



Introduced: 5/6/2021
Revised:
Adopted:
Effective:

RESOLUTION NO. 2021-021

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR TO EXECUTE A SETTLEMENT AGREEMENT AND RELEASE OF ALL CLAIMS WITH SOUTHGATE COMPANY LIMITED PARTNERSHIP

WHEREAS, Southgate Company Limited Partnership owns real property located in the City that includes Parcel Nos. 64-152964-00.000 (the “First Parcel”) and 64-152964-00.001 (the “Second Parcel”) (together, the First Parcel and the Second Parcel are the “Property”); and

WHEREAS, on or about March 5, 2007, through Ordinance No. 2006-3746, the City rezoned the First Parcel to a Planned Development District (“PDD”) zoning classification and approved development standards text and a preliminary development plan covering the First Parcel; and

WHEREAS, on or about May 16, 2016, through Ordinance No. 2016-4257, the City rezoned the Second Parcel to the PDD zoning classification and approved development standards text and a preliminary development plan that included the Property; and

WHEREAS, on or about September 6, 2019, Southgate submitted a revised development text standards and a revised preliminary development plan concerning the Property (“2019 Development Plan”); and

WHEREAS, a dispute arose between the Parties concerning the review, consideration, and approval of the 2019 Development Plan; and

WHEREAS, Southgate then filed a lawsuit in the Court of Common Pleas in Licking County, Ohio, captioned as *Southgate Company Limited Partnership v. The City of Pataskala, Ohio*, Case No. 20CV0045 (“the Litigation”). However, the City disputed the claims and allegations contained in the Litigation; and

WHEREAS, since filing the Litigation, Southgate essentially met all of the City’s criteria to have the 2019 Development Plan approved, except for submitting the Plan to the Planning and Zoning Commission. That is, all the necessary City Departments and personnel have reviewed, considered, and commented on the 2019 Development Plan. And, Southgate has revised and edited the 2019 Development Plan as requested by the City; and

WHEREAS, Council for the City of Pataskala now wants to end the Litigation and enter into the attached Settlement Agreement and Release of all Claims.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PATASKALA, COUNTY OF LICKING, STATE OF OHIO, A MAJORITY OF ALL MEMBERS PRESENT CONCURRING THAT:

Section 1: Council for the City of Pataskala hereby authorizes and directs the City Administrator to execute a Settlement Agreement and Release of All Claims, in substantially the same form and content as the Agreement attached hereto as Exhibit A and incorporated herein by reference, with Southgate Company Limited Partnership.

Section 2: Council for the City of Pataskala hereby authorizes and directs the City Administrator, or his designee, to execute all other documents necessary to settle the Litigation.

Section 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of Council and that all deliberations of the Council and any of the decision-making bodies of the City of Pataskala which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the State of Ohio.

Section 4: This Resolution shall take effect at the earliest time allowed by the Charter of the City of Pataskala.

ATTEST:

Kathy M. Hoskinson, Clerk of Council

Michael W. Compton, Mayor

APPROVED AS TO FORM:

Brian M. Zets, Law Director