and shall be deposited with and preserved by the Clerk of Council.

Section 5. This Council determines that the City Manager, or the City Manager’s designees, shall have the authority to take such action as is not adverse to this Council in order to carry out the terms of this Resolution pursuant to the Petition and Revised Code Chapter 349.

RECORD OF RESOLUTIONS

Resolution No. 35-2024

Passed: November 26, 2024

Section 6: This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Revised Code Section 121.22.

Section 7. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

Passed: November 26, 2024



Mayor

Attest: 

Clerk of Council

Effective Date: November 26, 2024