



Prepared: 04/22/2016
Introduced: 05/03/2016
Revised: 05/09/2016
Adopted:
Effective:

ORDINANCE O-09-2016

AN ORDINANCE TO AMEND THE SMITH'S MILL ROAD, SMITH'S MILL ROAD NORTH AND BEECH ROAD DEDICATION AND EASEMENT FINAL PLAT TO REMOVE THE RECORDED 8.531 EASEMENT LOCATED ON THE EAST SIDE OF BEECH ROAD, SOUTH OF INNOVATION CAMPUS WAY AND TO AMEND THE INNOVATION CAMPUS WAY WEST FINAL PLAT TO REMOVE THE RECORDED 3.345 ACRE EASEMENT, THE 0.726 ACRE EASEMENT AND THE 0.679 ACRE EASEMENT AND TO VACATE A 0.304 ACRE EASEMENT AND A 0.031 ACRE EASEMENT LOCATED ON THE WEST SIDE OF BEECH ROAD AS REQUESTED BY THE NEW ALBANY COMPANY AND TO DECLARE AN EMERGENCY

WHEREAS, a request has been made by the New Albany Company, to vacate one existing easement located on a portion of approximately 26 acres located on the east side of Beech Road, south of Innovation Campus Way and five existing easements on a portion of approximately 17.621 acres located on the west side of Beech Road, south of Innovation Campus West; and

WHEREAS, the original purpose of the 8.531 acre drainage easement was for a stormwater basin that is part of the Personal Care and Beauty Campus' graywater system that is being reconfigured as part of a private development project, and a new drainage easement will be dedicated to the city for the reconfigured pond; and

WHEREAS, the original purpose of the 3.345 acre easement was for drainage purposes, the 0.726 acre easement and 0.679 acre easement was for sanitary sewer, the easements are no longer needed and the vacation will prepare the site for commercial development; and

WHEREAS, the original purpose of the 0.304 and 0.031 channel easements was for roadway drainage; and drainage for the roadway will be accommodated by new drainage easements along Innovation Campus Way West

WHEREAS, city staff has reviewed and evaluated this request and have no objections; and

WHEREAS, council is satisfied that there is good cause for such vacation and that it will not be detrimental to the general interests and shall be approved, and

WHEREAS, this Ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city and for the further reason that this Ordinance is required to be immediately effective in order to permit the commencement of economic development activities with the Personal Care and Beauty Campus.

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

Section 1. That a 8.531 acre easement located on a portion of approximately 26 acres along the east side of Beech Road in the Licking County portion of New Albany, as further defined on the legal description being attached hereto as Exhibit A, are hereby vacated.

Section 2 That a 3.345 acre easement, a 0.726 acre easement and a 0.679 acre easement located on a portion of approximately 17.621 acres along the west side of Beech Road in the Licking County portion of New Albany, as further defined on the complete legal description being attached hereto as Exhibit B, are hereby vacated.

Section 3 That a 0.304 acre easement and a 0.031 acre easement located on a portion of approximately 17.621 acres along the west side of Beech Road in the Licking County portion of New Albany, as further defined on the legal description being attached hereto as Exhibit C and Exhibit D, are hereby vacated.

Section 4. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of the Council and any decision making bodies of the City of New Albany which resulted in such formal action were in meetings open to the public or in compliance with all legal requirements of the City of New Albany, Counties of Franklin and Licking, State of Ohio.

Section 5. By reason of the emergency set forth in the preamble hereto, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

CERTIFIED AS ADOPTED this _____ day of _____, 2016.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

Exhibit
A

**DRAINAGE EASEMENT VACATION
8.531 ACRES**

Situated in the State of Ohio, County of Licking, City of New Albany, in Lot 32, Quarter Township 2 and Section 15, Quarter Township 3, Township 2, Range 15, United States Military Lands, being all of that drainage easement show on the dedication plat entitled "Smith's Mill Road, Smith's Mill Road North and Beech Road", of record in Instrument Number 201108120014948, and being on, over and across those tracts of land conveyed to MBJ Holdings, LLC by deeds of record in Instrument Numbers 199912010048758, 199912010048759, 199912010048760, 199912010048761 and 199912010048764 (all references are to the records of the Recorder's Office, Licking County, Ohio) and more particularly bounded and described as follows:

Beginning at the intersection of the northerly right-of-way line of Smith's Mill Road and the easterly right-of-way line of Beech Road;

Thence with said easterly right-of-way line the following courses and distances:

North 04° 41' 19" East, a distance of 75.74 feet to a point;

North 00° 47' 19" West, a distance of 522.15 feet to a point;

North 18° 18' 41" West, a distance of 165.03 feet to a point;

North 03° 56' 40" East, a distance of 157.38 feet to a point of curvature to the left;

with the arc of said curve, having a central angle of 91° 46' 13", a radius of 132.00 feet, an arc length of 211.42 feet, a chord bearing of North 41° 56' 26" West and chord distance of 189.54 feet to a point;

North 87° 49' 33" West, a distance of 48.38 feet to a point; and

North 28° 47' 17" West, a distance of 232.18 feet to a point in the southerly right of way line of Innovation Campus Court;

Thence North 64° 28' 13" East, with said southerly right-of-way line, a distance of 238.94 feet to a point of curvature to the right;

Thence with said southerly right-of-way line and with the arc of said curve, having a central angle of 26° 24' 23", a radius of 500.00 feet, an arc length of 230.44 feet, a chord bearing of North 77° 40' 25" East and chord distance of 228.41 feet to a point;

Thence crossing said MBJ Holdings, LLC tracts the following courses and distances:

South 02° 26' 01" West, a distance of 456.47 feet to a point;

South 27° 33' 59" East, a distance of 189.89 feet to a point;

South 12° 33' 59" East, a distance of 289.99 feet to a point;

South 02° 26' 01" West, a distance of 341.62 feet to a point;

South 87° 41' 15" East, a distance of 150.00 feet to a point; and

South 02° 26' 01" West, a distance of 172.66 feet to a point in the northerly right-of-way line of said Smith's Mill Road;

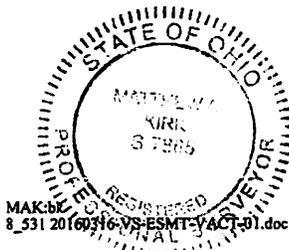
Thence with said northerly right-of-way line and with the arc of a curve to the right, having a central angle of 05° 04' 49", a radius of 950.00 feet, an arc length of 84.23 feet, a chord bearing of North 89° 10' 35" West and chord distance of 84.21 feet to a point;

Thence North 86° 38' 10" West, with said northerly right-of-way line, a distance of 285.83 feet to the POINT OF BEGINNING, containing 8.531 acres of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A Kirk
Matthew A. Kirk
Professional Surveyor No. 7865

14 APRIL 16
Date





Ernie, Mechwald, Hambleton & Stone, Inc.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43054
 Phone: 614.275.4500 Toll Free: 888.773.3448
 emht.com

DRAINAGE EASEMENT VACATION

LOT 32, QUARTER TOWNSHIP 2, AND SECTION 15,
 QUARTER TOWNSHIP 3, TOWNSHIP 2, RANGE 15
 UNITED STATES MILITARY LANDS
 CITY OF NEW ALBANY, COUNTY OF LICKING, STATE OF OHIO

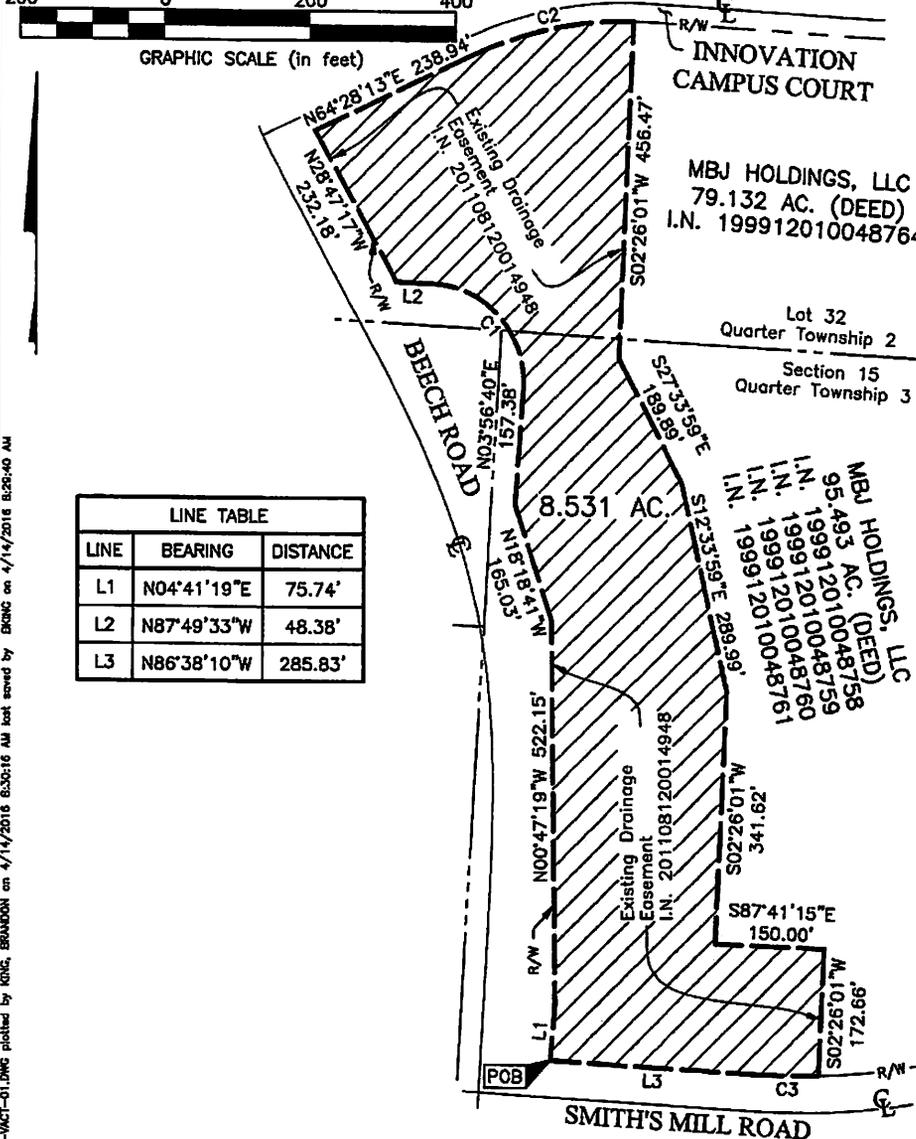
Date: April 14, 2016

Job No. 2016-0316

Scale: 1" = 200'



GRAPHIC SCALE (in feet)



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N04°41'19"E	75.74'
L2	N87°49'33"W	48.38'
L3	N86°38'10"W	285.83'

CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CH. BEARING	CH. DIST.
C1	91°46'13"	132.00'	211.42'	N41°56'26"W	189.54'
C2	26°24'23"	500.00'	230.44'	N77°40'25"E	228.41'
C3	5°04'49"	950.00'	84.23'	N89°10'35"W	84.21'



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

14 APR 16
 Date

U:\20160316\DWG\DRSHEETS\EASEMENTS\20160316-VS-ESMT-VACT-01.DWG plotted by KONG, BRANDON on 4/14/2016 8:56:16 AM last saved by BKNC on 4/14/2016 8:26:40 AM

**DRAINAGE EASEMENT VACATION
3.345 ACRES**

Situate in the State of Ohio, County of Licking, City of New Albany, being part of that Drainage Easement dedicated by "Innovation Campus Way West Dedication and Easement", a plat of record in Instrument Number 201601250001384, (all references are to the records of the Recorder's Office, Licking County, Ohio) being more particularly described as follows:

Beginning, for reference, at the southwesterly terminus of the southerly right-of-way line of Innovation Campus Way West, of record in Instrument Number 201601250001384, being in the easterly line of that 100 acre tract conveyed to PNC Bank, Trustee by deed of record in Instrument Number 201202280004116;

Thence South $86^{\circ} 57' 43''$ East, with said southerly right-of-way line, a distance of 35.65 feet to a northwesterly corner of said Drainage Easement, the TRUE POINT OF BEGINNING;

Thence South $86^{\circ} 57' 43''$ East, with said southerly right-of-way line and the northerly line of said Drainage Easement, a distance of 1223.21 feet to a point of curvature;

Thence continuing with said southerly right-of-way line, the northerly line of said Drainage Easement, with the arc of a curve to the left, having a central angle of $17^{\circ} 35' 02''$, a radius of 330.00 feet, an arc length of 101.28 feet, a chord bearing of North $84^{\circ} 14' 46''$ East and chord distance of 100.88 feet to a point in the westerly right-of-way line of Beech Road;

Thence South $04^{\circ} 26' 25''$ West, with said westerly right-of-way line, the easterly line of said Drainage Easement, a distance of 15.43 feet to a point of curvature;

Thence continuing with said westerly right-of-way line, the easterly line of said Drainage Easement, with the arc of a curve to the left, having a central angle of $13^{\circ} 19' 42''$, a radius of 118.00 feet, an arc length of 27.45 feet, a chord bearing of South $02^{\circ} 13' 26''$ East and chord distance of 27.39 feet to a point on the arc of a curve;

Thence with the perimeter of said Drainage Easement, the following courses and distances:

with the arc of a curve to the right, having a central angle of $27^{\circ} 33' 40''$, a radius of 100.00 feet, an arc length of 48.10 feet, a chord bearing of South $87^{\circ} 00' 05''$ West and chord distance of 47.64 feet to a point on the arc of a curve;

with the arc of a curve to the left, having a central angle of $04^{\circ} 28' 40''$, a radius of 300.00 feet, an arc length of 23.45 feet, a chord bearing of North $81^{\circ} 21' 28''$ West and chord distance of 23.44 feet to a point of tangency;

North $86^{\circ} 57' 43''$ West, a distance of 867.48 feet to a point;

South $67^{\circ} 15' 10''$ West, a distance of 16.08 feet to a point; and

South $03^{\circ} 02' 17''$ West, a distance of 478.30 feet to a point in the northerly line of that 35.000 acre tract conveyed to AEP Ohio Transmission Company, Inc. by deed of record in Instrument Number 201411050021972;

Thence North $86^{\circ} 55' 24''$ West, with a northerly line of said 35.000 acre tract, a southerly line of said Drainage Easement, a distance of 186.75 feet to a point;

Thence North $03^{\circ} 16' 17''$ East, with an easterly line of said 35.000 acre tract, a westerly line of said Drainage Easement, a distance of 405.78 feet to a point;

Thence North $86^{\circ} 53' 53''$ West, with a northerly line of said 35.000 acre tract, a southerly line of said Drainage Easement, a distance of 223.26 feet to a point in the easterly line of said 100 acre tract;

**DRAINAGE EASEMENT VACATION
3.345 ACRES**

-2-

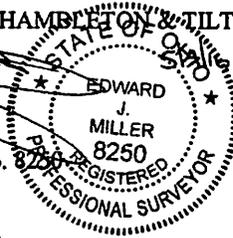
Thence North 03° 12' 36" East, with the easterly line of said 100 acre tract, the westerly line of said Drainage Easement, a distance of 20.09 feet to a point;

Thence South 86° 47' 24" East, with said Drainage Easement, a distance of 28.82 feet to a point; and

Thence North 17° 14' 42" East, with said Drainage Easement, a distance of 91.96 feet to the TRUE POINT OF BEGINNING, containing 3.345 acres, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Edward J. Miller
Professional Surveyor No. 8250





Evans, Mechwart, Hambleton & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4500 Toll Free: 888.773.3648
 emht.com

DRAINAGE EASEMENT VACATION

HALF SECTION 15, QUARTER TOWNSHIP 3, TOWNSHIP 2, RANGE 15
 LOT 33, QUARTER TOWNSHIP 2, TOWNSHIP 2, RANGE 15

UNITED STATES MILITARY LANDS

CITY OF NEW ALBANY, COUNTY OF LICKING, STATE OF OHIO

Date: May 4, 2016

Scale: 1" = 200'

Job No: 2016-0482

PNC BANK, TRUSTEE
 100 AC (DEED)
 I.N. 201202280004116

INNOVATION CAMPUS WAY WEST
 I.N. 201601250001384

MBJ HOLDINGS, LLC
 9.809 AC. (DEED)
 I.N. 201410090019757

S86°57'43"E
 51.12'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N04°26'25"E	15.43'
L2	S67°15'10"W	16.08'
L3	N03°12'36"E	20.09'
L4	S86°47'24"E	28.82'
L5	N17°14'42"E	91.96'

N86°53'53"W
 223.26'

AEP OHIO TRANSMISSION
 COMPANY, INC.
 35,000 AC. (DEED)
 I.N. 201411050021972

3.345 AC.
 N03°16'17"E 405.78'
 S03°02'17"W 478.30'

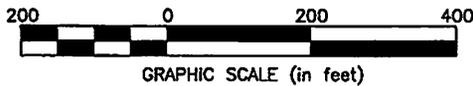
MBJ HOLDINGS, LLC
 7.029 AC. (DEED)
 I.N. 201506040011158

MBJ HOLDINGS, LLC
 7.029 AC. (DEED)
 I.N. 201506040011158

N86°55'24"W
 186.75'

S86°57'43"E 1207.74'
 N86°57'43"W 867.48'

LOT 33 QUARTER TOWNSHIP 2
 LOT 32 QUARTER TOWNSHIP 2
 HALF SECTION 15 QUARTER TOWNSHIP 3



CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CH. BEARING	CH. DIST.
C1	17°35'02"	330.00'	101.28'	N84°14'46"E	100.88'
C2	13°19'42"	118.00'	27.45'	S02°13'26"E	27.39'
C3	27°42'36"	100.00'	48.36'	N87°04'33"E	47.89'
C4	4°25'42"	300.00'	23.19'	N81°22'57"W	23.18'

By
 Edward J. Miller
 Professional Surveyor No. 8250

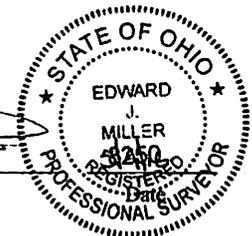


Exhibit
B - continued

**EASEMENT VACATION
0.726 ACRE**

Situated in the State of Ohio, County of Licking, City of New Albany, Lot 33, Quarter Township 2, Township 2, Range 15, Half Section 15, Quarter Township 3, Township 2, Range 15 and being all of an Easement (30' width) dedicated by "Innovation Campus Way West Dedication and Easement", a plat of record in Instrument Number 201601250001384, (all references are to the records of the Recorder's Office, Licking County, Ohio) being more particularly described as follows:

Beginning, for reference, at the southwesterly corner of that 7.029 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201506040011158, a northeasterly corner of that 35.000 acre tract conveyed to AEP Ohio Transmission by deed of record in Instrument Number 201411050021972;

Thence South 86° 55' 24" East, with the line common to said 7.029 and 35.000 acre tracts, a distance of 186.75 feet to the southwesterly corner of said Easement, the TRUE POINT OF BEGINNING;

Thence with the perimeter of said Easement, the following courses and distances:

North 03° 02' 17" East, a distance of 478.30 feet to a point;

North 67° 15' 10" East, a distance of 16.08 feet to a point;

South 86° 57' 43" East, a distance of 15.52 feet to a point;

South 03° 02' 17" West, a distance of 455.32 feet to a point;

South 86° 55' 24" East, a distance of 570.15 feet to a point; and

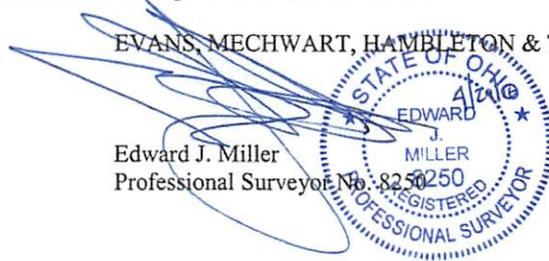
South 03° 17' 05" West, a distance of 30.00 feet to a point on the southerly line of said 7.029 acre tract;

Thence North 86° 55' 24" West, with said southerly line, a distance of 600.02 feet to the TRUE POINT OF BEGINNING, containing 0.726 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Edward J. Miller

Professional Surveyor No. 8250250





Evans, Mechwart, Hambleton & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 3500 New Albany Road, Columbus, OH 43254
 Phone: 614.775.4500 Fax: 614.775.3446
 emht.com

EASEMENT VACATION

HALF SECTION 15, QUARTER TOWNSHIP 3, TOWNSHIP 2, RANGE 15
 LOT 33, QUARTER TOWNSHIP 2, TOWNSHIP 2, RANGE 15
 UNITED STATES MILITARY LANDS
 CITY OF NEW ALBANY, COUNTY OF LICKING, STATE OF OHIO

Date: April 29, 2016

Scale: 1" = 200'

Job No: 2016-0482

PNC BANK, TRUSTEE
 100 AC (DEED)
 I.N. 201202280004116

INNOVATION CAMPUS WAY WEST
 I.N. 201601250001384

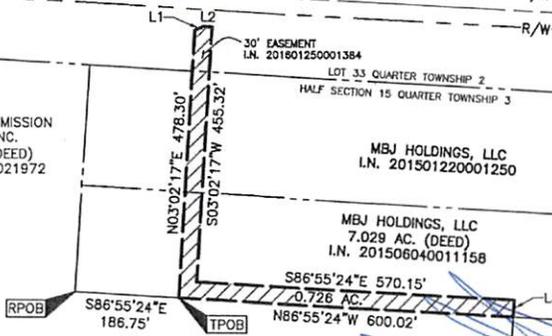
MBJ HOLDINGS, LLC
 9.809 AC. (DEED)
 I.N. 201410090019757

AEP OHIO TRANSMISSION
 COMPANY, INC.
 35,000 AC. (DEED)
 I.N. 201411050021972

MBJ HOLDINGS, LLC
 I.N. 201501220001250

MBJ HOLDINGS, LLC
 7.029 AC. (DEED)
 I.N. 201506040011158

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N67°15'10"E	16.08'
L2	S86°57'43"E	15.52'
L3	S03°17'05"W	30.00'



By
 Edward J. Miller
 Professional Surveyor No. 8250



Z:\20160482\DWG\CAD\SHEETS\EASEMENTS\20160482-VS-E3MT-WC1-01.DWG plotted by JLEEMEYER, JOSHUA on 4/29/2016 2:31:46 PM last saved by JLEEMEYER on 4/29/2016 2:28:14 PM

**EASEMENT VACATION
0.679 ACRE**

Situated in the State of Ohio, County of Licking, City of New Albany, Half Section 15, Quarter Township 3, Township 2, Range 15 and being all of an Easement (30' width) dedicated by "Innovation Campus Way West Dedication and Easement", a plat of record in Instrument Number 201601250001384, (all references are to the records of the Recorder's Office, Licking County, Ohio) being more particularly described as follows:

BEGINNING at an angle point in the westerly right-of-way line of Beech Road (variable width), being the common corner of that 7.029 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201506040011158, that 22.788 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201010060020026, that 1.690 acre tract conveyed to Board of Licking County Commissioners by deed of record in Instrument Number 200703150006565 and that 2.173 acre tract conveyed to Board of Commissioners of Licking County, Ohio by deed of record in 200510280034302;

Thence with the perimeter of said Easement and said westerly right-of-way line, the following courses and distances:

South 01° 08' 06" West, a distance of 506.05 feet to a point; and

South 01° 49' 28" West, a distance of 50.36 feet to a point;

Thence continuing with the perimeter of said Easement, the following courses and distances:

North 86° 38' 10" West, a distance of 9.90 feet to a point;

North 03° 21' 50" East, a distance of 10.00 feet to a point;

North 86° 38' 10" West, a distance of 20.38 feet to a point;

North 01° 49' 28" East, a distance of 39.37 feet to a point;

North 01° 08' 06" East, a distance of 209.91 feet to a point;

North 01° 08' 06" East, a distance of 290.01 feet to a point;

North 21° 17' 07" West, a distance of 427.88 feet to a point;

North 28° 26' 52" West, a distance of 15.88 feet to a point; and

South 87° 49' 33" East, a distance of 34.86 feet to a point on said westerly right-of-way line;

Thence South 21° 17' 07" East, with said westerly right-of-way line and the perimeter of said Easement, a distance of 435.70 feet to the POINT OF BEGINNING, containing 0.679 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Edward J. Miller
Professional Surveyor No. 8250

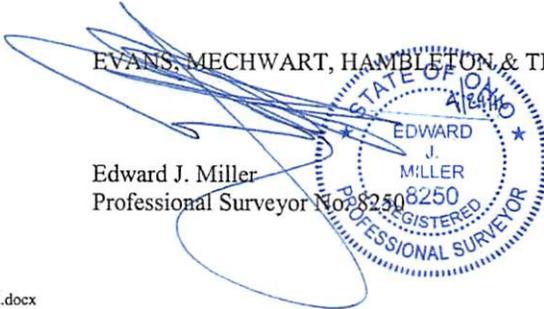


Exhibit C

EASEMENT DEED

KNOW ALL MEN BY THESE PRESENTS THAT: James M. Rings, the Grantor(s) herein, in consideration of the sum of \$ 61,474.00, to be paid by the State of Ohio, Department of Transportation, in the name of and for the use of Licking County, the Grantee herein, does hereby grant, bargain, sell, convey and release to said Grantee, its successors and assigns forever, an easement, which is more particularly described in Exhibit A attached hereto, within the following described real estate:

PARCEL(S): 50-CHV

LIC 161-0.00

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF

Prior Instrument Reference: OR 16, Page 437, & DB 723, Page 895, Licking County Recorder's Office.

And the said Grantor(s), for him self and his successors and assigns, hereby covenants with the said Grantee, its successors and assigns, that he is the true and lawful owner(s) of said premises, and is lawfully seized of the same in fee simple, and has good right and full power to grant, bargain, sell, convey and release the same in the manner aforesaid, and that the same are free and clear from all liens and encumbrances whatsoever, except: (a) easements, restrictions, conditions, and covenants of record; (b) all legal highways; (c) zoning and building laws, ordinances, rules, and regulations; and (d) any and all taxes and assessments not yet due and payable; and that Grantor(s) will warrant and defend the same against all claims of all persons whomsoever.

TRANSFER NOT NECESSARY

DATE: FEBRUARY 17, 2006
[Signature]
Licking County Auditor *TH*

IN WITNESS WHEREOF, James M. Rings and Debbie Rings have hereunto set their hands on

February 17, 2006

James M. Rings
James M. Rings

Debbie Rings
Debbie Rings Deborah L. Rings

STATE OF OHIO, COUNTY OF Franklin SS:

BE IT REMEMBERED, that on the 17th day of February, 2006, before me the subscriber, a Notary Public in and for said state and county, personally came the above named James M. Rings and Debbie Rings, who signed or acknowledged the signing of the foregoing instrument to be their voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.



D. Jeanne Sanborn

NOTARY PUBLIC

My Commission expires:

D. JEANNE SANBORN
Notary Public, State of Ohio
My Commission Expires June 4, 2008

This document was prepared by M-E Companies, Inc. for the State of Ohio, Department of Transportation, on forms approved by the Attorney General of Ohio.

Mail Recorded Deed to:
J. Sanborn
M-E Companies, Inc.
635 Brooksedge Blvd.
Westerville, Ohio 43081

**PARCEL 50 -CHV
LIC-161-0.00
PERPETUAL EASEMENT TO CONSTRUCT AND MAINTAIN A CHANNEL
IN THE NAME AND FOR THE USE OF
LICKING COUNTY**

A perpetual easement for the construction and maintenance of a perpetual watercourse, ditch, channel or other drainage facility upon the lands hereinafter described. Grantor/Owner herein retains the right to use said lands for any and all other purposes provided that such use does not interfere with nor impair the exercise of the easement herein granted (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

The land herein described are situated in Licking County, Ohio; Jersey Township; Section 15; Township 2 North; Range 15 West; further described as follows:

PARCEL NO. 50-CHV

Being a parcel of land lying on the left side of the centerline of a survey of Beech Rd., made by the Ohio Department of Transportation, and recorded in Book_____, Page_____, of the records of Licking County and being located within the following described points in the boundary thereof:

Beginning at a point on the southerly property line of Sue & Louis Powell (661/531), also being the northerly line of Section 15, said point being located 290.35 feet left of centerline station 75+34.32 of the proposed centerline of survey & construction, Beech Rd. and being the **TRUE POINT OF BEGINNING**:

Thence, along said section line, **South 86 degrees 50 minutes 59 seconds East** a distance of **67.94 feet** to a set iron pin, said pin being located 232.44 feet left of centerline station 74+99.82 of the proposed centerline of survey & construction, Beech Rd.;

Thence, continuing along said section line, **South 86 degrees 39 minutes 12 seconds East** a distance of **40.37 feet** to a set iron pin, said pin being located 198.13 feet left of centerline station 74+78.57 of the proposed centerline of survey & construction, Beech Rd.;

Thence, along the existing Right of Way line, on a curve to the left with a chord bearing of **South 68 degrees 40 minutes 19 seconds East**, a chord length of **17.77 feet**, with a radius of **118.00 feet** and an arc length of **17.79 feet** to a point, said point being located 186.65 feet left of centerline station 74+65 of the proposed centerline of survey & construction, Beech Rd.;

Thence, **South 62 degrees 42 minutes 29 seconds West** a distance of **248.41 feet** to a point, said point being located 435.00 feet left of centerline station 74+70 of the proposed centerline of survey & construction, Beech Rd.;

Thence, North 28 degrees 24 minutes 38 seconds West a distance of 61.31 feet to a point, said point being located 435.00 feet left of centerline station 75+30 of the proposed centerline of survey & construction, Beech Rd.;

Thence, North 59 degrees 55 minutes 32 seconds East a distance of 144.72 feet to the POINT OF BEGINNING.

It is understood that the above described area contains a total of 0.304 acres more or less, including the present road which occupies 0.000 acres, more or less, which is further described as being:

0.183 acres more or less, including the present road which occupies 0.000 acres, more or less, to be deducted from the value of Auditor's Parcel Number 35-106530-00.000 ; and

0.121 acres more or less, including the present road which occupies 0.000 acres, more or less, to be deducted from the value of Auditor's Parcel Number 35-107928-00.000 .

All set iron pins are 3/4" x 30" rebars with aluminum caps inscribed "O.D.O.T. R/W District 5". All bearings shown are for project use only and are from the Ohio State Plane Coordinate System, South Zone, N.A.D. 83 as established by GPS measurements in 2002.

Said stations being the Station numbers as stipulated in the hereinbefore mentioned survey and as shown by plans on file in the Ohio Department of Transportation, Columbus Ohio.

Description prepared from an actual field survey by The Ohio Department of Transportation under the supervision of Thomas E. Andrews, P.S. #6964.

Grantor claims title in OR 16, Page 437 of the Licking County Recorder's Office.

Thomas E. Andrews

Thomas E. Andrews

05-04-04

P.S. 6964

Date



Exhibit D

ODOT RE 209
Rev. 09/03

Instr: 200601260002472 01/26/2006
Pages: 4 F: \$44.00 3: 2BPH
Bryan A. Long T20060302241
Licking County Recorder KEPH E COH

EDVS
LPA Prnt. By State

EASEMENT DEED

KNOW ALL MEN BY THESE PRESENTS THAT: Louis Powell aka Louis R. Powell and Sue Powell, the Grantor(s) herein, in consideration of the sum of \$ 523.00, to be paid by the State of Ohio, Department of Transportation, in the name of and for the use of Licking County, the Grantee herein, do hereby grant, bargain, sell, convey and release to said Grantee, its successors and assigns forever, an easement, which is more particularly described in Exhibit A attached hereto, within the following described real estate:

PARCEL(S): 51-CHV
LIC-161-0.00

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF
Prior Instrument Reference: OR 661, P. 531, OR 543, P. 929, DB 684, P. 255, Licking County Recorder's Office.

And the said Grantor(s), for themselves and their successors and assigns, hereby covenants with the said Grantee, its successors and assigns, that they are the true and lawful owner(s) of said premises, and is lawfully seized of the same in fee simple, and have good right and full power to grant, bargain, sell, convey and release the same in the manner aforesaid, and that the same are free and clear from all liens and encumbrances whatsoever, except: (a) easements, restrictions, conditions, and covenants of record; (b) all legal highways; (c) zoning and building laws, ordinances, rules, and regulations; and (d) any and all taxes and assessments not yet due and payable; and that Grantor(s) will warrant and defend the same against all claims of all persons whomsoever.

TRANSFER NOT NECESSARY
Date January 26, 2006
[Signature]
Licking County Auditor

IN WITNESS WHEREOF Louis Powell aka Louis R. Powell and Sue Powell have hereunto set
their hands on 1-23-06
Date

Louis R. Powell
Louis Powell aka Louis R. Powell

Sue Powell
Sue Powell

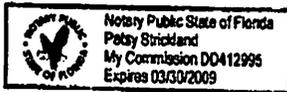
STATE OF FLORIDA, COUNTY OF De Soto SS:

BE IT REMEMBERED, that on the 23 day of January, 2006, before
me the subscriber, a Notary Public in and for said state and county, personally came the above named
Louis Powell, aka Louis R. Powell, and Sue Powell, who signed or acknowledged the signing of the
foregoing instrument to be their voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal
on the day and year last aforesaid.

Patsy Strickland

NOTARY PUBLIC
My Commission expires: 3-30-09



This document was prepared by M-E Companies, Inc. for the State of Ohio, Department of Transportation, on forms approved by the Attorney General of Ohio.

Mail Recorded Deed to:
J. Sanborn
M-E Companies, Inc.
635 Brooksedge Blvd.
Westerville, Ohio 43081

Exhibit D
cont'd

EXHIBIT A

RX 279
Rev. 04/03

PID
PARCEL
CTY-RTB-SEC
Version Date

Page 1 of 2
24486
51-CHV
Lic-161-0.00

**PARCEL 51 -CHV
LIC-161-0.00
PERPETUAL EASEMENT TO CONSTRUCT AND MAINTAIN A CHANNEL
IN THE NAME AND FOR THE USE OF
LICKING COUNTY**

A perpetual easement for the construction and maintenance of a perpetual watercourse, ditch, channel or other drainage facility upon the lands hereinafter described. Grantor/Owner herein retains the right to use said lands for any and all other purposes provided that such use does not interfere with nor impair the exercise of the easement herein granted (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

The land herein described are situated in Licking County, Ohio; Jersey Township; Lot 33; Township 2 North; Range 15 West; further described as follows:

PARCEL NO. 51-CHV

Being a parcel of land lying on the left side of the centerline of a survey of Beech Rd., made by the Ohio Department of Transportation, and recorded in Book _____, Page _____, of the records of Licking County and being located within the following described points in the boundary thereof:

Beginning at a point on the southerly property line of Sue & Louis Powell (684/225 & 661/531), also being the northerly line of Section 15, said point being located 290.35 feet left of centerline station 75+34.32 of the proposed centerline of survey & construction, Beech Rd. and being the **TRUE POINT OF BEGINNING:**

Thence, North 61 degrees 11 minutes 52 seconds East a distance of 70.35 feet to a set iron pin, said pin being located 220.00 feet left of centerline station 75+35 of the proposed centerline of survey & construction, Beech Rd.;

Thence, along the existing Right of Way line, on a curve to the left with a chord bearing of South 37 degrees 06 minutes 00 seconds East, a chord length of 11.79 feet, with a radius of 118.00 feet and an arc length of 11.79 feet to a set iron pin, said pin being located 218.20 feet left of centerline station 75+23.77 of the proposed centerline of survey & construction, Beech Rd.;

Thence, South 01 degree 52 minutes 40 seconds West a distance of 28.25 feet to a set iron pin on the northerly line of Section 15, said pin being located 232.44 feet left of centerline station 74+99.82 of the proposed centerline of survey & construction, Beech Rd.;

Thence, along said section line, North 86 degrees 50 minutes 59 seconds West a distance of 67.94 feet to the **POINT OF BEGINNING.**

EXHIBIT A

PID
PARCEL
CTY-RTE-SEC
Version Date

Page 2 of 2
24486
51-CHV
Lic-161-0.00

It is understood that the above described area contains a total of 0.031 acres more or less, including the present road which occupies 0.000 acres, more or less, to be deducted from the value of Auditor's Parcel Number 37-112122-00.000.

All set iron pins are 3/4" x 30" rebars with aluminum caps inscribed "O.D.O.T. R/W District 5". All bearings shown are for project use only and are from the Ohio State Plane Coordinate System, South Zone, N.A.D. 83 as established by GPS measurements in 1999.

Said stations being the Station numbers as stipulated in the hereinbefore mentioned survey and as shown by plans on file in the Ohio Department of Transportation, Columbus Ohio.

Description prepared from an actual field survey by The Ohio Department of Transportation under the supervision of Thomas E. Andrews, P.S. #6964.

Grantor claims title in DB 684, Page 225 of the Licking County Recorder's Office.

Thomas E. Andrews 5-05-04
Thomas E. Andrews P.S. 6964 Date





Prepared: 04/22/2016
Introduced: 05/03/2016
Revised:
Adopted:
Effective:

ORDINANCE O-10-2016

AN ORDINANCE TO VACATE A 0.255 ACRE AND A 0.622 ACRE PORTION OF PUBLIC RIGHT OF WAY LOCATED ALONG THE WEST SIDE OF BEECH ROAD, NORTH AND SOUTH OF INNOVATION CAMPUS WAY WEST, AS REQUESTED BY MBJ HOLDINGS, LLC AND TO DECLARE AN EMERGENCY

WHEREAS, the subject tracts of land are parts of a larger 1.046 acre tract that was recently conveyed to the City of New Albany; and

WHEREAS, the City of New Albany has determined that the subject tracts of land will not be needed for highway purposes and agree to transfer ownership to the adjacent property owner, MBJ Holdings, LLC; and

WHEREAS, the City of New Albany is furthering development of the business campus by the construction of a new public roadway that will divide the subject 0.255 and 0.622 acre tracts of land; and

WHEREAS, this Ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City and for the further reason that this Ordinance is required to be immediately effective in order to permit the commencement of economic development activities with the Personal Care and Beauty Campus.

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

Section 1. That the 0.255 and 0.622 acre tracts of land, with legal descriptions and exhibits attached hereto as Exhibit A, are hereby vacated.

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. By reason of the emergency set forth in the preamble hereto, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

CERTIFIED AS ADOPTED this _____ day of _____, 2016.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

PROPOSED

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY:	<i>[Signature]</i>
DATE:	<i>2-29-16</i>

Exhibit
A

0.255 ACRE

Situated in the State of Ohio, County of Licking, City of New Albany, lying in Lots 32 and 33, Quarter Township 2, Township 2, Range 15, United States Military Lands, being part of that 1.046 acre tract conveyed to City of New Albany, Ohio by deed of record in Instrument Number _____, (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 5/8 inch rebar with aluminum cap marked "ODOT" found on the westerly right-of-way line of Beech Road at the northeasterly corner of that 8.643 acre tract conveyed to CCL Label, Inc. by deed of record in Instrument Number 201512140026993, the southeasterly corner of that 2.000 acre tract conveyed to Walter S. Barrett and Carole J. Barrett by deed of record in Instrument Number 200404050011539, the southwesterly corner of that 0.190 acre tract conveyed as Parcel 52-WDV to Licking County by deed of record in Instrument Number 200508100024518, and the northwesterly corner of that 0.499 acre tract conveyed as Parcel 51-WDV to Licking County by deed of record in Instrument Number 200601260002471, said rebar being located 55.00 feet left of centerline Station 80+92.10 of the centerline of survey and construction of said Beech Road;

Thence South 00° 33' 40" East, with said westerly right-of-way line, the easterly line of said 8.643 acre tract, the easterly line of the remainder of that 10.598 acre tract conveyed to MBI Holdings, LLC by deed of record in Instrument Number 201410090019758, a distance of 54.50 feet to an iron pin set at the northerly corner of said 1.046 acre tract, TRUE POINT OF BEGINNING;

Thence with the easterly line of said 1.046 acre tract, the westerly line of the remainder of said 0.499 acre tract and that 6.681 acre tract conveyed as Parcel No. 7-WDV5 to Board of Commissioners of Licking County, Ohio by deed of record in Instrument Number 200510280034302, with the arc of a curve to the left, having a central angle of 20° 22' 52", a radius of 1009.93 feet, an arc length of 359.25 feet, a chord bearing of South 10° 45' 06" East and chord distance of 357.36 feet to an iron pin set at a point of reverse curvature;

Thence across said 1.046 acre tract, the following courses and distances:

with the arc of a curve to the right, having a central angle of 85° 24' 45", a radius of 40.00 feet, an arc length of 59.63 feet, a chord bearing of South 21° 45' 51" West and chord distance of 54.26 feet to an iron pin set at a point of tangency;

South 64° 28' 13" West, a distance of 28.83 feet to an iron pin set at a point of curvature;

with the arc of a curve to the right, having a central angle of 06° 32' 23", a radius of 270.00 feet, an arc length of 30.82 feet, a chord bearing of South 67° 44' 25" West and chord distance of 30.80 feet to an iron pin set at the easterly terminus of the northerly right-of-way line of Innovation Campus Way West, as dedicated in Instrument Number 201601250001384, being in the westerly line of said 1.046 acre tract and at a southeasterly corner of a remainder of that 9.809 acre tract conveyed to MBI Holdings, LLC by deed of record in Instrument Number 201410090019757;

Thence North 04° 26' 25" East, with said westerly line and an easterly line of said 9.809 acre tract, a distance of 74.41 feet to a 5/8 inch rebar with aluminum cap marked "ODOT" found;

Thence North 03° 28' 50" East, with said westerly line, an easterly line of said 9.809 acre and 10.598 acre tracts, a distance of 203.55 feet to a 5/8 inch rebar with aluminum cap marked "ODOT" found;

Thence North 86° 17' 29" West, with said westerly line and an easterly line of said 10.598 acre tract, a distance of 8.72 feet to a 5/8 inch rebar with aluminum cap marked "ODOT" found;

0.255 ACRE

- 2 -

Thence North 00° 33' 40" West, with said westerly line and an easterly line of said 10.598 acre tract, a distance of 147.65 feet to the TRUE POINT OF BEGINNING, containing 0.255 acre, 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 Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Beech Road, having a bearing of North 03° 25' 04" East, is designated the "basis of bearing" for this plat.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Heather L. King 2/24/16
Heather L. King Date

Professional Surveyor No. 8307

HLK:sg
0_255 ac 20150637-VS-BNDY-RWAY-02.docx



PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY:	<i>[Signature]</i>
DATE:	2.29.16

0.622 ACRE

Situated in the State of Ohio, County of Licking, City of New Albany, lying in Half Section 15, Quarter Township 3, Township 2, Range 15 and Lots 32 and 33, Quarter Township 2, Township 2, Range 15, United States Military Lands, being part of that 1.046 acre tract conveyed to the City of New Albany, Ohio by deed of record in Instrument Number _____, (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 5/8 inch rebar with aluminum cap marked "ODOT" found on the westerly right-of-way line of Beech Road at the northeasterly corner of that 8.643 acre tract conveyed to CCL Label, Inc. by deed of record in Instrument Number 201512140026993, the southeasterly corner of that 2.000 acre tract conveyed to Walter S. Barrett and Carole J. Barrett by deed of record in Instrument Number 200404050011539, the southwesterly corner of that 0.190 acre tract conveyed as Parcel 52-WDV to Licking County by deed of record in Instrument Number 200508100024518, and the northwesterly corner of that 0.499 acre tract conveyed as Parcel 51-WDV to Licking County by deed of record in Instrument Number 200601260002471, said rebar being located 55.00 feet left of centerline Station 80+92.10 of the centerline of survey and construction of said Beech Road;

Thence South 00° 33' 40" East, with said westerly right-of-way line and with the westerly line of said 1.046 acre tract, the easterly line of said 8.643 acre tract and the remainder of that 10.598 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201410090019758, a distance of 202.15 feet to a 5/8 inch rebar with aluminum cap marked "ODOT" found;

Thence South 86° 17' 29" East, with said westerly line and an easterly line of the remainder of said 10.598 acre tract, a distance of 8.72 feet to a 5/8 inch rebar with aluminum cap marked "ODOT" found;

Thence South 03° 28' 50" West, with said westerly line and an easterly line of the remainder of said 10.598 acre tract and a remainder of that 9.809 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201410090019757, a distance of 203.55 feet to a 5/8 inch rebar with aluminum cap marked "ODOT" found;

South 04° 26' 25" West, with said westerly line, an easterly line of a remainder of said 9.809 acre tract, and the easterly terminus of Innovation Campus Way West, as dedicated in Instrument Number 201601250001384, a distance of 138.72 feet to an iron pin set at the easterly terminus of the southerly right-of-way line of said Innovation Campus Way West, being the northeasterly corner of a remainder of said 9.809 acre tract, being the TRUE POINT OF BEGINNING;

Thence across said 1.046 acre tract, the following courses and distances:

with the arc of a curve to the left, having a central angle of 10° 59' 02", a radius of 330.00 feet, an arc length of 63.26 feet, a chord bearing of North 69° 57' 45" East and chord distance of 63.17 feet to an iron pin set at a point of tangency;

North 64° 28' 13" East, a distance of 26.96 feet to an iron pin set at a point of curvature;

with the arc of a curve to the right, having a central angle of 87° 04' 55", a radius of 40.00 feet, an arc length of 60.79 feet, a chord bearing of South 71° 59' 19" East and chord distance of 55.11 feet to an iron pin set at a point of tangency in the easterly line of said 1.046 acre tract, the westerly line of the remainder of that 6.681 acre tract conveyed as Parcel No. 7-WDV5 to Board of Commissioners of Licking County, Ohio by deed of record in Instrument Number 200510280034302;

Thence South 28° 26' 52" East, with said easterly line, the westerly line of the remainder of said 6.681 acre tract and the westerly line of that 1.690 acre tract conveyed as Parcel No. 6-WDV to Board of Licking County Commissioners by deed of record in Instrument Number 200703150006565, a distance of 185.29 feet to a 5/8 inch rebar with aluminum cap marked

0.622 ACRE

- 2 -

"ODOT" found at the southeasterly corner of said 1.046 acre tract, the northeasterly corner of that 7.029 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 201506040011158;

Thence North 87° 49' 33" West, with a southerly line of said 1.046 acre tract, a northerly line of said 7.029 acre tract, and the northerly line of the remainder of that 1 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 201501220001250 (passing a 5/8 inch rebar with aluminum cap marked "ODOT" found at 68.17 feet), a total distance of 112.45 feet to an iron pin set at a point of curvature;

Thence with said southerly line and the northerly line of the remainder of said 1 acre tract, with the arc of a curve to the right, having a central angle of 23° 43' 45", a radius of 118.00 feet, an arc length of 48.87 feet, a chord bearing of North 75° 57' 40" West and chord distance of 48.52 feet to an iron pin set;

Thence North 86° 39' 09" West, with said southerly line and said northerly line, a distance of 39.76 feet to an iron pin set at the southwesterly corner said 1.046 acre tract, the southeasterly corner of said 9.809 acre tract, being the intersection of the northerly line of said Half Section 15 with the line common to said Lots 32 and 33;

Thence with the line common to said 1.046 acre and 9.809 acre tracts, the following courses and distances:

North 03° 27' 52" East, a distance of 27.09 feet to an iron pin set;

with the arc of a curve to the right, having a central angle of 45° 01' 58", a radius of 118.00 feet, an arc length of 92.74 feet, a chord bearing of North 18° 04' 34" West and chord distance of 90.38 feet to a 5/8 inch rebar with aluminum cap marked "ODOT" found at a point of tangency;

North 04° 26' 25" East, a distance of 15.43 feet to the TRUE POINT OF BEGINNING, containing 0.622 acre, 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 Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Beech Road, having a bearing of North 03° 25' 04" East, is designated the "basis of bearing" for this plat.

EVANS, MECHWART, HAMBLETON & TILTON, INC.



Heather L. King 2/24/16
Heather L. King Date
Professional Surveyor No. 8307



Evans, Mechwart, Hambleton & Titon, Inc.
 Engineers • Surveyors • Planners • Scientists
 5300 New Albany Road, Columbus, OH 43254
 Phone: 614.775.4593 Fax: 614.775.3444
 emht.com

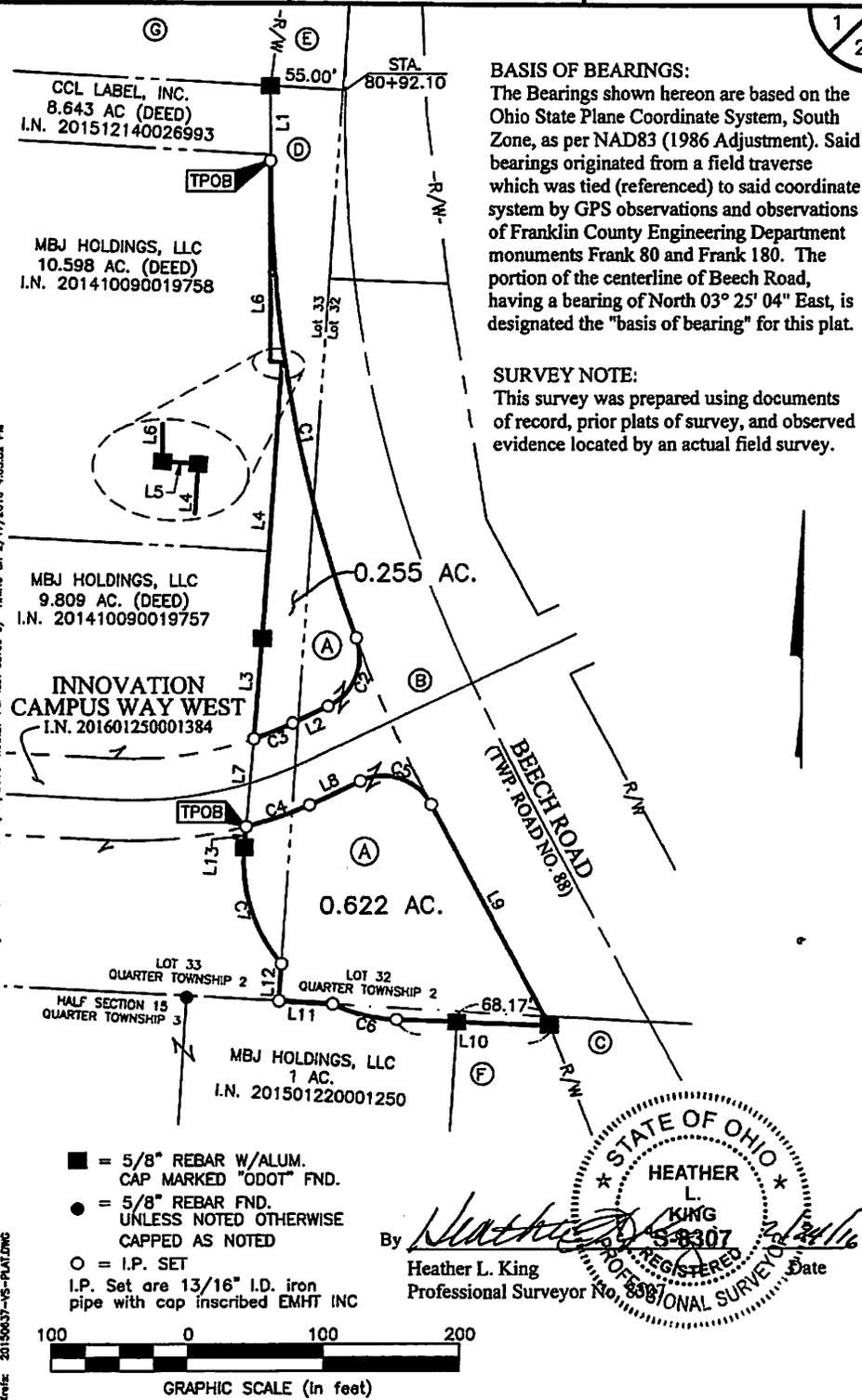
RIGHT-OF-WAY VACATION

HALF SECTION 15, QUARTER TOWNSHIP 3, TOWNSHIP 2, RANGE 15
 LOTS 32 & 33, QUARTER TOWNSHIP 2, TOWNSHIP 2, RANGE 15
 UNITED STATES MILITARY LANDS
 CITY OF NEW ALBANY, COUNTY OF LICKING, STATE OF OHIO

Date: January 29, 2016

Job No. 2015-0637

Scale: 1" = 100'



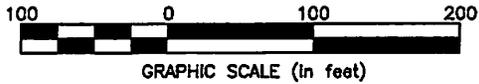
BASIS OF BEARINGS:
 The Bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, as per NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Beech Road, having a bearing of North 03° 25' 04" East, is designated the "basis of bearing" for this plat.

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

2/17/2016 4:03:27 PM text saved by HEATHER on 2/17/2016 4:03:02 PM
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 2/17/2016 4:03:27 PM text saved by HEATHER on 2/17/2016 4:03:02 PM

- = 5/8" REBAR W/ALUM. CAP MARKED "ODOT" FND.
- = 5/8" REBAR FND. UNLESS NOTED OTHERWISE CAPPED AS NOTED
- = I.P. SET
- I.P. Set are 13/16" I.D. iron pipe with cap inscribed EMHT INC

By *Heather L. King*
 Heather L. King
 Professional Surveyor No. 8307
 STATE OF OHIO
 HEATHER L. KING
 8307
 PROFESSIONAL SURVEYOR
 Date: 2/24/16





Evans, Mechwart, Hambleton & Tiori, Inc.
 Engineers • Surveyors • Planners • Scientists
 1500 New Albany Road, Columbus, OH 43234
 Phone: 614.378.4520 Fax: 614.378.3448
 emht.com

RIGHT-OF-WAY VACATION
 HALF SECTION 15, QUARTER TOWNSHIP 3, TOWNSHIP 2, RANGE 15
 LOTS 32 & 33, QUARTER TOWNSHIP 2, TOWNSHIP 2, RANGE 15
 UNITED STATES MILITARY LANDS
 CITY OF NEW ALBANY, COUNTY OF LICKING, STATE OF OHIO

Date: January 29, 2016

Job No. 2015-0637

Scale: 1" = 100'

2
2

- (A) CITY OF NEW ALBANY, OHIO
1.046 AC. (DEED)
I.N. _____
- (B) BOARD OF COMMISSIONERS OF
LICKING COUNTY, OHIO
PARCEL NO. 7-WDV5
6.681 AC. (DEED)
I.N. 200510280034302
- (C) BOARD OF LICKING COUNTY
COMMISSIONERS
PARCEL NO. 6-WDV
1.690 AC. (DEED)
I.N. 200703150006565
- (D) LICKING COUNTY
PARCEL 51-WDV
0.499 AC. (DEED)
I.N. 200601260002471
- (E) LICKING COUNTY
PARCEL 52-WDV
0.190 AC. (DEED)
I.N. 200508100024518
- (F) MBJ HOLDINGS, LLC
7.029 AC. (DEED)
I.N. 201506040011158
- (G) WALTER S. BARRETT AND
CAROLE J. BARRETT
2.000 AC (DEED)
I.N. 200404050011539

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°33'40"E	54.50'
L2	S64°28'13"W	28.83'
L3	N04°26'25"E	74.41'
L4	N03°28'50"E	203.55'
L5	N86°17'29"W	8.72'
L6	N00°33'40"W	147.65'
L7	S04°26'25"W	64.31'

LINE TABLE		
LINE	BEARING	DISTANCE
L8	N64°28'13"E	26.96'
L9	S28°26'52"E	185.29'
L10	N87°49'33"W	112.45'
L11	N86°39'09"W	39.76'
L12	N03°27'52"E	27.09'
L13	N04°26'25"E	15.43'

CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CH. BEARING	CH. DIST.
C1	20°22'52"	1009.93'	359.25'	S10°45'06"E	357.36'
C2	85°24'45"	40.00'	59.63'	S21°45'51"W	54.26'
C3	6°32'23"	270.00'	30.82'	S67°44'25"W	30.80'
C4	10°59'02"	330.00'	63.26'	N69°57'45"E	63.17'
C5	87°04'55"	40.00'	60.79'	S71°59'19"E	55.11'
C6	23°43'45"	118.00'	48.87'	N75°57'40"W	48.52'
C7	45°01'58"	118.00'	92.74'	N18°04'34"W	90.38'

A:\20150637\DWG\04SHRETS\BOUNDARY\20150637-05-RW01-RW02-DWG plotted by KING, HEATHER on 2/17/2016 4:02:45 PM last saved by KING on 2/17/2016 4:00:31 PM
 Date: 20150637-05-RW01-RW02-DWG



Prepared: 04/22/2016
Revised: 04/26/2016
Introduced: 05/03/2016
Revised:
Adopted:
Effective:

ORDINANCE O-11-2016

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 35.45 +/- ACRES OF LAND GENERALLY LOCATED SOUTH AND NORTH OF INNOVATION CAMPUS WAY WEST AND WEST OF BEECH ROAD FROM ITS CURRENT ZONING OF "AG" AGRICULTURAL AND "L-GE" LIMITED GENERAL EMPLOYMENT TO "L-GE" LIMITED GENERAL EMPLOYMENT AS REQUESTED BY MBJ HOLDINGS C/O UNDERHILL & HODGE LLC AND TO DECLARE AN EMERGENCY

WHEREAS, the City Council of the city of New Albany has determined that it is necessary to rezone certain property located in the city of New Albany to promote orderly growth and development of lands; and

WHEREAS, the Planning Commission and the City Council on separate occasions have held public hearings and received public input into the amendment of the Zoning Ordinance; and

WHEREAS, pursuant to the application of MBJ Holdings c/o Underhill & Hodge LLC, the Planning Commission of the city of New Albany has reviewed the proposed Ordinance amendment and recommended its approval.

WHEREAS, this Ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City and for the further reason that this Ordinance is required to be immediately effective in order to permit the commencement of economic development activities with the Personal Care and Beauty Campus.

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

Section 1. That the City Council of the city of New Albany hereby amends the Zoning Ordinance Map of the city of New Albany to change the zoning classification of the following described sites:

- A. A 35.45 ± acre area of land generally located south of Innovation Campus Way West and west of Beech Road from its current zoning of "AG" Agricultural and "L-GE" Limited General Employment to "L-GE" Limited General Employment;
- B. The zoning district's site plan is hereby attached and marked as Exhibit A.

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

Section 3. By reason of the emergency set forth in the preamble hereto, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

CERTIFIED AS ADOPTED this _____ day of _____, 2016.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

PROPOSED



ZONING EXHIBIT
LOT 33, QUARTER TOWNSHIP 2 AND SECTION 15, QUARTER TOWNSHIP 3, TOWNSHIP 15, RANGE 15
UNITED STATES MILITARY LANDS
CITY OF NEW ALBANY AND TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: April 15, 2015
 Scale: 1" = 200'
 Job No: 2015-0485

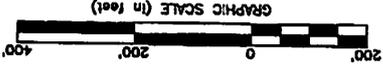
CURVE TABLE

CURVE	DELTA	RADIUS	ARC	CH. BEARING	CH. DIST.
C1	23°38'18"	118.00'	48.68'	S75°54'57"E	48.34'
C2	45°01'58"	118.00'	92.74'	S18°04'34"E	80.38'

LINE TABLE

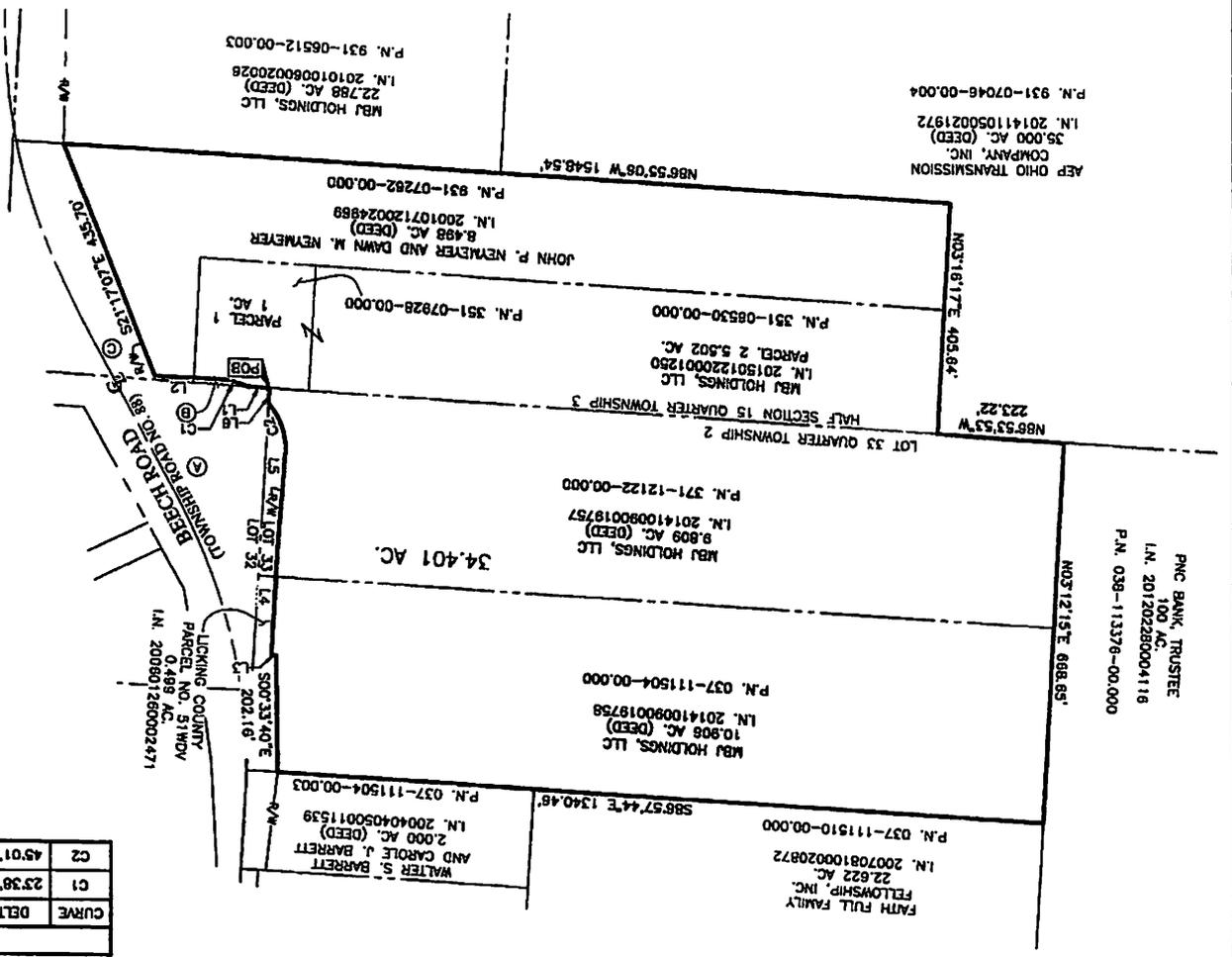
LINE	BEARING	DISTANCE
L1	S88°39'09"E	39.76'
L2	S87°48'33"E	112.64'
L3	S86°17'29"E	8.72'
L4	S03°28'50"W	203.55'
L5	S04°26'25"W	154.15'
L6	N03°27'52"E	27.09'

- Ⓐ BOARD OF COMMISSIONERS OF LICKING COUNTY, OHIO
 PARCEL NO. 7-WDV
 6.681 AC. (DEED)
 I.N. 200510280034302
- Ⓑ LICKING COUNTY
 PARCEL NO. 50-WDV
 0.015 AC. (DEED)
 I.N. 200802170004793
- Ⓒ BOARD OF LICKING COUNTY COMMISSIONERS
 PARCEL NO. 8-WDV
 1.680 AC. (DEED)
 I.N. 200703150088565



New Albany Company / Beech Road Southwest / 2015-0485 / 20150485-VS-ZONE-01

Exhibit A





Evans, Mechwart, Hambleton & Tillon, Inc.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43204
 Phone: 614.275.4550 Fax: 614.275.3448
 emht.com

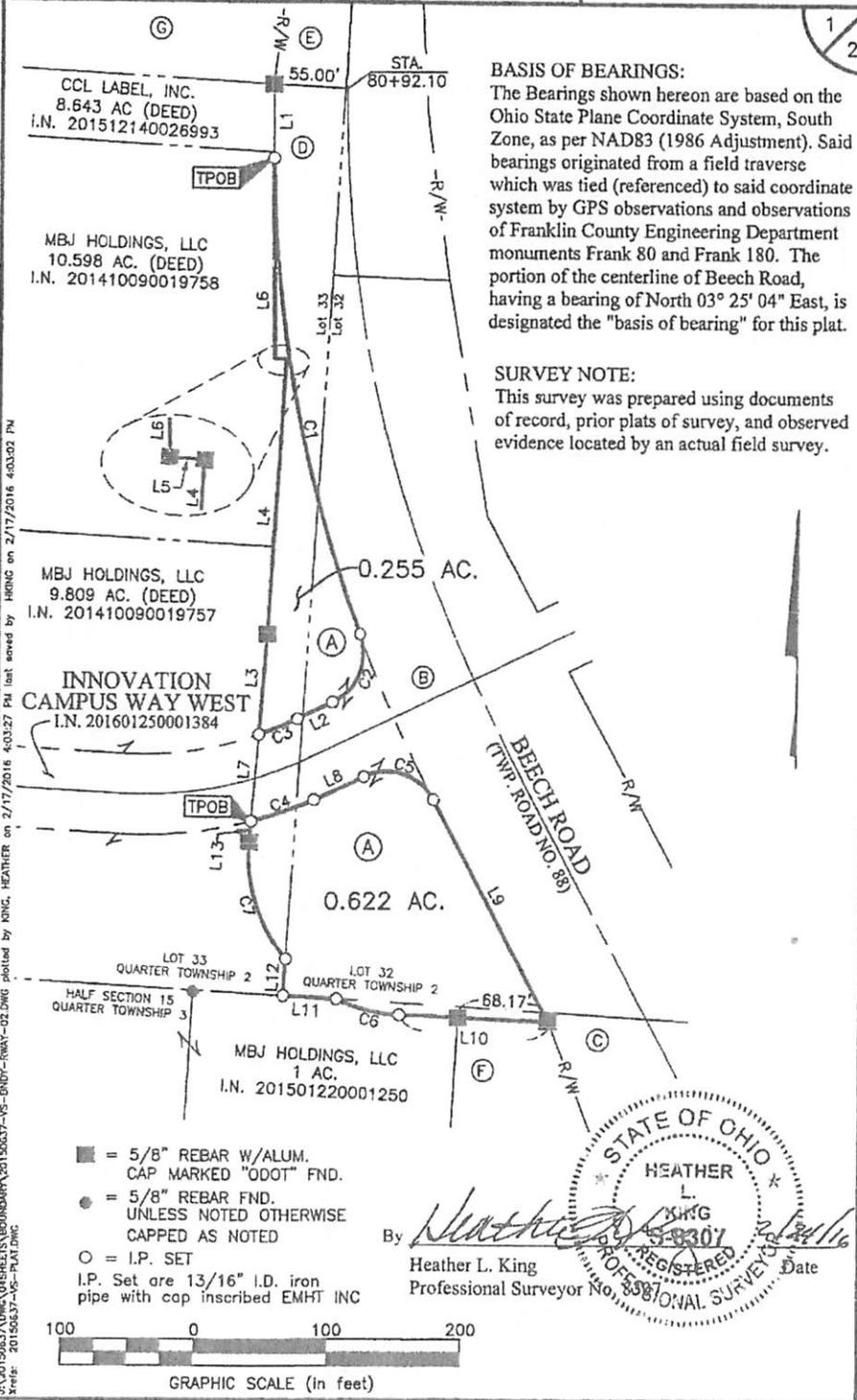
RIGHT-OF-WAY VACATION

HALF SECTION 15, QUARTER TOWNSHIP 3, TOWNSHIP 2, RANGE 15
 LOTS 32 & 33, QUARTER TOWNSHIP 2, TOWNSHIP 2, RANGE 15
 UNITED STATES MILITARY LANDS
 CITY OF NEW ALBANY, COUNTY OF LICKING, STATE OF OHIO

Date: January 29, 2016

Job No. 2015-0637

Scale: 1" = 100'



AL20150827\UNW\04\HEATHER\BOUNDARY\20150637-15-BNDY-RW-VAC-DWG plotted by KING, HEATHER on 2/17/2016 4:03:27 PM last saved by KING, HEATHER on 2/17/2016 4:03:02 PM
 xref: 20150827-15-BNDY-RW-VAC-DWG



Prepared: 4/25/16
Introduced: 5/03/16
Revised:
Adopted:
Effective:

ORDINANCE O-12-2016

AN ORDINANCE TO AMEND CHAPTER 1173 "PRIVATE SWIMMING POOLS" 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, Chapters 1173, needs to be amended; and

WHEREAS, city staff recently completed a comprehensive evaluation of pool barrier regulations in Central Ohio communities; and

WHEREAS, New Albany's regulations require a higher pool barrier than other local communities and the Planning Commission has expressed a desire to align the city's regulations with other local communities; and

WHEREAS, the Planning Commission has held a public hearing and received public input into the amendment of the Zoning Ordinance; and

WHEREAS, the Planning Commission recommended approval of the proposed amendments to the Zoning 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 1173 "Private Swimming Pool" be amended with the attached portions of Chapters 1173 (labeled **Exhibit A**), as requested by the City of New Albany.

Section 2. This Ordinance is passed and shall take effect and be in force on the earliest date allowed by law.

Section 3. Pursuant to Article 6.07(b) of the New Albany Charter, this Ordinance shall become effective thirty (30) days after adoption.

CERTIFIED AS ADOPTED this _____ day of _____, 2016.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

**CERTIFICATION BY CLERK OF COUNCIL
OF PUBLICATION OF LEGISLATION**

I certify that copies of Ordinance **O-012-2016** were posted in accordance with Section 6.12 of the Charter,
for 30 days starting on _____, 2016.

Jennifer Mason, Clerk of Council

Date

Exhibit
A

1173.01 PURPOSE AND APPLICABILITY.

This section is enacted to provide regulations for the construction and operation of private swimming pools. It is applicable to bodies of water used for swimming and/or recreational bathing and is not applicable to storm drainage or detention facilities authorized by the Municipality.

1173.02 PRIVATE SWIMMING POOLS.

A "private swimming pool" as regulated herein, means any pool or open tank not located within a completely enclosed building and containing water to a depth, at any point greater than one and one-half (1.5) feet. No such swimming pool, exclusive of portable swimming pools with an area of less than one hundred (100) square feet, shall be allowed in any Agricultural or Residential District unless the following conditions and requirements are complied with:

- (a) "In-ground pool" means a swimming pool whose sides rest in partial or full contact with earth, no part of which is more than twelve (12) inches above grade.
- (b) The pool is intended and is to be used solely for the occupants of the principal use of the property on which it is located.
- (c) Such pool, including any walks, paved areas, equipment, and appurtenances thereto, shall not be located in any front yard, nor closer than fifteen (15) feet to any property line.
- (d) The area of the swimming pool, exclusive of decks, walks and other appurtenances shall not exceed ten percent (10%) of the area of the lot or parcel.
- (e) Any private swimming pool, or the property on which the pool is located, shall be enclosed by a wall or fence constructed so as to prevent uncontrolled access. Such wall or fence shall be of such design and construction as to effectively prevent a child from crawling or otherwise passing through or under such fence or barrier. Such wall or fence shall not be less than five forty-eight (548) feet-inches in height, maintained in good condition by the property owner, and affixed with an operable gate and lock. Additionally, the provisions of Chapter 1175, Fences, and Chapter 1330, International Property Maintenance Code shall apply.
- (f) All lights used for the illumination of the swimming pool and adjacent areas shall be designed, located and installed so as to confine the direct beams thereof to the lot or parcel on which the pool is located.

(Ord. O-26-2012. Passed 1-22-13.)

1173.03 COMMUNITY SWIMMING POOLS.

"Community swimming pool" means any pool constructed by an association of property owners, a private club for use and enjoyment of its members; or any individual or organization (including the Municipality) for use by the general public. Such community swimming pools, specified as permitted or conditional uses in the various zoning districts are subject to the following additional conditions:

- (a) The swimming pool, including any walks, paved areas or appurtenances thereto, shall not be located closer than thirty (30) feet to any property line.

(b) Any community swimming pool, or the property on which it is located, shall be enclosed by a fence or wall constructed so as to prevent uncontrolled access. Such fence or wall shall not be less than six (6) feet in height and maintained in good condition. Each gate in the fence or wall shall be provided with a secure lock and shall be kept locked at all times when the pool is not in use or under immediate control of a responsible person.

1173.04 ZONING PERMIT REQUIRED.

A zoning permit shall be required for the construction or installation of any private or community pool. The application for the zoning permit shall be evidence that the pool will be constructed, maintained and/or installed in conformance with the above provisions of this Ordinance, as well as all other applicable ordinances in effect at time of the application.



Prepared: 4/19/2016
Introduced: 5/17/2016
Revised:
Adopted:
Effective:

ORDINANCE O-13-2016

AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1 ANNEXATION OF 74.598+/- ACRES FROM JERSEY TOWNSHIP, LICKING COUNTY TO THE CITY OF NEW ALBANY

WHEREAS, pursuant to petition filed by Aaron L. Underhill and David Hodge, agent for petitioners, with the Licking County Development and Planning Department, on March 3, 2016, and

WHEREAS, the foregoing Resolution #83-216 of the Licking County Commissioners was delivered to the City of New Albany on March 10, 2016, and more than sixty (60) days have lapsed since the Resolution of the Board of County Commissioners was transmitted to the City of New Albany, and

WHEREAS, pursuant to Resolution R-08-2016 of the City of New Albany, the New Albany City Manager was authorized to enter into a Roadway Maintenance Agreement with the Licking County Board of Commissioners for the maintenance of sections of roadways impacted by this annexation.

WHEREAS, the real estate is located in Licking County and is subject to the "New Albany East Community Authority" and subject to a special property assessment in compliance therewith, and

WHEREAS, pursuant to New Albany Codified Ordinance 1125.05, all newly annexed areas shall immediately be zoned into the Agricultural District and shall be subject to the regulations and restrictions pertaining thereto, and

WHEREAS, The New Albany City Council has determined that annexation of the real estate is in the best interests of the residents of the City of New Albany.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, County of Franklin, and Licking, State of Ohio:

Section 1: That the application of property owners set forth in Licking County requesting the annexation of 74.598 +/- acres, which is contiguous to the City of New Albany, is hereby accepted, and the corporate boundaries of New Albany shall be extended to include the territory, more particularly described in Exhibit A, attached hereto and incorporated herein as if fully written.

Section 2: That an accurate map of the territory, hereby attached as Exhibit B, the petition for its annexation, other related documents, and a certified transcript of the proceedings of the Licking County Board of Commissioners regarding the annexation proceedings have been on file with the Clerk of Council of the City of New Albany for sixty (60) days prior to being presented to this Council as required by law, and are hereby accepted.

Section 3: That City Council of the City of New Albany hereby accepts the annexation of a 74.598 +/--acre tract, situated in Jersey Township, Licking County, Ohio, the same being land of the owners set forth above, for annexation to the City of New Albany.

Section 4: That the Clerk is herewith directed to deliver certified copies of this Ordinance and other Proceedings relative to the annexation to the County Auditor, County Recorder, and the Secretary of State.

Section 5: 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.

CERTIFIED AS ADOPTED this _____ day of _____, 2015.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

**CERTIFICATION BY CLERK OF COUNCIL
OF PUBLICATION OF LEGISLATION**

I certify that copies of Ordinance **O-13-2016** were posted in accordance with Section 6.12 of the Charter, for 30 days starting on _____, 2016.

Jennifer Mason, Clerk of Council

Date

Exhibit
A

PRE-APPROVAL LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY: <i>[Signature]</i>	<i>[Signature]</i>
DATE: 1-14-16	

ANNEXATION OF 74.598 ACRES

**FROM: TOWNSHIP OF JERSEY
TO: CITY OF NEW ALBANY**

Situated in the State of Ohio, County of Licking, Township of Jersey, in Lot 1, Quarter Township 2, and Sections 13 and 14, Quarter Township 3, Township 2, Range 15, United States Military Lands, being comprised of all of those tracts of land conveyed to MBJ Holdings, LLC by deeds of record in Instrument Numbers 201511050024177 and 201511170024864, all of those tracts of land conveyed to Lisa A. Murphy, Trustee by deed of record in Instrument Number 20160105000147, and all of that tract of land conveyed to Mink Corner Holdings LLC by deed of record in Instrument Number 201406090010252, (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 the centerline intersection of Mink Street (County Road 41) with Beaver Road;

Thence South 29° 32' 02" West, with the centerline of said Mink Street, a distance of 200.50 feet to the southeasterly corner of that 2.231 acre tract conveyed to Ronald Lee and Pamela Sue Howell by deed of record in Official Record 532, Page 258, the TRUE POINT OF BEGINNING for this description;

Thence South 29° 32' 02" West, with said centerline, a distance of 193.01 feet to a point;

Thence South 27° 47' 42" West, with said centerline, a distance of 1024.74 feet to the northeasterly corner of that 0.576 acre tract conveyed as Parcel 84-WDV to Licking County by deed of record in Instrument Number 200503230008436;

Thence North 62° 17' 59" West, with the northerly line of said 0.576 acre tract, a distance of 72.90 feet to a point in the westerly right of way line of said Mink Street;

Thence South 31° 13' 30" West, with said westerly right of way line, a distance of 326.32 feet to the northwesterly corner of that 1.349 acre tract conveyed as Parcel 83-WDV to Licking County by deed of record in Instrument Number 200805160011422, the northeasterly corner of that 6.297 acre tract conveyed to Jerry Lynn Hill and Dorothy Jean Seton Hill by deed of record in Deed Book 810, Page 891;

Thence North 76° 34' 23" West, with the northerly line of said 6.297 acre tract, a distance of 719.47 feet to the northeasterly corner of that 4.882 acre tract conveyed to Wilsons Lawncare & Landscaping, LLC by deed of record in Instrument Number 201206060012508;

Thence North 83° 36' 23" West, with the northerly line of said 4.882 acre tract, a distance of 425.95 feet to the northwesterly corner thereof;

Thence South 03° 28' 44" West, with the westerly line of said 4.882 acre tract, a distance of 508.33 feet to the northeasterly corner of that 0.585 acre tract conveyed as Parcel 73-WDV to Licking County by deed of record in Instrument Number 200805160011426;

Thence North 88° 33' 16" West, with the northerly line of said 0.585 acre tract, a distance of 219.87 feet to a point in the easterly line of that 0.160 acre tract conveyed as Parcel 70-WDV to Licking County by deed of record in Instrument Number 200703150006591;

Thence North 03° 26' 31" East, with the easterly lines of said 0.160 acre tract and that 14.510 acre tract conveyed to Edward L. Bright and Debbi S. Bright by deed of record in Official Record 318, Page 627, a distance of 527.33 feet to a point;

Thence North 83° 36' 23" West, with a northerly line of said 14.510 acre tract, a distance of 31.69 feet to a point;

Thence North 02° 58' 27" East, with an easterly line of said 14.510 acre tract, a distance of 1400.53 feet to a point in the southerly line of that 162.114 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201508210017779;

Thence South 86° 45' 13" East, with said southerly line, a distance of 399.23 feet to the southeasterly corner thereof;

Thence North 02° 58' 27" East, with the easterly line of said 162.114 acre tract, a distance of 231.29 feet to a point;

ANNEXATION OF 74.598 ACRES

-2-

Thence North 03° 47' 55" East, with said easterly line, a distance of 373.00 feet to the southwesterly corner of that tract conveyed to Ray E. and Vicki D. Rusmisl by deed of record in Official Record 155, Page 296;

Thence South 86° 19' 43" East, with the southerly line of said Rusmisl tract, a distance of 691.34 feet to a point in the westerly line of that 46.81 acre tract conveyed to Mark J. Smith and Nancy J. Smith by deed of record in Instrument Number 199810210040058;

Thence South 03° 42' 26" West, with said westerly line, a distance of 373.00 feet to the southwesterly corner thereof;

Thence South 86° 19' 43" East, with the southerly line of said 46.81 acre tract, a distance of 616.51 feet to the northwesterly corner of that 1.944 acre tract conveyed to Thomas Stetzik and Pavana Stetzik by deed of record in Instrument Number 201302040003023;

Thence South 32° 40' 17" West, with the westerly lines of said 1.944 acre tract, that 1.973 acre tract conveyed to Pamela S. Howell, and said 2.231 acre tract, a distance of 480.47 feet to the southwesterly corner of said 2.231 acre tract;

Thence South 86° 19' 43" East, with the southerly line of said 2.231 acre tract, a distance of 651.97 feet to the TRUE POINT OF BEGINNING, containing 74.598 acres of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk

Matthew A. Kirk
Professional Surveyor No. 7865

13 JAN 16

Date

MAK:bk
74.598 ac 20151443-VS-EXGB-ANNX-01.doc



