



Delaware County Regional Planning Commission

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www.dcrpc.org

Scott B. Sanders, AICP, Executive Director

MINUTES

Monday, March 5, 2007 at 7:00 PM

Delaware Hayes Services Building,

140 N. Sandusky Street, Room G 35, Delaware, Ohio 43015

I. ADMINISTRATIVE BUSINESS

- To consider and to take any actions deemed necessary in connection with an agreed judicial order relating to property located at 3329 Columbus Pike, Delaware, Ohio (also known as Lot 4367 of Dornoch Estates, Section 4 and sometimes referred to as the Dornoch Golf Club-Dornoch Golf Course and the Wastewater Treatment Facility), which order would result in a division of said Lot 4367 into separate lots; subject, however, to the terms of such order.

- **Call to Order**

Chairwoman Foust called the meeting to order at 7:00 p.m.

- **Roll Call**

Representatives: Paul Snajd, Fred Fowler, Steve Burke, Steve Jefferis, Gary Gunderman, Leslie Warthman, Holly Foust, Charles Heimlich, Bill Thurston, Lloyd Shoaf, Tom Brown, Bonnie Newland, and Larry Starling. *Alternates:* Ray Armstrong, Jack Smelker, Pat Blayney, and Thomas Farahay. *Staff:* Scott Sanders and Stephanie Matlack. Peter Griggs, attorney with Loveland & Brosius representing the RPC was also present.

Mr. Griggs explained that Dornoch Development has filed for Chapter 11 bankruptcy. During the course of the bankruptcy they have been trying to sell the golf course. It has come to our attention that about an acre parcel that was split out from the parcel that currently encompasses lot #4367 and transferred from Dornoch Development Ltd. to the HOA (Home Owners Association). When Dornoch Development platted Section 4 they combined the treatment plant parcel with the golf course parcel into one lot. This made the HOA and Dornoch Development joint owners of that lot. Huntington National Bank made the argument that because of the combining of the two parcels that their mortgage was prejudiced because RPC had failed to give them notice that it was going to be combined. He does not agree with that argument. It is not the RPC's responsibility to notify mortgage holders when the entity that has a mortgage comes in and combines a parcel. The real problem that the parties are facing is everyone wants the parcel to be sold as a golf course. If it doesn't get sold by the end of March it probably won't be sold as a golf course. It would probably sit until next year. So, Dornoch Development filed a rare motion in bankruptcy court requesting an expedited hearing, seeking to not only remove the zoning limitations that Liberty Twp. had enacted as part of a 1997 rezoning but also to essentially void the plat. The parties (Del. Co. Prosecutor, Loveland & Brosius, Huntington National Bank, attorney for the HOA, and Mr. Sanders) tried to come to an agreement. The result of those negotiations is an agreed order that was distributed tonight. That order basically allows for a lot split of the one acre parcel where the waste water treatment facility sits from lot #4367. Mr. Griggs feels this is what the HOA wants. The HOA has for quite some time been maintaining that sewage treatment plant through HOA assessments. They want to control it and not leave it to somebody else. The other part of the agreed order recognizes

that the zoning is going to be maintained, that the permanent green space designations on the plat will remain, and that any subsequent purchaser or owner of the property takes subject to not only the zoning requirements but also the plat requirements. For Regional Planning Commission purposes, what this does is allow a lot split of lot # 4367 into two lots. There is an access easement off of US 23 as to not create a land locked parcel. There is also an easement granted by Dornoch Development to the HOA to allow the discharge of the grey water from the plant onto the golf course. Huntington National Bank has agreed to subordinate their mortgage to the easement. It is everybody's desire for the golf course to remain a golf course. He explained that the Commission is being asked to approve the agreed order. The agreed order has to be submitted tomorrow to the bankruptcy court because it is under an expedited process. Mr. Griggs said he received an email late this afternoon that the golf course may have a private purchaser so it may not be sold by private auction.

An unidentified member of the audience asked if the golf course and clubhouse had to remain private or if it could be public. Mr. Griggs stated they would have to go back and look at the exact development text that was approved as part of the 1997 rezoning but it is his understanding that the text requires it to be for passive recreational purposes. He does not recall it being a requirement to be a private course but need to read the text. The key was that it be maintained in connection with a golf course.

Mr. Griggs stated that the Liberty Township Trustees did approve the agreed order last Friday.

Mr. Blayney made a motion to authorize the DCRPC legal counsel Peter Griggs or an attorney with the law firm of Loveland & Brosius, LLC to sign an agreed judicial order, as he deems necessary and desirable, that would result in the division of lot 4367 into separate lots, subject to the terms of the agreed order and further subject to counsel's review and approval of all exhibits to said order. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Mrs. Warthman made a motion to adjourn the meeting at 7:30 p.m. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next meeting of the Delaware County Regional Planning Commission will be Thursday, March 29, 2007, 7:00 PM at the Delaware Hayes Services Building, 140 N. Sandusky Street, Conference Room G-35, Delaware, Ohio 43015.

Kolby Faust, Chairperson

Stephanie Matlack, Executive Administrative Assistant