Prepared: 07/08/2016
Introduced: 08/02/2016
Revised:
Adopted:
Effective:

ORDINANCE O-16-2016

AN ORDINANCE TO ACCEPT THE GENERAL WARRANTY DEED FOR THE PARCELS KNOWN AS NEW ALBANY COUNTRY CLUB SECTION 20 PART 3 (LANSDOWNE) RESERVES P, Q, AND R (PARCELS 222-004531; 222-004530; AND 222-004529) FROM M/I HOMES OF CENTRAL OHIO, LLC FOR PUBLIC PARKLAND AND OPEN SPACE

WHEREAS, Resolution R-24-2012 was adopted by the New Albany City Council on February 21, 2012 approving the final plat for New Albany Country Club Section 20 Part 3, known as Lansdowne part 3, which included the commitment to dedicate reserves P, Q, and R to the city for public parkland and open space; and

WHEREAS, the general warranty deeds have since been provided to the City of New Albany by M/I Home of Central Ohio, LLC granting to the city the parkland and open space which was required and committed to; and

WHEREAS, New Albany City Council has agreed to the terms and conditions by which this parkland and open space will be donated.

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

Section 1. City Council hereby accepts the lands, described in the general warranty deed attached hereto as Exhibit A and shown on the map attached hereto as Exhibit B, under the terms and conditions outlined and the covenants and restrictions stipulated in the deed and final plat.

Section 2. That the general warranty deed is attached to this Ordinance and made a part hereof as if fully reproduced herein.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting 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 and in compliance with all legal requirements of the City of New Albany, Franklin and Licking Counties, Ohio.

Section 4. 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.

PROPOSED

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

Exhibit A
To Ordinance O-16-2016

LIMITED WARRANTY DEED

M/I HOMES OF CENTRAL OHIO, LLC, an Ohio limited liability company, for valuable consideration paid, grants with limited warranty covenants, to the **CITY OF NEW ALBANY, OHIO,** an Ohio municipal corporation whose tax mailing address is 99 W. Main Street, New Albany, Ohio 43054, the real property more particularly described on Exhibit A attached hereto and made a part hereof.

Parcel Nos.: 222-004531-00; 222-004530-00; and 222-004529-00.

Prior Instrument Reference: Instrument No. 200901290011037,
Recorder's Office, Franklin County, Ohio.

The foregoing conveyance is made subject to taxes and assessments not yet due and payable; easements, conditions and restrictions of record, legal highways and zoning ordinances.

M/I Homes of Central Ohio, LLC has caused its duly authorized officer to execute this deed this ____ day of _____ 2016.

M/I HOMES OF CENTRAL OHIO, LLC
an Ohio limited liability company

By: _____
J. Thomas Mason, Executive Vice President and Chief Legal Officer

Exhibit A
To Ordinance O-16-2016

STATE OF OHIO:
COUNTY OF FRANKLIN: SS

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by J. Thomas Mason, Executive Vice President and Chief Legal Officer of M/I homes of Central Ohio, LLC, an Ohio limited liability company, on behalf of the company.

_____
Notary Public

This Instrument Prepared by: M/I Homes of Central Ohio, LLC, 3 Easton Oval, Suite 500, Columbus, Ohio 43219

Exhibit A
To Ordinance O-16-2016

EXHIBIT A

Situated in the State of Ohio, County of Franklin, and City of New Albany:

Being Reserves P, Q, and R of NEW ALBANY COUNTRY CLUB SECTION 20, PART 3, as the same are numbered and delineated on the recorded plat thereof, of record in Plat Book 115, page 44, Instrument Number 201210290163521, Recorder's Office, Franklin County, Ohio.

Exhibit B

NEW ALBANY COUNTRY CLUB SECTION 20 PART 3

NOTE "A": No determination has been made by the City of New Albany, Ohio as to whether the area proposed to be platted contains area(s) that could be classified as Wetlands by the Army Corps of Engineers. It is the developer's responsibility to determine whether Wetlands exist on the area hereby platted. The City of New Albany, Ohio, approval of this final plat of The New Albany Country Club Section 20 Part 3 does not imply any approval of the site as it may pertain to Wetlands.

NOTE "B": All of the area hereby platted is within Zone X (areas determined to be outside of the 0.2% annual chance floodplain) as shown on Federal Emergency Management Agency Flood Insurance Rate Map for Franklin, County, Ohio and Incorporated Areas, map numbered 39049C0204 K with effective date of June 17, 2008.

NOTE "C" - DEPRESSED DRIVEWAYS: Depressed driveways are hereby prohibited on all lots in The New Albany Country Club Section 20 Part 3. Nothing herein, however, shall prohibit the construction and use of, if otherwise permitted, a driveway alongside or to the rear of a residential structure.

NOTE "D" - RESERVE "M" AND RESERVE "N": Reserve "M" and Reserve "N", as designated and delineated hereon shall be owned and maintained by an association comprised of the owners of the fee simple titles to the lots in all of the parts of New Albany Country Club Section 20, which is called the Lansdowne Homeowner's Association, Inc, said association will be a separate entity from the New Albany Country Club Homeowners Association, Inc. The alleys constructed within said Reserve "M" and Reserve "N" will be private alleys which will be owned and maintained by said Lansdowne Homeowner's . These alleys will not be dedicated to the City of New Albany and the City of New Albany will not be responsible for the maintenance of said alleys.

NOTE "E" - RESERVE "Q" AND RESERVE "R": Reserve "Q" and Reserve "R" as designated and delineated hereon, shall be owned by the City of New Albany, Ohio and be maintained by The New Albany Country Club Community Homeowners Association, Inc. Said Reserves shall be maintained by said association at its cost and at its risk and said association shall hold the City of New Albany, Ohio, harmless from actions resulting from said maintenance. Said Reserves shall be designed and maintained so as not to obstruct the view of persons operating motor vehicles in, entering or exiting the public street adjacent to said island.

NOTE "F": All vehicular access to lots will be from private alley rather than from public street with the exception of Lots 93, 94 and 95.

NOTE "G": As per the City of New Albany Zoning Department, a notice is hereby given to the potential owners to the fee simple titles to the lots in New Albany Country Club Section 20 Part 3, that within Reserve "O" there will be constructed retention ponds with depths up to approximately 15 feet.

NOTE "H" - RESERVE "O": Reserve "O" as designated and delineated hereon shall be owned and maintained by the New Albany Communities Master Association, Inc.

NOTE "I" - RESERVE "P": Reserve "P" as designated and delineated hereon, shall be owned by the City of New Albany, Ohio and maintained by the New Albany Communities Master Association, Inc. said association shall maintain said Reserve "P" for a period ending twenty (20) years after the date of recordation of this plat of New Albany Country Club Section 20 Part 3 in the plat of records of the Franklin County, Ohio, Recorder, and shall, during said maintenance period, maintain said Reserve "P" at it's cost and at its risk and shall hold the City of New Albany, Ohio, harmless from actions resulting from said maintenance. Reserve "P" is to be conveyed to the City of New Albany, Ohio, at the time of recordation.

NOTE "J" - LOTS 92, 93 AND 94: On each of Lots 92, 93 and 94, no building shall be constructed which has an opening, unprotected from flooding, in its foundation wall which is lower than the flood protection elevation for that lot given in the following table:

Lot No.	Flood Protection Elevation (USGS Datum 1929)
92	955.9
93	955.9
94	955.9

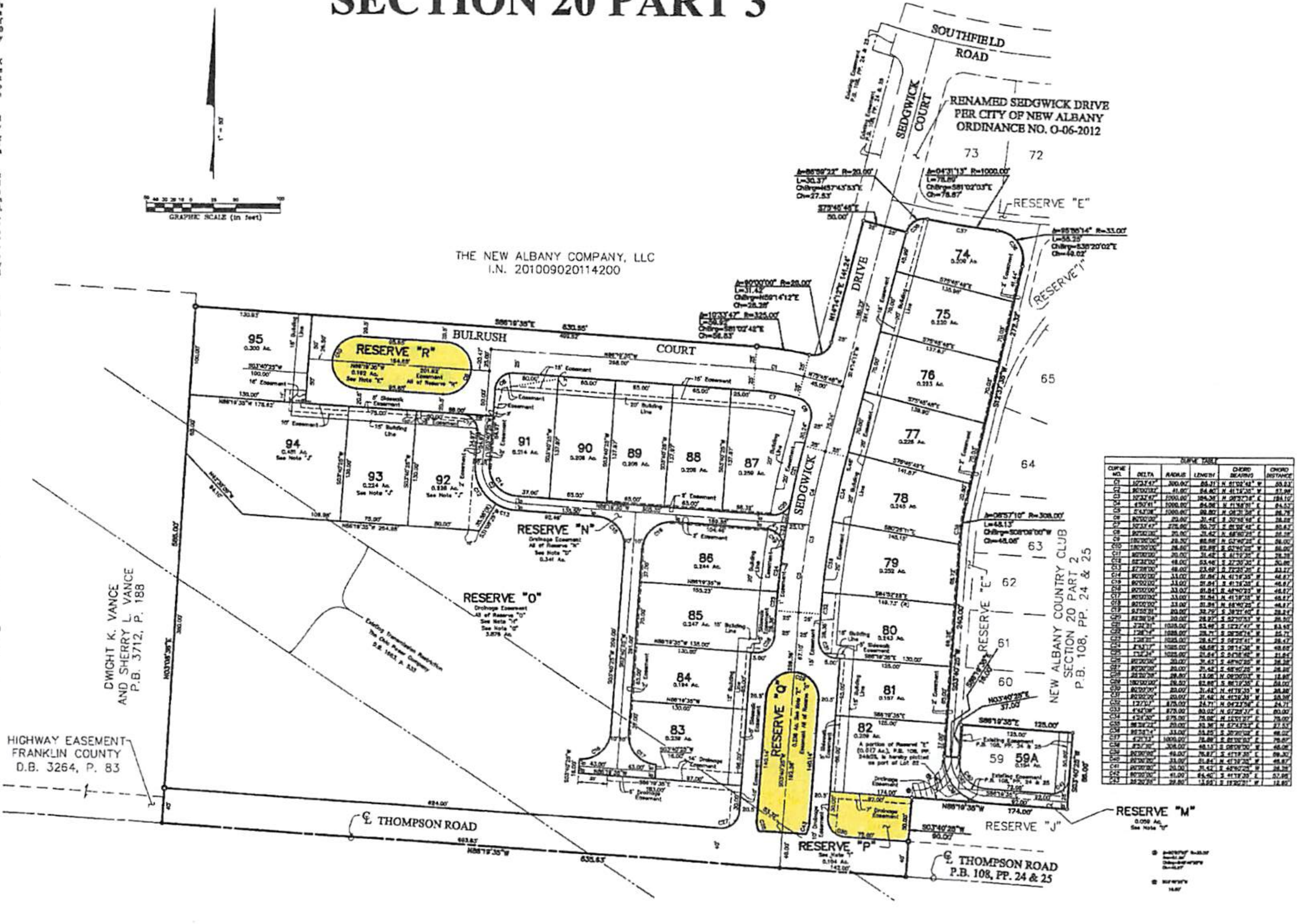
The forgoing flood protection elevation is approximately 2.0 feet above the 100 year flood elevation.

NOTE "K" - ACREAGE BREAKDOWN:

Total acreage:	12.596 Ac.
Acreage in rights-of-way:	2.280 Ac.
Acreage in remaining lots:	5.506 Ac.
Acreage in Reserves:	4.810 Ac.

NOTE "L" - ACREAGE BREAKDOWN: New Albany Country Club Section 20 Part 3 is comprised of the following Franklin County Parcel Numbers.

Parcel Number 222-000362	12.314 Ac.
Parcel Number 222-003610	0.259 Ac.
Parcel Number 222-003626	0.023 Ac.



CURVE TABLE					
CURVE NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD DISTANCE
C1	10°33'47"	300.00'	55.31'	N 81°02'42" W	55.23'
C2	90°00'00"	41.00'	64.40'	N 41°19'35" W	57.98'
C3	10°33'47"	1000.00'	184.38'	N 08°57'16" E	184.10'
C4	4°50'41"	1000.00'	84.56'	N 11°58'51" E	84.53'
C5	5°43'06"	1000.00'	99.80'	N 08°31'36" E	99.75'
C6	90°00'00"	20.00'	31.42'	S 30°45'48" E	28.28'
C7	10°33'47"	275.00'	50.70'	S 81°02'42" E	50.63'
C8	90°00'00"	20.00'	31.42'	N 48°40'25" E	28.28'
C9	180°00'00"	28.50'	89.55'	N 03°40'25" E	56.00'
C10	180°00'00"	28.00'	87.96'	S 03°40'25" W	56.00'
C11	90°00'00"	20.00'	31.42'	S 41°19'35" E	28.28'
C12	63°30'00"	48.00'	53.46'	S 27°30'35" E	50.66'
C13	27°28'00"	48.00'	23.49'	S 72°25'35" E	23.27'
C14	90°00'00"	33.00'	51.84'	N 41°19'35" W	46.67'
C15	90°00'00"	33.00'	51.84'	S 41°19'35" E	46.67'
C16	90°00'00"	33.00'	51.84'	S 48°40'25" W	46.67'
C17	90°00'00"	33.00'	51.84'	N 41°19'35" W	46.67'
C18	90°00'00"	33.00'	51.84'	N 48°40'25" E	46.67'
C19	93°55'31"	20.00'	32.79'	S 38°21'40" E	29.24'
C20	82°38'04"	20.00'	28.97'	S 52°10'53" W	26.50'
C21	3°22'31"	1025.00'	53.46'	S 12°27'47" W	53.45'
C22	1°26'14"	1025.00'	25.71'	S 09°56'16" W	25.71'
C23	1°35'31"	1025.00'	28.47'	S 08°25'41" W	28.47'
C24	2°43'17"	1025.00'	48.68'	S 09°14'36" W	48.68'
C25	1°12'24"	1025.00'	21.64'	S 04°58'42" W	21.64'
C26	90°00'00"	20.00'	31.42'	S 48°40'25" W	28.28'
C27	90°00'00"	20.00'	31.42'	S 48°40'25" W	28.28'
C28	26°20'26"	28.50'	13.06'	N 08°30'03" W	12.95'
C29	180°00'00"	28.50'	89.55'	S 86°19'35" E	56.00'
C30	90°00'00"	20.00'	31.42'	N 41°19'35" W	28.28'
C31	90°00'00"	20.00'	31.42'	N 41°19'35" W	28.28'
C32	1°37'07"	875.00'	24.71'	N 04°23'56" E	24.71'
C33	4°42'08"	875.00'	80.02'	N 07°25'37" E	80.00'
C34	4°54'30"	875.00'	75.02'	N 12°01'27" E	75.00'
C35	88°59'22"	20.00'	30.37'	N 57°43'53" E	27.53'
C36	95°56'14"	33.00'	55.25'	S 38°20'02" E	49.02'
C37	4°31'13"	1000.00'	78.89'	S 81°02'03" E	78.87'
C38	8°57'10"	308.00'	48.13'	S 08°09'00" W	48.08'
C39	90°00'00"	49.00'	76.97'	S 41°19'35" E	69.30'
C40	90°00'00"	33.00'	51.84'	N 41°19'35" W	46.67'
C41	90°00'00"	20.00'	31.42'	S 48°40'25" W	28.28'
C42	90°00'00"	41.00'	64.40'	S 41°19'35" E	57.98'
C43	26°20'26"	28.80'	13.05'	S 11°50'21" W	12.95'

Prepared: 07/20/2016
Introduced: 08/02/2016
Revised:
Adopted:
Effective:

ORDINANCE O-17-2016

AN ORDINANCE TO AMEND CHAPTER 1147 "C-2 GENERAL BUSINESS (COMMERCIAL) DISTRICT" 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 1147, needs to be amended; and

WHEREAS, city staff recently became aware of a missing provision in this zoning district that results in this district being inconsistent with other commercial zoning districts' use hierarchy; 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 1147 "C-2 General Business (Commercial) District" be amended (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

PROPOSED

Approved as to form:

_____

Mitchell H. Banchefsky
Law Director

PROPOSED

Exhibit A

CHAPTER 1147
C-2 General Business (Commercial) District

1147.01 Purpose.

1147.02 Permitted uses.

1147.03 Conditional uses.

1147.04 Development standards.

CROSS REFERENCES

District established - see P. & Z. Ch. 1125.01

Off-street parking and loading - see P. & Z. Ch. 1167

Signs - see P. & Z. Ch. 1169

Service stations - see P. & Z. 1165.09

1147.01 PURPOSE.

The purpose of the General Business District is to provide for the orderly development of a wide range of commercial and retail activity. The General Business District is intended to provide for a more intense type of commercial activity than in the C-1 District and should generally not be located adjacent to a single-family residential district.

(Ord. 37-2004. Passed 8-17-04; Ord. 08-2006. Passed 9-5-06.)

1147.02 PERMITTED USES.

(a) Any use or structure specified as a permitted use in the C-1 District.

(ba) Administrative, business and professional offices as permitted in Section 1143.02(a) and (b).

(cb) Retail stores primarily engaged in selling merchandise for personal or household consumption, and rendering services incidental to the sale of these goods:

(1) Food and food products, consisting of: grocery, meat, fish, fruit or vegetable markets or combinations thereof, dairy or bakery products, specialty food stores such as candy or confectionery, and miscellaneous food stores which conform to the purpose of the General Business District.

(2) General merchandise, consisting of: department stores, and limited price variety stores.

(3) Home furnishings, consisting of: furniture and equipment sales, radio, television, and music stores.

(4) Building material retail stores, not having outside storage of material, consisting of: plumbing and electrical supplies, paint, wall paper, upholstery, and interior decorating stores, and hardware stores.

(5) Apparel, consisting of: clothing, furnishings, and accessory items for men, women and children, custom tailor shops and combined apparel sales and personal service operations, and miscellaneous apparel and accessory stores.

(6) Similar retail stores, including: drug stores, florists, gift and novelty stores, books and newspapers, camera, photographic and optical goods, jewelry, and other retail stores which conform to the purpose and intent of the General Business District.

(d~~e~~) Personal services, involving the care of the person and his/her personal effects, including consumer services generally involving the care and maintenance of tangible property or the provision of tangible services for personal consumption including:

(1) Restaurants, but not including restaurants with drive- through facilities.

(2) Banks, savings and loans, and credit agencies, but not including establishments with drive-through facilities.

(3) Barber and beauty shops.

(4) Self-service laundries.

(5) Dry-cleaning establishments.

(6) Funeral services.

(7) Human medical and dental clinics.

(8) Radio, television, or small appliance repair.

(9) Public and private parking areas.

(10) On-premises duplication and reproduction facilities.

(11) Equipment rental or leasing, not including outdoor storage of material.

(e~~d~~) Business services engaged in the providing of services to business establishments on a fee or contract basis, consulting services, protective services, office equipment rental, lease or purchase, commercial research and development.

~~(e) Off-premises signs, subject to the regulations of Section 1169.08(e).~~

(f) Religious exercise facilities and related uses.

(g) Similar uses, as determined by the Planning Commission, in accordance with the provisions of Section 1127.02~~1~~(e).

(Ord. 37-2004. Passed 8-17-04; Ord. 08-2006. Passed 9-5-06.)

1147.03 CONDITIONAL USES.

(a) Drive-through facilities to be developed in association with a permitted use.

(b) New and used car sales and service, provided all operations except for display and sales are located completely within an enclosed building.

(c) Gasoline service stations, or retail convenience stores selling gasoline as an ancillary activity.

(d) Veterinary offices and animal hospitals.

(Ord. 37-2004. Passed 8-17-04; Ord. 08-2006. Passed 9-5-06.)

1147.04 DEVELOPMENT STANDARDS.

(a) Lot Area. No minimum lot area is required; however, lot area shall be adequate to provide the required parking and yard areas.

(b) Lot Width. No minimum lot width is required; however, all lots shall abut an improved public street designated on the New Albany Thoroughfare Plan as having not less than minor arterial status.

(c) Front Yard Setback. The minimum front yard setback shall be the average of existing commercial structures on the same side of the street and facing thereon within the same block. Where there are not adjacent commercial structures, the front yard setback shall be not less than fifty (50) feet measured from the street right-of-way.

(d) Side Yards. Fifteen (15) feet to any structure.

(e) Rear Yards. Twenty (20) feet to any structure.

(f) Parking and Loading. Parking and loading requirements shall be as specified in Chapter 1167. In addition, parking spaces shall be designed to allow a minimum of five (5) feet between any structure and any parked vehicle.

(g) Landscaping. The landscaping of all parking and service areas shall meet the requirements of Chapter 1171. If side or rear yards are adjacent to any district where single-family or two-family residences are a permitted use, landscaping and screening shall also be required in those yards to meet the requirements of Chapter 1171.

(h) Trash and Garbage Control. All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view.

(Ord. 37-2004. Passed 8-17-04; Ord. 08-2006. Passed 9-5-06.)

Prepared: 07/20/2016
Introduced: 08/02/2016
Revised:
Adopted:
Effective:

RESOLUTION R-37-2016

A RESOLUTION TO APPROVE A 0.002 ACRE EASEMENT FOR WATER TAP AND IRRIGATION LINE AT MILLBROOK FARM AT SUGAR RUN AS REQUESTED BY PULTE HOMES OF OHIO LLC

WHEREAS, a request to approve an 0.002 acre easement for a water tap and irrigation line within a parkland reserve owned by the City of New Albany at the Millbrook Farm at Sugar Run subdivision has been submitted; and

WHEREAS, the City of Columbus is requiring the easement for the purpose of constructing, operating and maintaining a water tap and irrigation line by Pulte Homes of Ohio LLC; and,

WHEREAS, New Albany City Council has agreed to the terms and conditions by which this easement will be granted.

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 said easement for a water tap and irrigation line is attached to this Resolution as Exhibit A and made a part herein is approved.

Section 2. 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 the 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 and Licking Counties, Ohio.

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

CERTIFIED AS ADOPTED this _____ day of _____, 2016.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

PROPOSED

Approved as to form:

_____

Mitchell H. Banchefsky
Law Director

PROPOSED

EXHIBIT A
To Resolution R-37-2016

Portion above reserved for County Recorder, Engineer and Auditor's Offices Use

EASEMENT FOR WATER TAP AND IRRIGATION LINE

This easement for a water tap and an irrigation line (the "Easement") is made and entered into this ____ day of _____ 2016, by and between the **CITY OF NEW ALBANY,** an Ohio municipal corporation ("Grantor"), whose tax mailing address is 99 West Main Street, P.O. Box 188, New Albany Ohio 43054-188, and **PULTE HOMES OF OHIO LLC**, an Ohio limited liability company, ("Grantee"), whose tax mailing address is_____.

BACKGROUND INFORMATION

WHEREAS, Grantor owns the real property situated in the State of Ohio, County of Franklin, City of New Albany located within Section 9, Township 2, Range 16, United States Military Lands, and being within Reserve "B" as shown on the subdivision plat of Millbrook Farm at Sugar Run, of record in Plat Book 119, Page 15 and Instrument Number 201507150095708, all being of record in the Recorder's Office, Franklin County, Ohio and;

WHEREAS, Grantee desires an approximately 0.002 acre easement for a water tap and irrigation line over those portions of the Grantor's Property legally described on the attached Exhibit A and depicted on the attached Exhibit B (the "Easement Area") for the purpose of constructing, operating and maintaining a water tap and irrigation line; and

WHEREAS, Grantor desires to grant a water tap and irrigation easement over the Easement Area for the benefit of Grantee upon the terms and conditions set forth in this Easement.

STATEMENT OF AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree to the foregoing Background Information and as follows:

1. Grant of Waterline Easement. Grantor grants to Grantee, its agents, employees, independent contractors, and successors and assigns, a perpetual, non-exclusive easement in, through, over and under the Easement Area to construct, operate and maintain a water tap and irrigation line within the Easement Area and to ingress and egress over those portions of Grantor's Property reasonably necessary to facilitate Grantee's use of the Easement Area.

2. Relationship of Parties. Nothing contained herein shall be deemed or construed by the parties or by any third party as creating the relationship of principal and agent, of partnership or of joint venture between the parties, it being understood and agreed that no provision contained herein or any act of the parties hereto shall be deemed to create any relationship other than grantor and grantee of the rights and easements set forth herein.

3. Severability. In the event any provision of this Easement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

4. Governing Law. This Easement shall be governed by and construed in accordance with the laws of the State of Ohio.

5. Modification. This Easement, or any easement or covenant set forth herein, may not be amended, terminated, rescinded or otherwise modified, in whole or in part, except by a written instrument executed by the parties hereto and recorded with the Recorder's Office, Franklin County, Ohio with reference made to this Easement.

6. Benefit. This Easement shall run with the land and inure to the benefit of and be binding upon the parties hereto and their respective, representatives, successors, and assigns.

7. Authority. Grantor represents and warrants that it has the full right and authority to enter into this Easement and to grant the rights hereby conveyed to Grantee.

IN WITNESS WHEREOF, the parties hereto have set their hands as of the date set forth above.

GRANTEE:

Pulte Homes of Ohio LLC, an Ohio Limited Liability Company

By:_____

Its:_____

Print Name:_____

GRANTOR:

City of New Albany, Ohio, an Ohio Municipal Corporation

By: _____
Joseph F. Stefanov, City Manager

Print Name:_____

{ACKNOWLEDGEMENTS ON THE FOLLOWING PAGE}

EXHIBIT A
To Resolution R-37-2016

STATE OF OHIO)
COUNTY OF FRANKLIN) SS:

BE IT REMEMBERED, that on this ____ day of _____, 2016, before me, the subscriber, a Notary Public in and for said county and state, personally came Joseph F. Stefanov, City Manager of the CITY OF NEW ALBANY, OHIO, an Ohio municipal corporation, who acknowledged the signing thereof to be his free act and deed for and on behalf of the municipal corporation.

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

_____
Notary Public

STATE OF OHIO)
COUNTY OF FRANKLIN) SS:

BE IT REMEMBERED, that on this _____ day of _____, 2016, before me, the subscriber, a Notary Public in and for said County, personally came the above named _____, the _____, on behalf of Pulte Homes of Ohio LLC, an Ohio Limited Liability Company, Grantor in the foregoing Easement, and acknowledged the signing of the same to be his/her 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.

_____
Notary Public

This Instrument Prepared By:
Mitchell Banchefsky, Law Director
City of New Albany, Ohio
99 West Main Street; P.O. Box 188
New Albany, OH 43054-18810

Prepared: 07/21/2016
Introduced: 08/02/2016
Revised:
Adopted:
Effective:

RESOLUTION R-38-2016

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN ADDENDUM EXTENDING AN EXISTING ECONOMIC DEVELOPMENT AGREEMENT WITH LIMITED STORES, LLC FOR AN ADDITIONAL FIVE YEAR TERM

WHEREAS, consistent with its Joint Economic Committee Policy approved by City Council Resolution 008-96 adopted on May 7, 1996, the city desires to encourage economic development and create and preserve jobs and employment opportunities within the city; and

WHEREAS, in 2006, the Economic Development Commission (EDC) recommended that council set aside approximately $250,000 from the Economic Development Fund to provide economic incentives directly to companies locating within the Water's Edge I speculative office project as an inducement to specifically attract a large-scale anchor tenant; and

WHEREAS, pursuant to Resolution R-59-2009 the City entered into a five year Economic Development Agreement with Limited Stores, LLC (hereinafter, "the company") to induce the company to locate corporate headquarter offices to the Water's Edge I project, and

WHEREAS, the company has developed those offices and facilities and currently employs or directly causes to be employed in the city more than 300 individuals resulting in municipal income tax payroll withholding paid to the city in excess of $375,000 per year; and

WHEREAS, based on the results of the company's recent comprehensive examination of workforce needs within the city, and induced by and in reliance on economic development incentives, the company is desirous of maintaining and growing its operations to maintain existing and create additional employment opportunities within the city; and

WHEREAS, extending the term of the Economic Development Agreement maximizes the incentive originally offered for the facility, maintains a corporate officer headquarters as the anchor tenant in a speculative office building and is in the best interests of the city and will benefit the economic health, safety and welfare of the city and its residents.

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

Section 1. The City Manager is hereby authorized to execute an addendum to the Economic Development Agreement with Limited Stores, LLC, extending its term for an additional five years.

Section 2. Pursuant to Article 6.07 of the New Albany Charter, this Resolution shall take effect upon adoption.

PROPOSED

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