



Prepared: 09/09/2016  
Introduced: 09/20/2016  
Revised:  
Adopted: 10/18/2016  
Effective: 10/18/2016

## ORDINANCE O-32-2016

### AN ORDINANCE TO AMEND CHAPTER 1125.06 "COMPLIANCE WITH NEW ALBANY COMMUNITY AUTHORITY" OF THE CITY OF NEW ALBANY, OHIO'S CODIFIED ORDINANCES

**WHEREAS**, it has been found that the Codified Ordinances of the City of New Albany, Chapter 1125.06, needs to be amended; and

**WHEREAS**, the following amendment will expand the applicability of this provision to any community authorities established within the city; and

**WHEREAS**, the Planning Commission has held a public hearing and received public input into the amendment of the codified ordinance; and

**WHEREAS**, the Planning Commission recommended approval of the proposed amendment to the codified ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by Council for the City of New Albany, Counties of Franklin and Licking, State of Ohio, that:

**Section 1.** The Codified Ordinance Chapter 1125.06 be amended to "Compliance With Any Existing New Community Authority" (labeled Exhibit A) as requested by the City of New Albany.

**Section 2:** That it is hereby found and determined that all formal actions of this council concerning and relating to passage of this ordinance were adopted in an open meeting of the Council and that all deliberations of this council and any of the decision making bodies of the City of New Albany which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the City of New Albany, Franklin and Licking Counties, Ohio.

**Section 3.** Pursuant to Article VI, Section 6.07(a) of the charter of the City of New Albany, this Ordinance shall be in effect on and after the earliest period allowed by law.

CERTIFIED AS ADOPTED this 18<sup>th</sup> day of October, 2016.

**Attest:**

  
\_\_\_\_\_  
Sloan T. Spalding  
Mayor

\_\_\_\_\_  
Jennifer H. Mason  
Clerk of Council

**Approved as to form:**

  
\_\_\_\_\_  
Mitchell H. Banchefsky  
Law Director

1125.06 COMPLIANCE WITH ANY EXISTING NEW ALBANY COMMUNITY AUTHORITY.

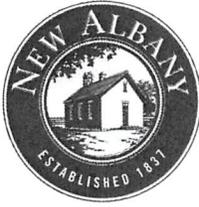
(a) The Municipality shall not enact any legislation accepting the following territory for annexation under Ohio R.C. 709.04 until there has been compliance with the following requirements relating to any existing New Community Authority established within the Municipality pursuant to Ohio Revised Code Chapter 349~~the New Albany Community Authority~~ (the applicable “Authority”):

(1) If the newly annexed area is greater than seven acres and the current use is agricultural or residential, the property shall be irrevocably added to the applicable Authority, such addition effective upon annexation, but shall not be subject to any community development charge levied by the applicable Authority until such time as the property or property owner requests and is granted a rezoning to a higher use.

(2) If the current use of the newly annexed area is other than agricultural or residential, regardless of its size, the property shall be irrevocably added to the applicable Authority, such addition effective upon annexation, and thereafter shall be subject to any community development charge levied by the applicable Authority.

(b) If the newly annexed area is seven acres or less and the current use is agricultural or residential, the Municipality shall not enact any legislation rezoning the territory to a higher use until there has been compliance with this requirement relating to the applicable Authority: The property shall be irrevocably added to the applicable Authority at the time of and effective upon rezoning to a higher use, and thereafter shall be subject to any community development charge levied by the applicable Authority.

(Ord. 1-96. Passed 1-23-96; Ord. O-1-2012. Passed 1-24-12.)



Prepared: 09/23/2016  
Introduced: 10/04/2016  
Revised:  
Adopted: 10/18/2016  
Effective: 11/18/2016

## ORDINANCE O-33-2016

### AN ORDINANCE TO ACCEPT A 0.522 ACRE TRACT OF LAND FROM THE HEATH NEWARK LICKING COUNTY PORT AUTHORITY FOR THE PURPOSE OF PUBLIC RIGHT OF WAY

**WHEREAS**, the 0.522 tract of land is generally located along the north side of Innovation Campus Way, west of Harrison Road; and

**WHEREAS**, the land parcel from which this dedication will be granted was created when right of way for Innovation Campus Way was dedicated to the City of New Albany by the Heath Newark Licking County Port Authority; and

**WHEREAS**, the Heath Newark Licking County Port Authority has determined that this 0.522 acre tract of land is undevelopable and of *de minimis* value.

**WHEREAS**, the city will benefit from this dedication of additional right of way.

**NOW, THEREFORE, BE IT RESOLVED** by Council for the City of New Albany, Counties of Franklin and Licking, State of Ohio, that:

**Section 1.** The City Manager is hereby authorized to accept a 0.522 acre donation of land from the Heath Newark Licking County Port Authority for the purposes of public right of way as depicted on Exhibit A.

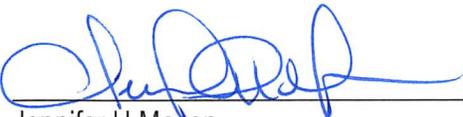
**Section 2.** That it is hereby found and determined that all formal actions of Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations were in meetings open to the public in compliance with all legal requirements of the Municipality of New Albany, Franklin and Licking Counties, Ohio.

**Section 3.** Pursuant to Article VI, Section 6.07(a) of the Charter of the City of New Albany, this ordinance shall be in effect on and after the earliest period allowed by law.

CERTIFIED AS ADOPTED this 18 day of October, 2016.

Attest:

  
Sloan T. Spalding  
Mayor

  
Jennifer H. Mason  
Clerk of Council

Approved as to form:

  
\_\_\_\_\_  
Mitchell H. Banchefsky  
Law Director

## Exhibit A

0.522 ACRE

Situated in the State of Ohio, County of Licking, City of New Albany, in Lot 17, Quarter Township 2, Township 2, Range 15, United States Military Lands, being part of that 221.034 acre tract of land conveyed to Heath-Newark-Licking County Port Authority by deed of record in Instrument Number 201408210016049 (all references are to the records of the Recorder's Office, Licking County, Ohio) and more particularly bounded and described as follows:

BEGINNING, for reference, at a magnetic nail set at the northeasterly corner of Innovation Campus Way, as shown in Instrument Number 201508180017452, the southeasterly corner of that 12.035 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 201601130000642, in the centerline of Harrison Road (County Road 26) and the line common to Lots 17 and 16;

thence North  $86^{\circ} 40' 21''$  West, with the southerly line of said 12.035 acre tract, a distance of 30.51 feet to an iron pin set in the northerly right-of-way line of said Innovation Campus Way, the TRUE POINT OF BEGINNING for this description;

thence with said northerly right-of-way line and with the arc of a curve to the right, having a central angle of  $78^{\circ} 27' 47''$ , a radius of 25.00 feet, an arc length of 34.24 feet, a chord bearing of South  $54^{\circ} 05' 46''$  West and chord distance of 31.62 feet to an iron pin set;

thence North  $86^{\circ} 40' 21''$  West, with said northerly right-of-way line, a distance of 1118.61 feet to an iron pin set;

thence North  $03^{\circ} 34' 06''$  East, crossing said 221.034 acre tract, a distance of 20.00 feet to a 5/8 inch rebar with cap stamped "J&H 7830" found at the southeasterly corner of that 5.516 acre tract conveyed to Smith Mill Road, LLC by deed of record in Instrument Number 201502250003371, the southwesterly corner of said 12.035 acre tract;

thence South  $86^{\circ} 40' 21''$  East, with the southerly line of said 12.035 acre tract, a distance of 1143.02 feet to the TRUE POINT OF BEGINNING, containing 0.522 acre of land, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings herein are based on the Ohio State Plane Coordinate System, South Zone as per NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department Monuments FRANK 80 and Frank 180. The portions of the centerline of Beech Road, having a bearing of North  $03^{\circ} 25' 04''$  East, is designated the "basis of bearing" for this description.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk  
Professional Surveyor No. 7865

Date



Evans, Mechwart, Hambleton & Tilton, Inc.  
 Engineers • Surveyors • Planners • Scientists  
 5500 New Albany Road, Columbus, OH 43054  
 Phone: 614.775.4500 Toll Free: 888.775.3648  
 emht.com

# SURVEY OF ACREAGE PARCEL

LOT 17, QUARTER TOWNSHIP 2, TOWNSHIP 2, RANGE 15  
 UNITED STATES MILITARY LANDS  
 CITY OF NEW ALBANY, COUNTY OF LICKING, STATE OF OHIO

Date: September 22, 2016

Scale: 1" = 80'

Job No. 2016-0749

**SURVEY NOTE:**

This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey.

CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CH. BEARING	CH. DIST.
C1	78°27'47"	25.00'	34.24'	S54°05'46"W	31.62'

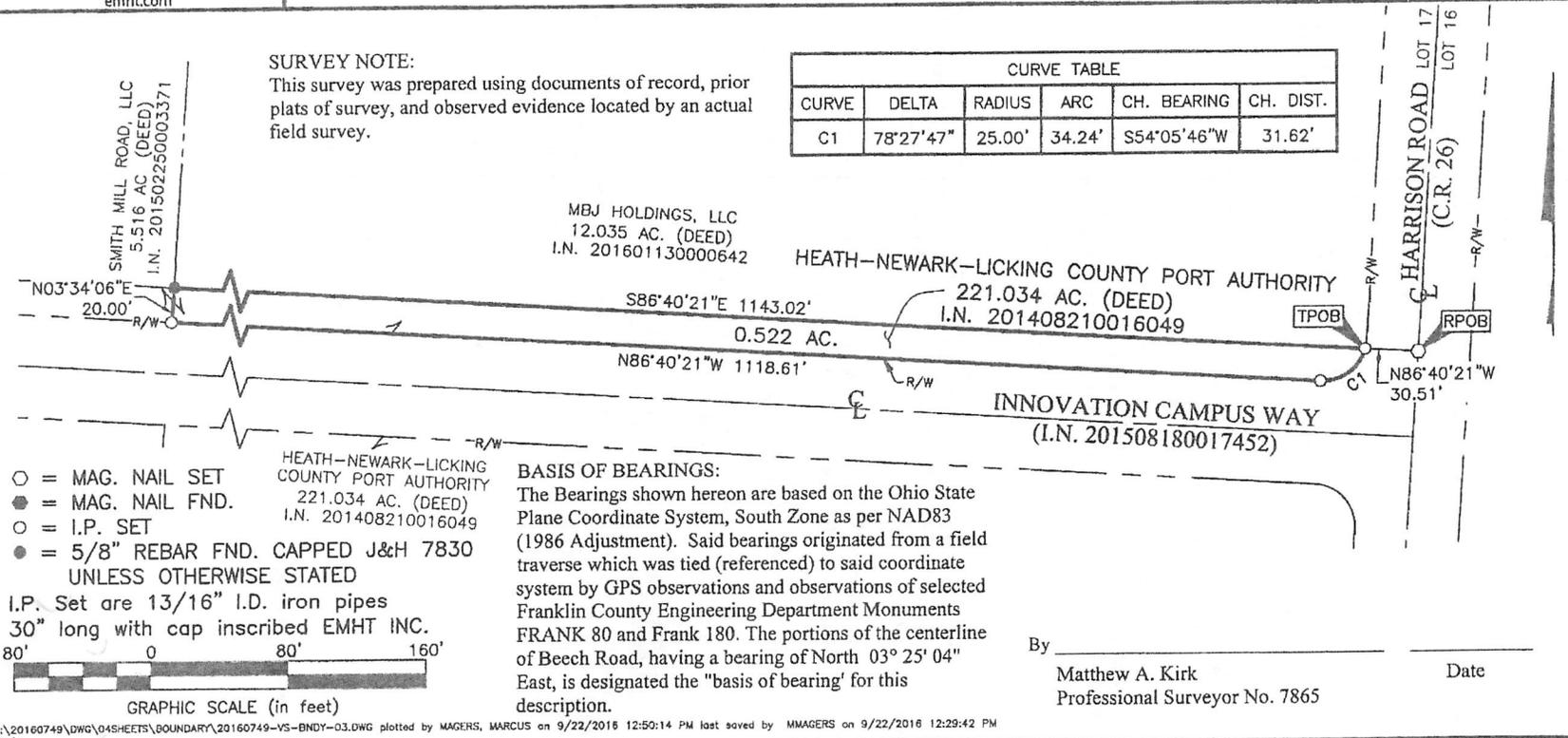


Exhibit A

By \_\_\_\_\_  
 Matthew A. Kirk  
 Professional Surveyor No. 7865

Date \_\_\_\_\_



Prepared: 10/06/16  
Introduced: 10/18/16  
Revised:  
Adopted: 10/18/16  
Effective: 10/18/16

## RESOLUTION R-44-2016

### A RESOLUTION TO APPROVE AN AGREEMENT AND AUTHORIZE THE ADMINISTRATOR TO SIGN THE AGREEMENT WITH GHGCC COLI, LLC (GREEN HARBOR DATA CENTERS) TO PROVIDE INCENTIVES AVAILABLE FOR PROJECT DEVELOPMENT IN THE CENTRAL COLLEGE COMMUNITY REINVESTMENT AREA

**WHEREAS**, the city, having the appropriate authority for this project, is desirous of providing incentives available for the development of the project in the Community Reinvestment Area (the "CRA"); and

**WHEREAS**, GHGCC COLI, LLC, (the "company") has remitted, with the Agreement Application, the required state application fee of \$750.00 made payable to the Ohio Development Services Agency to be forwarded to that entity with a copy of the final agreement; and

**WHEREAS**, GHGCC COLI, LLC and city representatives have submitted a proposed agreement (the "Agreement") for consideration by the City Council; and

**WHEREAS**, the Housing Officer under the Revised Code Section 3735.65 has reviewed the Agreement Application of the company and recommends the same on the basis that the owner is qualified by financial responsibility and business experience to create and preserve employment opportunities in the CRA and improve the economic climate of the city; and

**WHEREAS**, the Board of Education of the New Albany Plain Local School District and the Fairfield Eastland Career and Technical Center have been notified in accordance with the applicable law; and

**WHEREAS**, pursuant to Ohio Revised Code Section 3735.67(A) and in conformance with the format required under the Ohio Revised Code Section 3735.671(B), the parties hereto desire to set forth their agreement with respect to matters hereinafter contained; and

**NOW, THEREFORE, BE IT RESOLVED** by Council for the City of New Albany, Counties of Franklin and Licking, State of Ohio, that:

**Section 1.** The city manager is hereby authorized to execute the Agreement and directed to take any further actions, and execute and deliver any further agreements, certificates or documents necessary to accomplish the granting of the incentives described in the Agreement, provided further that the approval of changes thereto by the city manager and their character as not being substantially adverse to the city shall be evidenced conclusively by the execution thereof.

**Section 2.** That 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 this council and that all deliberations of this council and any decision making bodies of the City of New Albany which resulted in

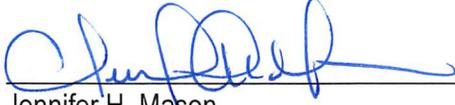
such formal actions were in meetings open to the public or in compliance with all legal requirements of the City of New Albany, Franklin County, Ohio.

**Section 3.** Pursuant to Article 6.07 of the New Albany Charter, this Resolution shall take effect upon adoption.

CERTIFIED AS ADOPTED this 18 day of October, 2016.

**Attest:**

  
\_\_\_\_\_  
Sloan T. Spalding  
Mayor

  
\_\_\_\_\_  
Jennifer H. Mason  
Clerk of Council

**Approved as to form:**

  
\_\_\_\_\_  
Mitchell H. Banchevsky  
Law Director