

BY: _____

ORDINANCE NO. 11-08

AN ORDINANCE AUTHORIZING THE VILLAGE OF GRANVILLE TO EXTEND SANITARY SEWER SERVICES TO THE OWENS CORNING PROPERTY, 2790 COLUMBUS ROAD, FOR THE PURPOSE OF SUPPORTING THE DEVELOPMENT OF THE GRANVILLE SCIENCE AND TECHNOLOGY COMPLEX

WHEREAS, the Village of Granville has an established policy of not providing utility services to any property located outside of the corporate boundaries of the Village, and it hereby restates that policy; and

WHEREAS, Granville Township has filed a grant application on behalf of Owens Corning for up to \$5,000,000 in funding through the Ohio Job Ready Sites program for the development of the Granville Science and Technology Complex on the Owens Corning property at or adjacent to 2790 Columbus Road; and

WHEREAS, the requested grant would provide funds for the construction and installation of infrastructure facilities, such as sanitary sewer lines, water lines, roadway improvements, telecommunications infrastructure, electrical distribution, gas service distribution, street lighting, and landscaping; and for the demolition of some existing buildings to make the site ready for immediate development by other research and development companies; and

WHEREAS, the Council is committed to not providing utility services outside the Village limits to stimulate or encourage the development of single-family housing that could bring additional school-age children to the Granville Exempted Village School District, and the proposed science and technology complex would be consistent with that commitment; and

WHEREAS, the expanded development of the Owens Corning property as a Science and Technology Complex, with Owens Corning as its anchor, will attract other science and research businesses; and

WHEREAS, the proposed development of the property as an office/research park is consistent with the current Granville Comprehensive Plan and is also consistent with the draft update to that plan; and

WHEREAS, one of the major goals stated in the proposed update to the comprehensive plan is to "create a business environment that will draw high-paying office, technical, and research-related employment to the Granville community"; and

WHEREAS, the Village presently has surplus utility services that it can provide to the science and technology complex; and

WHEREAS, the Village Council hereby finds and determines that it is in the best interest of the Village to extend sanitary sewer services to the Owens Corning property for the development of the Granville Science and Technology Complex.

NOW, THEREFORE, BE IT ORDAINED by the Council of Granville, State of Ohio, that:

Section 1. The Village has previously stated its policy of not providing surplus utility services to any property outside of the boundaries of the Village, and it hereby restates that policy. However, the Village finds it to be in the best interest of the residents of the Village to extend sanitary sewer services to the Owens Corning property for the development of the Granville Science and Technology Complex because that expanded development would be an essential contributor to the economic stability and vitality of the Granville community. It is in the best interest of the Granville community for the Village to partner with Granville Township and Owens Corning, a strong research, development, and manufacturing company, to improve an existing asset and to provide an opportunity for reinvestment, revitalization, and job creation.

Section 2. Pursuant to the terms and conditions of this Ordinance and the terms and conditions of the contract to be executed by the Village and Owens Corning, the Village Manager is hereby authorized to provide surplus sanitary sewer services to Owens Corning so long as the property to be served is intended to be, and when developed is used exclusively for an office, technical, and research-related business park.

Section 3. The Granville Village Council authorizes the Village Manager to enter into a contract with Owens Corning setting forth the rights, duties, and responsibilities of the parties with regard to the sewer services, subject to approval by the Village Council. At minimum, the contract for sewer services shall contain the following terms, conditions, and obligations:

a. Owens Corning shall use the sanitary sewer services solely for the purposes of developing, supporting, or maintaining an office, technical, and research-related business park. The sanitary sewer services shall not be used for any other purpose, such as for residential or commercial purposes, without the specific approval of the Village Council as authorized by an amendment to this ordinance.

b. The sanitary sewer services shall be provided to Owens Corning on an exclusive basis for thirty (30) years commencing upon the enactment of this ordinance.

c. The sanitary sewer lines shall be sized and limited to accommodate the needs of the office research park and to avoid excess capacity.

d. The Village shall provide this public utility service to Owens Corning on an exclusive basis, and no other property shall be permitted to connect to any such services or the related improvements used to provide such services. It is hereby determined to be in the best interest of the Village to prevent any such connections or any other use of the utility services or improvements provided therewith.

e. Owens Corning will extend, at its own cost, the existing sanitary sewer main, which currently terminates at Kendal at Granville, to the Owens Corning property. Owens Corning will construct, maintain, and repair at its own cost all necessary lines, pipes, and other appurtenances necessary to collect and transport wastewater on its property to the

Village's sanitary sewer system. All lines, pipes, and appurtenances shall be installed in accordance with Village design and construction standards and shall be pre-approved by the Village Engineer.

f. Owens Corning will also obtain, at its own expense, any necessary easements for the construction, installation, and maintenance of those lines, pipes, and appurtenances, including any required easements or permits from the Ohio Department of Transportation.

g. Owens Corning will retain ownership of all lines, pipes, and appurtenances located on the Owens Corning property and will hold the Village harmless and defend the Village against any and liability related thereto.

h. Owens Corning will be responsible for the expense of the tap-in fees and all other expenses not specifically delineated herein, but associated with the extension of sewer services to the Owens Corning property.

i. It is the intent of the parties to this Ordinance that the selective extension of sewer services authorized herein shall be solely for Granville Science and Technology complex. Should Owens Corning decide in the future to further develop its property and construct additional facilities that would require sewer services, Owens Corning shall then request additional selective extension of the sewer services from the Village.

PASSED this ____ day of _____, 2008.

Melissa Hartfield, Mayor

ATTEST:

Mollie Prasher, Clerk of Council

APPROVED AS TO FORM:

D. Michael Crites, Law Director