



Prepared: 07/27/2018
Introduced: 08/07/2018
Revised: 08/08/2018
Adopted: 08/21/2018
Effective: 09/24/2018

ORDINANCE O-16-2018

AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. O-10-99 PASSED MARCH 16, 1999, AS AMENDED AND SUPPLEMENTED BY ORDINANCE NO. O-27-99 PASSED AUGUST 3, 1999, TO MODIFY THE PUBLIC INFRASTRUCTURE IMPROVEMENTS THAT MAY BE FUNDED FROM THE BLACKLICK TIF AND THE DISTRIBUTION OF SERVICE PAYMENTS FROM THE BLACKLICK TIF; AND AUTHORIZING AN AMENDMENT TO THE BLACKLICK TAX INCREMENT FINANCING AGREEMENT

WHEREAS, the New Albany Plain Local School District certified to the City its Resolution No. 99-29 adopted pursuant to Section 5709.40 of the Ohio Revised Code by its Board of Education on March 1, 1999, approving the passage of the Original TIF Ordinance (as defined below) and waiving any notice requirements of Ohio Revised Code Sections 5709.40, 5709.83 and 5715.27 with respect to the Blacklick TIF (as defined below), the passage by the City of legislation related thereto, and the provision of any TIF exemptions in connection therewith, and approved the passage of City legislation related thereto and any TIF exemptions in connection therewith; and

WHEREAS, after providing written notice to the Board of Education of the Eastland-Fairfield Career & Technical Schools (formerly the Eastland Joint Vocational School District) in accordance with Section 5709.83 of the Ohio Revised Code, pursuant to Ohio Revised Code Sections 5709.40, 5709.42 and 5709.43, the City Council on March 16, 1999, passed Ordinance No. O-10-99 (the "Original TIF Ordinance" and, as amended by Ordinance No. O-27-99, adopted August 3, 1999, the "TIF Ordinance") declaring improvements to parcels of certain real property located in the City (as depicted in that Original TIF Ordinance and referred to therein as the "Property") to be a public purpose, exempting those improvements from real property taxation for a period of time, specifying public infrastructure improvements (defined in the Original TIF Ordinance as "Infrastructure Improvements" but referred to herein as "Public Infrastructure Improvements") to be made to benefit those parcels, providing for the making of service payments in lieu of taxes (the "Service Payments") by the "Owners" (as defined in the Original TIF Ordinance) thereof, and establishing a municipal public improvement tax increment equivalent fund into which those Service Payments will be deposited prior to be used to pay costs of those Public Infrastructure Improvements (collectively, the "Blacklick TIF"); and

WHEREAS, in accordance with the Original TIF Ordinance, on July 15, 1999, the Village entered into a Blacklick Tax Increment Financing Agreement (the "TIF Agreement") with The New Albany Company LLC as the then owner of the Property (the "Prior Owner") which, among other things, provided for the development and financing of Public Infrastructure Improvements (defined in the TIF Agreement as "Public Improvements"); and

WHEREAS, as expressly contemplated in the Original TIF Ordinance, on August 3, 1999, the City Council passed Ordinance No. O-27-99 adding additional property to the area subject to the Original TIF Ordinance; and

WHEREAS, on August 9, 1999, the Prior Owner transferred its interest in the Property to Abercrombie & Fitch Co. (the "Company");

WHEREAS, on September 28, 2016, the City and the Prior Owner entered into a First Amendment to the Blacklick Tax Increment Financing Agreement modifying the description of Public Infrastructure Improvements that may be funded from the Blacklick TIF; and

WHEREAS, the City desires to further amend the TIF Ordinance and the TIF Agreement to further modify the Public Infrastructure Improvements described therein and adjust the distribution of monies from the Building Account in the Blacklick TIF Fund (both as referred to and defined in the Original TIF Ordinance; and

WHEREAS, the New Albany Plain Local School District by Resolution No. 99-29 adopted by its Board of Education on March 1, 1999, waived any notice requirements of Ohio Revised Code Sections 5709.40, 5709.83 and 5715.27 with respect to the Blacklick TIF, the passage by the City of legislation related thereto, and the provision of any TIF exemptions in connection therewith, and approved the passage of City legislation related thereto and any TIF exemptions in connection therewith; and

WHEREAS, this Council finds and determines that notice of this proposed Ordinance has been delivered to the Board of Education of the Eastland-Fairfield Career & Technical Schools (formerly the Eastland Joint Vocational School District) in accordance with Section 5709.83 of the Ohio Revised Code and hereby ratifies the giving of that notice;

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

Section 1. Amendment to Section 2 of Original TIF Ordinance. Section 2 of the Original TIF Ordinance is amended and restated as follows: "The public infrastructure improvements to be made by the City include the public infrastructure improvements (in each case, together with all necessary appurtenances) described in attached Exhibit A that directly benefit, or that once made will directly benefit, the Property and all other public infrastructure improvements and related appurtenances that are designated as those public infrastructure improvements that directly benefit, or that once made will directly benefit, the Property (the "Infrastructure Improvements")." Exhibit A attached to this Ordinance shall be attached to the TIF Ordinance.

Section 2. Amendment to Section 3(b) of Original TIF Ordinance. Section 3(b) of the Original TIF Ordinance is amended and restated as follows: "The portion of any service payment relating to the building value, to the extent not otherwise exempt from taxation pursuant to the CRA statute, of a parcel (as determined by the Franklin County Auditor's office) will be deposited into the Building Account (as defined herein) for further distribution, within thirty (30) days of receipt by the City (formerly referred to as the Village), to the following: (i) the School District, (ii) the Eastland-Fairfield Career & Technical Schools (formerly the Eastland Joint Vocational School District), and (iii) the Plain Township Fire Department. The service payments distributed pursuant to this Section 3(b)(i) and (ii) shall be in the same amounts the School District and the Eastland-Fairfield Career Centers would have received if each Parcel in respect of which the service payment was made was not exempt from taxation pursuant to the TIF Ordinance. The payment to the Plain

Township Fire Department shall be in amount to be determined. The balance of the service payments remaining in the Building Fund after the distributions of those service payments provided in the prior three sentences shall be applied by the City to the payment of costs of Public Infrastructure Improvements.”

Section 3. TIF Agreement Amendment. The Second Amendment to the Blacklick Tax Increment Financing Agreement (the “TIF Agreement Second Amendment”), by and between the City and the Former Owner, in the form presently on file with the Clerk of Council, revising the description of the Public Infrastructure Improvement consistent with Section 1 of this Ordinance, is hereby approved and authorized with any changes therein not inconsistent with this Ordinance and not substantially adverse to this City and which shall be approved by the City Manager. The City Manager, for and in the name of this City, is hereby authorized to execute that TIF Agreement Second Amendment with the character of any changes thereto being consistent with this Ordinance and not substantially adverse to the City, evidenced conclusively by the execution thereof.

Section 4. Further Authorizations. This Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council, or other appropriate officers of the City to prepare and sign all agreements or other instruments and take any other actions as may be appropriate to implement this Ordinance and the transactions referenced or contemplated in this Ordinance and in the TIF Agreement Second Amendment.

Section 5. Open Meeting. 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 6. Effective Date. Pursuant to Article VI, Section 6.07(B) 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 2 day of Aug, 2018.

Attest:



Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Mitchell H. Banchefsky
Law Director

Exhibit A

Public Infrastructure Improvements

- A. A public road extending easterly from Johnstown Road (U.S. 62) across Kitzmiller Road and across Blacklick Creek, and continuing easterly until it curves southerly to intersect with S.R. 161 and the affected intersections;
- B. The public roadways constituting the widening of Johnstown Road (U.S. 62) north of S.R. 161, including the rerouting of Bevelheimer Road and its connection to Johnstown Road (U.S. 62);
- C. The Blacklick Sanitary Sewer serving the Blacklick Business Campus;
- D. The Blacklick Sanitary Truck Sewer extension/S.R. 161 crossing (extension of approximately 2,200 feet of 35-inch sanitary sewer from the north side of Smith's Mill Road, south along the Franklin/Licking Count line);
- E. Blacklick Water Line extension / S.R. 161 crossing (extension of approximately 3,000 feet of 24-inch water main along Beech Road NW from the intersection with Smith's Mill Road, south through S.R. 161 interchange);
- F. Installing a leisure trail and velo-loop along Smith's Mill, Kitzmiller, and Central College Roads;
- G. Resurfacing of Smith's Mill Road;
- H. Extension of Evans Road connecting the south end of Evans Road to an existing parking lot, or a suitable alternative mutually agreed upon by the City and Abercrombie & Fitch;
- I. Construction of a new right turn lane, leisure trail path, and related improvements along Smith's Mill Road and the construction of an additional vehicular turn lane along Fitch Path on the Abercrombie & Fitch campus;
- J. Widening and extension of an access drive on the Abercrombie & Fitch campus drive to accommodate vehicular stacking and to allow a right-only egress lane, together with any necessary easements to the City therefor;
- K. Construction of an approximately 4' by 12' bus shelter and related improvements at a location mutually agreed upon by the City and Abercrombie & Fitch;
- L. Extension of Innovation Campus West Road to the A&F Campus;
- M. Improvements to S.R. 161 exit and entrance ramps at U.S. 62 and Beech Road;
- N. Modification of traffic control devices at the intersection of Beech Road NW and Innovation Campus Way;
- O. Haines Ditch and Blacklick Creek restoration and maintenance;
- P. Kitzmiller Road/Smith's Mill Road intersection improvements, extending Ganton from U.S. 62 (Theisen Drive) east and through existing Kitzmiller/Dubin-Granville intersection;
- Q. Widening and realignment of Dublin-Granville Road, east of Kitzmiller Road to Beech Road NW, including related utilities and affected intersection.;
- R. Landscape improvements along Smith's Mill Road between Beech Road NW and Franklin/Licking County line including road island.;
- S. A new public road and public utilities to serve ± 95-acre development at southwest corner of Beech Road NW and Smith's Mill Road;
- T. Construction of a north/south road through the Strauss property, with all necessary utilities;
- U. Providing for traffic signalization at Smith's Mill Road and Forest Drive; and
- V. Central College and Jug Street road improvements from U.S. 62 to Beech Road, including paving and installation of leisure trails, waterlines and fiber optic lines, and City acquisition of an easement therefor;
- W. Land acquisition for park land, road right-of-way and related easements.



Prepared: 08/09/2018
Introduced: 08/21/2018
Revised:
Adopted: 08/21/2018
Effective: 08/21/2018

RESOLUTION R-26-2018

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO APPLY FOR FUNDING UNDER THE MID-OHIO REGIONAL PLANNING COMMISSION (MORPC) - ATTRIBUTABLE FUNDING PROGRAMS FOR THE STATE ROUTE 605 & WALNUT STREET INTERSECTION RELOCATION & ROUNDABOUT INFRASTRUCTURE PROJECT

WHEREAS, the Mid-Ohio Regional Planning Commission (MORPC) Attributable Funding Programs for the Ohio Department of Transportation (ODOT) provide financial assistance to political subdivisions for capital improvements to public infrastructure; and

WHEREAS, the MORPC Attributable Funding Programs fund transportation projects such as roads and bridges, public transit, bikeways, and sidewalks; and

WHEREAS, the funds come from three federal programs: The Surface Transportation Block Grant Program (STBG), the Congestion Mitigation & Air Quality Improvement Program (CMAQ) and the Transportation Alternatives Program (TAP); and

WHEREAS, MORPC has determined that the proposed infrastructure project located at State Route 605 & Walnut Street intersection relocation and roundabout would be an appropriate project for Attributable Funding Programs and;

WHEREAS, the Mid-Ohio Regional Planning Commission (MORPC) is the MPO for the Central Ohio Region; and

WHEREAS, the City of New Albany project has been selected to advance the preliminary application to the next phase of final application; and

WHEREAS, as part of the Attributable Funding Programs, MORPC requires a resolution of local support be adopted demonstrating its commitment to the project.

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 apply to Mid-Ohio Regional Planning Commission (MORPC) for financial assistance through the Attributable Funding Programs for the infrastructure project known as State Route 605 & Walnut Street intersection relocation and roundabout.

Section 2. The city manager is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance in conjunction with the recommendations of the city engineer, and approved as to form by the city law director in accordance with all authority granted to and limitations upon by the city's director of finance.

Section 3. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121 of the Ohio Revised Code.


Section 4. Pursuant to the Article VI, Section 6.07(A) of the Charter of the city of New Albany, this resolution shall take effect upon passage.

CERTIFIED AS ADOPTED this 21 day of August, 2018.

Attest:



Sloan T. Spalding,
Mayor



Jennifer H. Mason,
Clerk of Council

Approved as to form:



Mitchell H. Banchefsky
Law Director