

To: City Council of the City of Worthington, Ohio
Village Council of the Village of Riverlea, Ohio

From: Dr. Louis Goorey Dr. Kirk McHugh
Dr. Robert Chosy Dr. Eric MacGilvray
Mr. Robert Schmidt Mr. Scott Gordon

Date: July 21, 2011

The undersigned persons, having been appointed by their respective legislative authorities of the City of Worthington and the Village of Riverlea, and having arranged the conditions of the proposed annexation of the Village of Riverlea to the City of Worthington pursuant to Ohio Revised Code §709.28, do hereby report the result of their actions pursuant to that section and file with their respective legislative authorities this report as required by Ohio Revised Code §709.29. The undersigned hereby report that a majority of all the commissioners so appointed have recommended the following Conditions of Annexation:

Conditions of Annexation

Upon approval by voters of the Village of Riverlea ("Riverlea") and approval by the voters of the City of Worthington ("Worthington") or the assent by its Council as required by Ohio Revised Code §709.31, the following are the conditions upon which the entire territory contained within the corporate boundaries of the Village of Riverlea, Franklin County, Ohio, shall be annexed to the City of Worthington, Franklin County, Ohio:

1. **Effective Date.** The annexation shall be complete upon the certification of the annexation proceedings to the Franklin County Recorder and the Ohio Secretary of State in accordance with Ohio Revised Code §§ 709.32 and 709.33. The Clerk of Worthington shall promptly complete the certification and transmittal of such proceedings after receipt of the abstract of the returns of such election votes and shall publish notice of such action.

2. **Continued Existence of Worthington.** When the annexation is completed and as a result thereof, (i) the territory presently comprising the entire territory within the municipal boundaries of Riverlea shall be annexed to and become part of Worthington; and Worthington and Riverlea shall thereafter be governed as one municipal corporation, known as the City of Worthington, Ohio, embracing the territory of both, and the inhabitants of all such territory shall have equal rights and privileges, subject to the conditions of annexation, and (ii) the separate corporate existence of the municipal corporation, known as the Village of Riverlea, Ohio, shall cease.

3. **Corporate Assets, Liabilities and Claims.** When the annexation is completed, Worthington shall:

(a) succeed to all moneys, taxes and special assessments of Riverlea, whether in the treasury of Riverlea or in the process of collection; all property and interests in property of Riverlea, whether real or personal; all rights and interests in contracts or in securities, bonds, notes or other interests of Riverlea; all accounts receivable and rights of action of Riverlea; and all other assets and properties of Riverlea of any kind and nature not heretofore mentioned;

(b) assume all outstanding franchises, contracts, debts, or other legal claims, actions and obligations of Riverlea; and

(c) undertake and defend all legal claims and actions against Riverlea, whether or not pending at the time the annexation is completed, and protect, indemnify and insure public officials of Riverlea with respect to actions brought or claims asserted against them as a result of activities or events occurring prior to the effective date of the annexation to the same extent as Worthington provides such protection, indemnification or insurance to its own officials for such activities within Worthington. With respect to this Condition 3(c), all past public officials of Riverlea are specifically intended to be the beneficiaries of these Conditions of Annexation but only for actions taken in their official capacity and not otherwise.

(d) continue to monitor utility services for itself and Riverlea to be certain that water and sanitary sewer services provide for the needs of the Riverlea and Worthington neighborhoods, services which they receive pursuant to existing contracts with the City of Columbus, contracts which Worthington shall, where necessary and appropriate, act to preserve, maintain and protect the long-standing neighborhood relationships with Riverlea with respect to its utilities.

Officials for Riverlea and Worthington shall take all actions reasonably necessary or desirable to evidence or complete the forgoing transfers, conveyances and other actions effective as of the completion of the annexation.

4. **Community Preservation.** Worthington shall undertake to promote and maintain the area of Riverlea as a distinct community within the City of Worthington. Worthington shall allow the existing entry markers in Riverlea to remain, provided that community members or a civic association maintain the markers. Worthington City Council shall promptly pass a resolution acknowledging the purpose of these Conditions of Annexation is to maintain the existing street layout in Riverlea and not to create additional connections between streets serving the Riverlea community and those serving adjacent areas in Worthington, subject to the right of Worthington in the future to make changes to preserve or promote the safety, health and welfare of the public. After the annexation is complete, new sidewalks and street lights will only be constructed or installed in accordance with provisions of the Worthington City Code effective from time to time.

5. **Zoning.** Immediately when the annexation is completed and as a result thereof, the Zoning Map of Worthington shall be amended initially to assign properties located within

Riverlea into the following zoning classifications: those properties abutting High Street shall be zoned AR-4.5 and subject to the requirements of the Worthington's Architectural Review District; those properties located on the west side of Olentangy Boulevard shall be zoned R-16; and all other properties in Riverlea shall be zoned R-10. If necessary or desirable, the City Council of Worthington promptly shall pass legislation to give effect to this provision.

6. Infrastructure maintenance.

(i) Streets. After the annexation is complete, Worthington shall design and implement a program to reconstruct curbs and gutters along, and to pave, streets throughout the Riverlea community in accordance with the standards for street construction used in other primarily residential areas within Worthington. Worthington shall assess or otherwise charge property owners benefitted by such initial improvements the costs thereof in accordance with applicable law. Any ordinance of necessity to provide for the construction of such initial improvements and the possible assessment of the costs thereof shall be enacted by the Council of Worthington by January 1, 2018. Worthington's financial participation in such initial improvements shall be limited to the minimum participation required under State law and financial contributions from external funding sources such as grants from the state or federal governments. After the construction of such initial improvements whether or not such improvements are assessed pursuant to the terms of this agreement, future projects will be funded in the same manner as similar projects in other parts of Worthington.

(ii) Sanitary Sewers. Worthington shall maintain, reconstruct and repair as necessary the sanitary sewer improvements serving properties throughout the Riverlea community in accordance with law and other requirements applicable thereto and to the same standard as such services are provided to other areas within Worthington. Worthington shall take all actions necessary or desirable to insure the compliance by the area presently included in Riverlea with the applicable consent order between Riverlea and the Ohio Environmental Protection Agency related to such systems. Worthington shall fund the cost of such maintenance and repairs, any such reconstruction activity, and any costs to comply with such orders, in the same manner as similar projects in other parts of Worthington.

(iii) Sanitary Sewer Lift Station. If the cost of the lift station removal exceeds the amount of the Riverlea General Fund balance, the City of Worthington has the option of leaving the lift station in place. If Worthington determines to remove the lift station that presently serves a portion of Riverlea, the General Fund balance transferred to Worthington from Riverlea will be used to fund such removal. Funds remaining from the Riverlea General Fund after the lift station removal, shall be applied to other infrastructure projects in Riverlea. If Worthington does not remove the lift station, the Riverlea General Fund balance will be applied toward Worthington's financial obligation for infrastructure projects in the Riverlea community at Worthington's discretion. Worthington shall not assess any costs associated with projects completed to remove, replace or reconstruct the lift station that presently serves a portion of Riverlea, or to provide an alternate connection for the sanitary sewers improvements serving Riverlea to systems maintained by Worthington or by the City of Columbus.

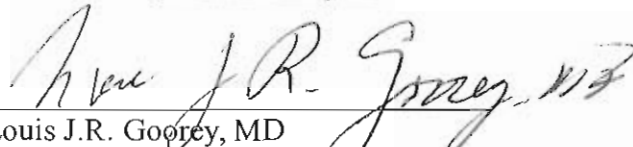
(iv) Water distribution. Worthington shall maintain, replace, reconstruct and repair as necessary the water distribution system and improvements serving properties throughout the Riverlea community in accordance with law and other requirements applicable thereto and to the same standard as such service is provided to other areas within Worthington. Worthington may impose assessments for or otherwise charge to property owners benefitted by such improvements in accordance with applicable law the costs of replacing or reconstructing the water distribution system in the event of a "failure" of all or a portion of such system during the five year period following the effective date of the annexation. "Failure" shall mean chronic pressure problems, chronic rust problems and/or breaks in such water supply system in Riverlea at a rate of 2.0 times the Equivalent Maintenance Ratio (EMR) as defined in the Water Services Agreement with the City of Columbus that is in effect at the time the failure is being evaluated in any three years in a five-year period. The cost of maintenance, repair, reconstruction and replacement of the water distribution system in response to failures that occur after the five year period following the effective date of the annexation shall be funded in the same manner as similar projects in other parts of Worthington.

(v) Storm sewers and other improvements. After the annexation is effective, Worthington shall maintain, reconstruct and repair as necessary the storm sewer and other infrastructure improvements serving properties throughout the Riverlea community in accordance with law and other requirements applicable thereto and to the same standard as such services are provided to other areas within Worthington. Worthington shall fund the cost of such maintenance and repairs, and any such reconstruction activity, in the same manner as similar projects in other parts of Worthington, except that the cost to reconstruct any storm sewer inlets undertaken when constructing streets and curbs may be assessed as part of an assessment for such project.

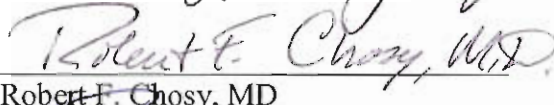
7. **Applicability of Laws.** When the annexation is completed, the Worthington Codified Ordinances shall then and thereafter apply to Riverlea, and the ordinances and laws of Riverlea shall no longer have any force or effect

Respectfully submitted.

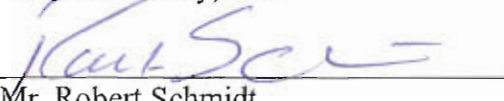
Commissioners appointed by the
City of Worthington



Louis J.R. Goorey, MD



Robert F. Chosy, MD



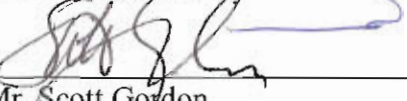
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