

New Albany Board of Zoning Appeals Agenda

April 25, 2022 7:00pm

Members of the public must attend the meeting in-person to participate and provide comment at New Albany Village Hall at 99 West Main Street. The meeting will be streamed for viewing purposes only via Zoom Webinar. There is no public participation via the Zoom Webinar.

Join this meeting on your computer, tablet or smartphone.

https://us02web.zoom.us/j/86061896237
Or dial in using your phone: 646-558-8656
Access Code: 860-6189-6237

Information and directions for logging into this meeting can be found at www.newalbanyohio.org

- I. Call To Order
- II. Roll Call
- **III.** Action of Minutes: February 28, 2022
- IV. Additions or Corrections to Agenda

Swear in All Witnesses/Applicants/Staff whom plan to speak regarding an application on tonight's agenda. "Do you swear to tell the truth and nothing but the truth".

- V. Hearing of Visitors for Items Not on Tonight's Agenda
- VII. Cases:

VAR-44-2022 Variances

Variances to Blacklick District Subarea D zoning text section 1.02(2) to allow a building to be setback 60 feet from the northern property line where the text requires a 100-foot setback and to section 1.05(5) to eliminate the landscape screening requirements along the northern property line.

Applicant: Al Never RE, LLC

Motion of Acceptance of staff reports and related documents into the record for -VAR-44-2022.

Motion of approval for application VAR-44-2022 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval.

VIII. Other Business

- 1. Annual Organizational Meeting
 - O Swear in new members
 - o Elect Chairperson
 - Elect Vice-Chairperson
 - o Elect Secretary
 - o Establish date, time, and location for 2022 regular meetings

*Standard Rules of Procedure for New Albany Boards and Commissions states attendance of all current serving members of the Commission/Board is encouraged, and three consecutive absences by any member or four absences in any year shall be considered a forfeiture of the membership to the Commission/Board. The forfeiture would occur regardless of the reason for the absences. Attendance would be defined as presence during the hearing and consideration of all applications before that Commission/Board at that meeting. The chairperson would then notify the Clerk of Council so that she can inform Council that a new appointment needs to be made.

IX. Poll members for comment

X. Adjournment



New Albany Board of Zoning Appeals met in the Council Chamber of Village Hall, 99 W. Main Street and was called to order by Board of Zoning Appeals Vice Chair, Mr. Gallagher, at 7:00 p.m.

Those answering roll call:

Mr. Everett Gallagher	Present
Mr. Kirk Smith	Present
Ms. Kerri Mollard	Present
Mr. Shaun LaJeunesse	Present
Mr. Hans Schell	Present
Ms. Andrea Wiltrout (Council Rep)	Present

Staff members present: Steven Mayer, Development Services Coordinator; Chris Christian, Planner; Josie Taylor, Clerk.

Moved by Ms. Mollard to approve the December 20, 2021 meeting minutes, seconded by Mr. LaJeunesse. Upon roll call: Ms. Mollard, yea; Mr. LaJeunesse, yea; Mr. Smith, yea; Mr. Gallagher, yea; Mr. Schell, abstain. Yea, 4; Nay, 0; Abstain, 1. Motion carried by a 4-0-1 vote.

Mr. Gallagher asked if there were any additions or corrections to the Agenda.

Mr. Christian stated none from staff.

Mr. Gallagher asked if anyone wanted to discuss items not on tonight's Agenda. (No response).

Mr. Gallagher swore all who would be speaking before the Board of Zoning Appeals (hereafter, "BZA") to tell the truth and nothing but the truth.

Mr. Eric Zartman agreed to tell the truth and nothing but the truth.

VAR-16-2022Variance

Variance to C.O. 1169.16(d) to allow two wall signs to be installed on three buildings with one street frontage where code allows a maximum of one wall sign per frontage at 9005 and 8900 Smith's Mill Road and 8886 Innovation Campus Way for Axium Packaging (PIDs: 095-112104-00.005 and 095-111744-00.003).

Applicant: Axium Packaging, LLC c/o Saad Zaid

Mr. Christian presented the staff report.

Mr. Gallagher stated Abercrombie and Fitch also had multiple buildings in the business park.

Mr. Christian stated yes.

Mr. Gallagher asked if anyone had any questions for staff before the applicant spoke or if any visitors had any comments to make. (No Response.)

Mr. Gallagher asked the applicant if he would like to speak on this variance application.

Mr. Eric Zartman, Underhill & Hodge, attorney for Axium Packaging, discussed the company and its need to have the plant numbers on the buildings.

Ms. Wiltrout asked if the size of the signs would be considerably smaller than others currently in the business park.

Mr. Zartman said they would be comparable.

Ms. Wiltrout stated she wanted to be sure they would be large enough to be functional as they were so far below the size currently permitted.

Mr. Zartman asked Mr. Christian to show the mock-ups for what the signs would look like and stated the signs were shown to scale.

Ms. Mollard stated she had wondered something similar to Ms. Wiltrout, were the signs big enough.

Mr. Schell asked if the Abercrombie & Fitch signs were similar.

Mr. Gallagher stated most of the Abercrombie & Fitch buildings were in one parcel and others in the back were small and not meant for visitors.

Ms. Wiltrout stated the applicant's buildings would have visitors.

Mr. Gallagher stated these would and noted that for emergency responders such signs were best.

Ms. Mollard stated it also made sense for deliveries and truckers.

Mr. Gallagher stated as long as they were reasonable.

Moved by Mr. Smith to accept the staff report for VAR-16-2022 into the record, seconded by Mr. LaJeunesse. Upon roll call vote: Mr. Smith, yea; Mr. LaJeunesse, yea; Mr. Schell, yea; Mr. Gallagher, yea; Ms. Mollard, yea. Yea, 5; Nay, 0; Abstain, 0. Motion carried by a 5-0 vote.

Moved by Mr. LaJeunesse to approve variance VAR-16-2022 with the conditions listed in the staff report, seconded by Mr. Smith. Upon roll call vote: Mr. LaJeunesse, yea; Mr. Smith, yea; Ms. Mollard, yea; Mr. Gallagher, yea; Mr. Schell, yea. Yea, 5; Nay, 0; Abstain, 0. Motion carried by a 5-0 vote.

Other Business

Mr. Christian welcomed Mr. Schell to the BZA as the Planning Commission liaison.

Mr. Schell stated he was happy to serve.

Mr. Smith noted there had been at least two (2) or three (3) prior signage requests and they were being made more often. Mr. Smith stated a more comprehensive and consistent policy should be considered.

Mr. Mayer stated that consistency had normally been sought for ground signs but, historically, there had not been a lot of wall sign requests. Mr. Mayer stated they would monitor this going forward.

Ms. Mollard noted that due to her new role she would need to step out of the BZA, but could serve until a replacement was found.

Ms. Wiltrout thanked Ms. Mollard for her service.

Moved by Mr. LaJeunesse to adjourn the meeting, seconded by Mr. Smith. Upon roll call vote: Mr. LaJeunesse, yea; Mr. Smith, yea; Mr. Schell, yea; Ms. Mollard, yea; Mr. Gallagher, yea. Yea, 5; Nay, 0; Abstain, 0. Motion carried by a 5-0 vote.

Meeting adjourned at 7:12 p.m.

Submitted by Josie Taylor.





Board of Zoning Appeals Staff Report February 28, 2022 Meeting

AXIUM PACKAGING CAMPUS SIGN VARIANCE

LOCATION: 9005, 8900 Smith's Mill Road and 8886 Innovation Campus Way (PIDs: 095-

112104-00.005 and 095-111744-00.003)

APPLICANT: Axium Packaging, LLC c/o Saad Zaidi

REQUEST: (A) Variance to C.O. 1169.16(d) to allow each building (total of three) to have

two wall signs where code allows a maximum of one wall sign for each

building.

ZONING: Limited General Employment (L-GE)

STRATEGIC PLAN: Employment Center APPLICATION: VAR-16-2022

Review based on: Application materials received January 27 and February 11, 2022

Staff report prepared by Chris Christian, Planner

I. REQUEST AND BACKGROUND

The applicant requests the following variance related to a new sign package for all of the Axium buildings in the New Albany Business Park.

The city sign code allows a maximum of one wall sign per street frontage for each building. Each building fronts onto a single street so each building is permitted one wall sign. The applicant requests to allow two wall signs on each of the three buildings.

II. SITE DESCRIPTION & USE

The three Axium buildings are located on two commercially zoned and used properties in the Licking County portion of the New Albany Business Park. The city sign code regulations are based on buildings, not sites.

III. EVALUATION

The application complies with application submittal requirements in C.O. 1113.03, and is considered complete. The property owners within 200 feet of the property in question have been notified.

Criteria

The standard for granting of an area variance is set forth in the case of Duncan v. Village of Middlefield, 23 Ohio St.3d 83 (1986). The Board must examine the following factors when deciding whether to grant a landowner an area variance:

All of the factors should be considered and no single factor is dispositive. The key to whether an area variance should be granted to a property owner under the "practical difficulties" standard is whether the area zoning requirement, as applied to the property owner in question, is reasonable and practical.

- 1. Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without the variance.
- 2. Whether the variance is substantial.
- 3. Whether the essential character of the neighborhood would be substantially altered or adjoining properties suffer a "substantial detriment."
- 4. Whether the variance would adversely affect the delivery of government services.
- 5. Whether the property owner purchased the property with knowledge of the zoning restriction.
- 6. Whether the problem can be solved by some manner other than the granting of a variance.
- 7. Whether the variance preserves the "spirit and intent" of the zoning requirement and whether "substantial justice" would be done by granting the variance.

Plus, the following criteria as established in the zoning code (Section 1113.06):

- 8. That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district.
- 9. That a literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Zoning Ordinance.
- 10. That the special conditions and circumstances do not result from the action of the applicant.
- 11. That granting the variance requested will not confer on the applicant any special privilege that is denied by the Zoning Ordinance to other lands or structures in the same zoning district.
- 12. That granting the variance will not adversely affect the health and safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.

III. ASSESSMENT

Considerations and Basis for Decision

(A) Variance to C.O. 1169.16(d) to allow a second wall sign to be installed on the Beech Road building elevation where code allows one per building frontage.

The following should be considered in the Commission's decision:

- 1. C.O. 1169.16(d) states that one wall sign, up to 75 sq.ft. in size is permitted to be installed per building frontage. The applicant submitted a new sign package plan for all of the operating Axium plants in the New Albany Business Park (see Exhibit A). The applicant proposes to install two wall signs and one address sign on each plant. Address signs are permitted by city code as a by-right sign, not as a wall sign and therefore are approvable by city staff. Plants 1, 2 and 5 all have one building frontage therefore only one wall sign is permitted for each building. This variance application is required to allow a second wall sign on plants 1, 2 and 5.
- 2. The variance requests do not appear to be substantial and meet the spirit and intent of the zoning text requirement. The city sign code permits one wall sign per building frontage, with an area of up to 75 sq. ft. based on the building linear frontage. While the applicant proposes to allow more wall signs than permitted by right, the combined area of both signs on each plant is far below what is permitted by right for just one wall sign.

Plant 1 (two wall signs): combined area of 14+/- sq. ft.

Plant 2 (two wall signs): combined area of 16+/- sq.ft.

Plant 3 (two wall signs): combined area of 14+/- sq. ft.

3. It appears that there are special conditions and circumstances that justify the variance request. The city sign code provides a maximum number allowable size of single wall signs but does not

- consider multiple, smaller sized wall signs. The sign regulations do not take into account the size of building when determining the allowable number of signs. These plants are larger warehouse buildings where additional wall signs are most appropriate and the proposed signs will provide additional wayfinding between the multiple Axium plants in the business park.
- 4. The spirit and intent of the zoning requirement still appears to be met by granting the variance which is to ensure that buildings are not "over signed." Due to smaller size of the proposed sign, the additional wall sign is appropriate and the building elevation does not appear to be "over signed." The additional sign meets the context and compatibility requirements of the city sign code which states that signs must not create an appearance of competition between adjacent signs. All of the proposed wall signs have a similar scale, placement and proportions to create harmony.
- 5. It does not appear that the essential character of the immediate area will be altered if the variance is granted. This variance request does not eliminate the architectural, screening, and landscaping requirements for this property.
- 6. Granting the variance will not adversely affect the health, safety or general welfare of persons living in the immediate vicinity.
- 7. Granting the variance will not adversely affect the delivery of government services.

IV. RECOMMENDATION

Staff recommends approval of the requested variances should the Board of Zoning Appeals find that the application has sufficient basis for approval. The city's sign code contains context, compatibility, and execution requirements for all permanent signage in the city. In addition to these requirements, the city sign code contains "one-size fits all" number and height requirements for all commercial and warehouse developments that does not address unique situations. Axium Plastics is the only company in the New Albany Business Park with multiple plants which is a unique condition. While the applicant proposes an additional wall sign on each plant, the combined total area of both signs is far below what is permitted for one wall sign by right for each site. All of the proposed signs are appropriate in this case as they are all scaled, located and designed appropriately on the building and provide additional wayfinding for users of each site.

V. ACTION

Should the Planning Commission find that the application has sufficient basis for approval, the following motions would be appropriate (The Planning Commission can make one motion for all variances or separate motions for each variance request):

Move to approve application V-16-2022.

Approximate Site Location:



Source: Google Earth



Board of Zoning Appeals Staff Report April 25, 2022 Meeting

NEW ALBANY COMMERCE II **VARIANCES**

LOCATION: South of Innovation Campus Way West, north of Smith's Mill Road, east

of the A&F distribution center and west of AEP (PID: 222-004472).

APPLICANT: Al. Never RE, LLC

REQUEST:

(A) Variance to zoning text section 1.02(2) to allow a building to be setback 60 feet from the northern property line where the text requires a 100-foot setback.

(B) Variance to zoning text section 1.05(5) to eliminate the landscape

screening requirements along the northern property line. ZONING:

L-GE (Limited General Employment), Blacklick District Subarea D

Zoning Text

STRATEGIC PLAN: **Employment Center District**

VAR-44-2022 APPLICATION:

Review based on: Application materials received on March 18, 2022.

Staff report prepared by Chris Christian, Planner.

I. REQUEST AND BACKGROUND

The applicant requests the following variances to the Blacklick District Subarea D zoning text as part of the construction of a new commercial building.

- (A) Variance to zoning text section 1.02(2) to allow a building to be setback 60 feet from the northern property line where the text requires a 100-foot setback.
- (B) Variance to zoning text section 1.05(5) to eliminate the landscape screening requirements along the northern property line.

II. SITE DESCRIPTION & USE

The site is located on 25.85+/- acres on the north side of Smith's Mill Road, south of Innovation Campus Way West and immediately east of the Abercrombie and Fitch distribution center. This property is directly across the street from the Lower.com office campus. The site is currently undeveloped.

This parcel is zoned L-GE, Limited General Employment. Permitted uses within this L-GE district includes manufacturing and production, warehouse and distribution, research and production, general office activities, personal service, retail product sales and service.

ASSESSMENT III.

The application complies with application submittal requirements in C.O. 1113.03, and is considered complete. The property owners within 200 feet of the property in question have been notified.

Criteria

The standard for granting of an area variance is set forth in the case of Duncan v. Village of Middlefield, 23 Ohio St.3d 83 (1986). The Board must examine the following factors when deciding whether to grant a landowner an area variance:

All of the factors should be considered and no single factor is dispositive. The key to whether an area variance should be granted to a property owner under the "practical difficulties" standard is whether the area zoning requirement, as applied to the property owner in question, is reasonable and practical.

- 1. Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without the variance.
- 2. Whether the variance is substantial.
- 3. Whether the essential character of the neighborhood would be substantially altered or adjoining properties suffer a "substantial detriment."
- 4. Whether the variance would adversely affect the delivery of government services.
- 5. Whether the property owner purchased the property with knowledge of the zoning restriction.
- 6. Whether the problem can be solved by some manner other than the granting of a variance.
- 7. Whether the variance preserves the "spirit and intent" of the zoning requirement and whether "substantial justice" would be done by granting the variance.

Plus, the following criteria as established in the zoning code (Section 1113.06):

- 8. That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district.
- 9. That a literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Zoning Ordinance.
- 10. That the special conditions and circumstances do not result from the action of the applicant.
- 11. That granting the variance requested will not confer on the applicant any special privilege that is denied by the Zoning Ordinance to other lands or structures in the same zoning district.
- 12. That granting the variance will not adversely affect the health and safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.

III. EVALUATION

- (A) Variance to zoning text section 1.02(2) to allow a building to be setback 60 feet from the northern property line where the text requires a 100-foot setback.
- (B) Variance to zoning text section 1.05(5) to eliminate the landscape screening requirements along the northern property line.

The following should be considered in the Board's decision:

- 1. Sections 1.02(2) and 1.05(5) of the Blacklick District Subarea D zoning text requires a 50-foot pavement and 100-foot building setback from the northern property line of the site. Additionally, existing trees within the setback area are required to be maintained and 100 percent opacity screening along the northern property line is required.
- 2. The applicant proposes to develop a new commercial building on the site with a 60-foot building setback from the northern property line. Additionally, the applicant does not propose to maintain all trees within the northern property line setback area nor enhance those trees to achieve 100 opacity screening therefore variances are required.

- 3. The variance request does not appear to be substantial. When the property was zoned in 1999 there was a residentially zoned property directly north of this site. Because of this residential property a larger setback and screening requirements are required. This larger setback and enhanced screening requirements were put in place in order to provide a sufficient buffer between properties which have dissimilar uses. Since then, the northern property has been rezoned to allow for similar commercial development. The site to the north is actively being developed therefore the larger setback and screening requirements are no longer necessary for this site.
- 4. There are special circumstances that are peculiar to this land that are not applicable to other lands within the same General Employment (GE) zoning district that do not result from direct action of the applicant. The base General Employment (GE) rear yard setback requirements are 25 feet for any structure or service area. As stated, the property to the north is zoned Limited General Employment (L-GE) and the setbacks along this same property line are 25 feet, in accordance with the base city code requirements. If the variance requests are granted, the applicant will still exceed the base zoning code requirements for setbacks as well as on site tree preservation. While the applicant proposes to remove some trees in order to accommodate the new building, there will be some preserved and the applicant will also add some additional new trees in this area.
- 5. There is not another manner in which the presented problems can be solved without granting the variance requests. In more recent Limited General Employment (L-GE) zoning texts, the Planning Commission and City Council have included language that allows for reduced setbacks and screening requirements if an adjacent property is no longer zoned and/or used for residential purposes. These provisions are absent from this text therefore the only form of relief the applicant may pursue is a variance request.
- 6. It appears that granting the variance will not adversely affect the health and safety of persons residing in the vicinity.
- 7. Granting the variance would not adversely affect the delivery of government services.

IV. RECOMMENDATION

Staff recommends approval of the variance application should the Board of Zoning Appeals finds that the application has sufficient basis for approval. Since 1999 when this site was rezoned, the surrounding land uses have changed from residential to commercial. Therefore the larger setback and screening requirements along perimeter boundaries that are intended to provide a buffer between dissimilar uses are no longer necessary as the site is completely surrounded by commercially zoned and used properties. Additionally, while the applicant will not meet the zoning text requirements they will still exceed the base General Employment (GE) city code requirements and the standards found in surrounding zoning texts.

V. ACTION

Should the Board of Zoning Appeals find that the application has sufficient basis for approval, the following motion would be appropriate (conditions may be added):

Move to approve application VAR-44-2022 (conditions of approval may be added).

Approximate Site Location:



Source: Google Earth

Permit#	-
Board	
Mtg. Date	disposition, and a second disposition of the second



Community Development Planning Application

	Site Address Smiths Mills Road		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		
	Parcel Numbers 222-004472-00				
	Acres 25.85	# of lots ca	eated 1		
	Choose Application Type	Circle all Details that Apply			
	□□Appeal				
	DDCertificate of Appropriateness				
101	□□Development Plan	Preliminary	Final	Comprehensive	Amendment
77	ODPlat	Preliminary	Final	ne water to grant the common	
H	□□Lot Changes	Combination	Split	Adjustment	
ıı fe	□□Minor Commercial Subdivision	5		Daniel	•
bress dust	□□Vacation ⊠□Variance	Easement		Street	
jec	DDExtension Request		* "		
Project Information	DOZoning	Amendment (r	ezoning)	Text Modification	
	Description of Request: Variance	Raview			
	Description of Request: Variance	Iteview	**************************************		
	Property Owner's Name: Abercron	mble & Filch Manag	ement Co		
	Address: 6301 Filch Path				
	City, State, Zip: New Albany, OH 430	54			
	Phone number: (614) 283-6500			Fax:	•
£	Email: Everett Gallagher@anfo	orp.com			
Contacts					,
υo		r RE, LLC.	42 - 41		
V	Address: do Al. Neyer, LLC, 3		ite 800, Alter	ntion Shad Stetto	
	City, State, Zip: Cincinnati, OH, 4520	2		Fax:	
	Phone number: (513) 527-1846 Email: ssletto@neyer.com			rax;	
	Elimini salem@ileyer.com				
	Site visits to the property by City of New Albany representatives are essential to process this application.				
	The Owner/Applicant, as signed below, hereby authorizes Village of New Albany representatives,				
re	employees and appointed and elected officials to visit, photograph and post a notice on the property described in this application. I certify that the information here within and attached to this application is				
atu	true, correct and complete.				
Signature	A 1. A				
:Z:					
	Signature of Owner Signature of Applicant	100 (3)00	70-	Da Da	
	Signature of Arbbugant	as you			- Starlage

Mr. Stephen Mayer Planning Manager, New Albany 99 W Main St. New Albany, OH 43054

Subject: New Albany Commerce II – Smith's Mill Rd, New Albany – Variance Request for Northern Building Setback and Landscaping Requirements

Dear Mr. Mayer:

On behalf of Al. Neyer RE, LLC, the applicant, we are seeking two (2) zoning variances in connection with the intended development of Franklin County Parcel No. 222-004472-00, which is a vacant, 25.85-acre parcel located on Smith's Mill Road in New Albany, Ohio. The subject property is outlined in red within Figure 1 on Exhibit A (attached).

The applicant is seeking variance relief from certain building setback and landscaping requirements contained within the Blacklick District Subarea D Zoning Regulations dated June 7, 1999. The specific variance requests are as follows:

1. <u>Section 1.02(2)</u>: This text requires a minimum 100-foot building setback and a 50-foot paving setback from the north property line.

Applicant is requesting that the requirement for a 100-foot building setback along the north property line be reduced to a 60-foot building setback. Applicant understands the 100-foot building setback requirement was initially created to accommodate residential zoning directly to the north. However, the property directly to the north is no longer zoned residential and is currently under development for a commercial/industrial use.

2. <u>Section 1.05(5)</u>: This text requires screening to a height of 6 feet and 100% opacity within the 50-foot paving setback from the north property line. It also requires that existing woods be maintained within the 100-foot building setback from the north property line.

Applicant is requesting that these requirements be waived. Applicant has proposed tree screening along the north as shown on the enclosed landscape site plan. Applicant's plan maintains a high aesthetic standard and is compatible with neighboring properties. Applicant believes the additional screening requirements are no longer critical at the northern property line due to the layout of the site and the development of the parcel directly to the north for commercial/industrial use.

Site Background

The site is constrained by certain streams and wetlands, along with a conservation easement of record in favor of the Village of New Albany, Ohio (see enclosed record instrument no. 201012230175455, as amended by record instrument no. 202110150187587).

Engineer's Recommendations

Please reference our Landscape Site Plan and Overall Development Plan (attached).

The applicant is currently under contract for the purchase of this property from Abercrombie and Fitch Management Co. (A&F).

Please review this request. If you have any questions, please contact me at 614-775-4629.

Respectfully submitted,

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Joe Walker, P.E.

Senior Project Manager, Associate

Enclosures:

Exhibit A

Overall Development Plan Exhibit

Site Landscape Plan Exhibit

Conservation Easement of Record (Instrument No. 201012230175455, 202110150187587)

Parcel Proximity Report

Exhibit A





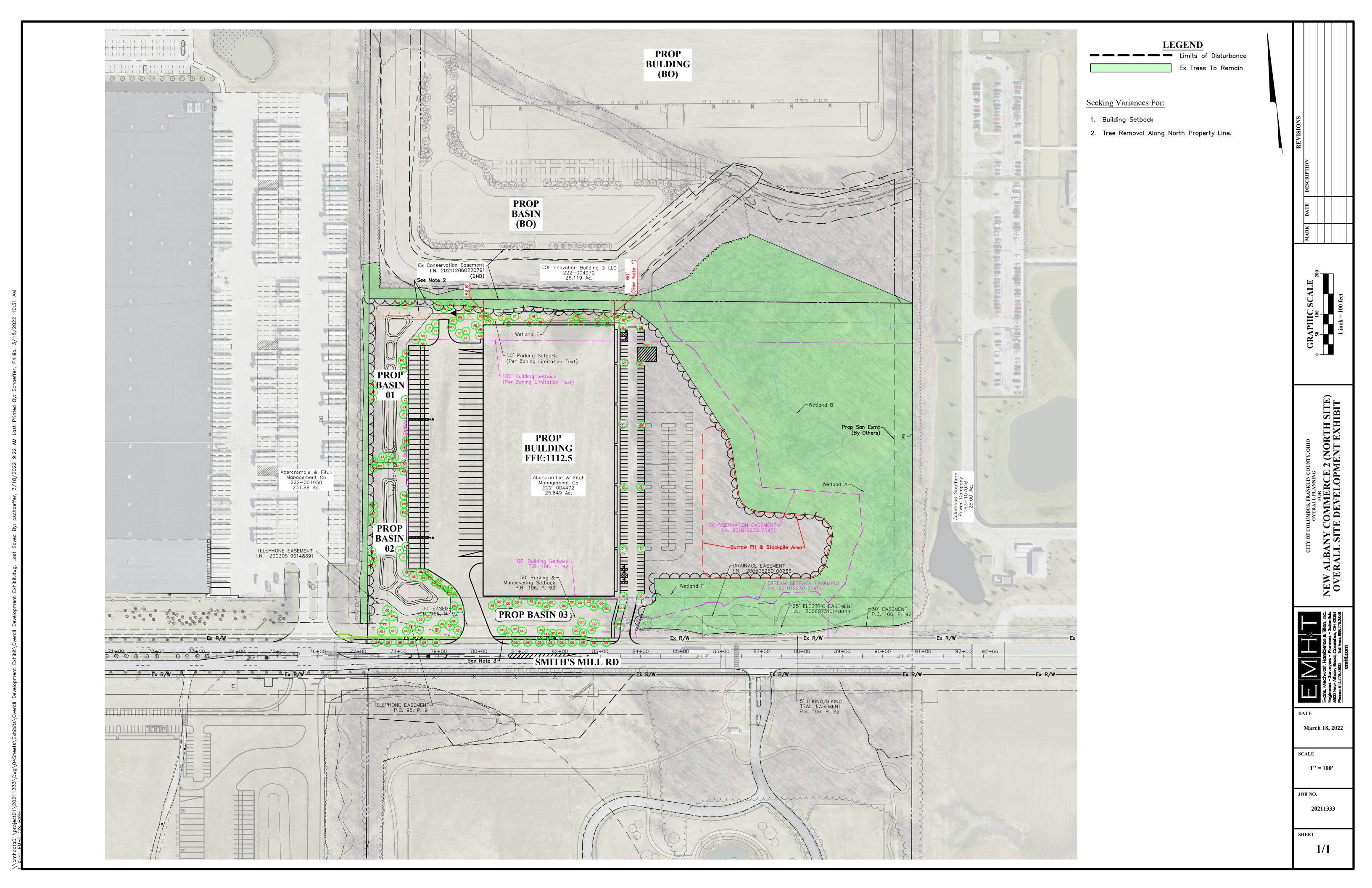
Picture 1-At right of way of Smith's Mill /Site looking southwest from Smith's Mill Road

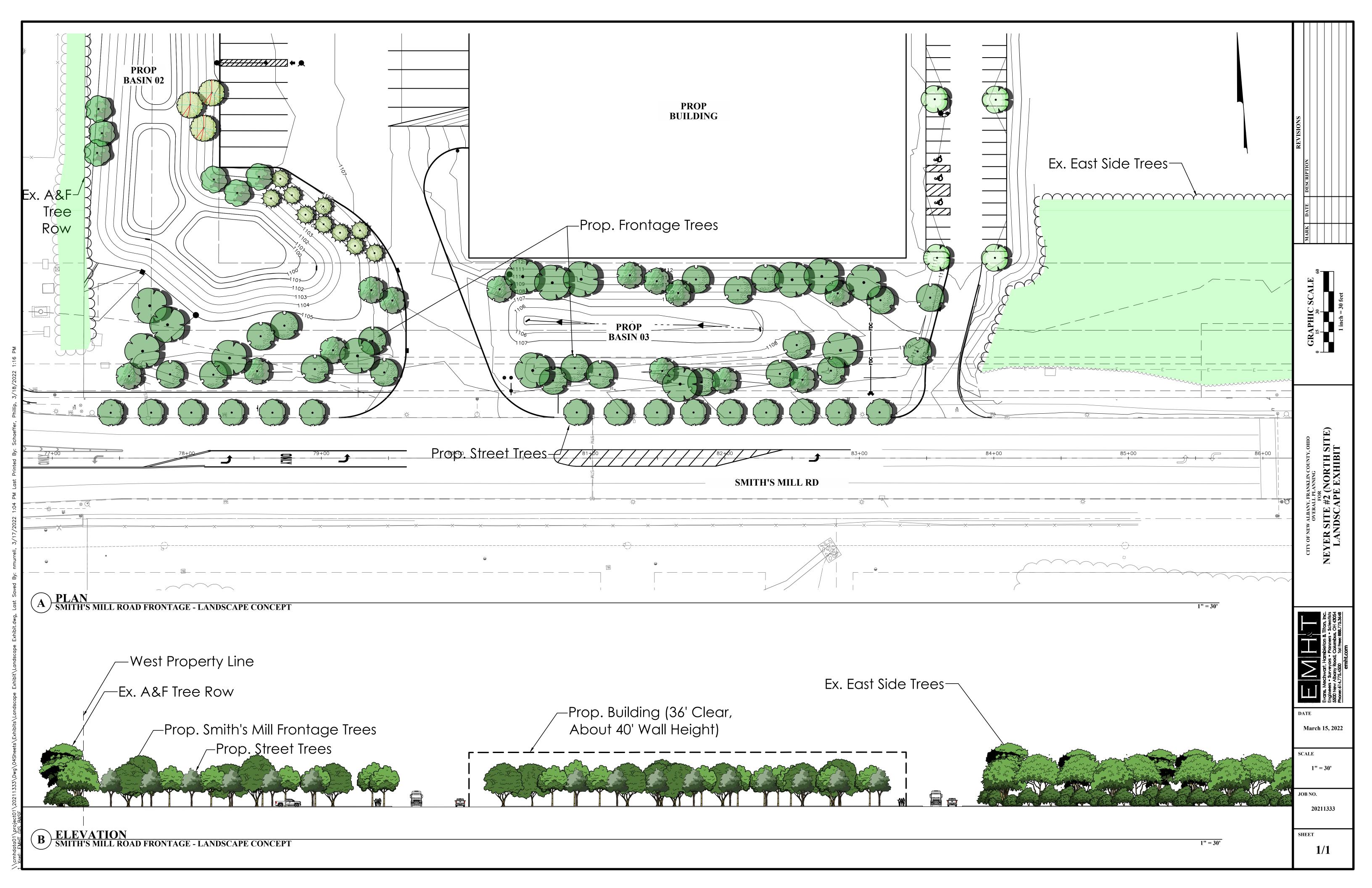


Picture 2- At middle of site looking north from Smith's Mill Rd



Picture 3 – At southwest corner of Site looking north





TRANSFER NOT NECESSARY DEC 23 2010



Pge: 10 582.00 T2010 12/28/2016 2:14PM BXSTEL Robert G. Muntgomery Franklin County Recorder

CONSERVATION EASEMENT

120102647 PMC 18,2

KNOW ALL MEN BY THESE PRESENTS that THE TEN THE THE THE COMPANY LLC, a Delaware limited liability company and MBJ HOLDINGS, LLC, a Delaware limited liability company (collectively the "Grantor"), of the Village of New Albany, Counties of Franklin and Licking, State of Ohio, in consideration of its desire to preserve the natural beauty of the following described property for posterity, does hereby quit-claim unto the THE VILLAGE OF NEW ALBANY, OHIO, an Ohio municipal corporation (the "Grantee"), the perpetual right and easement to hold and protect, for open space and conservation purposes, as permanent wetland and riparian habitat, in, over and upon the following described premises:

(SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A" & SURVEY OF THE PERPETUAL EASEMENT AREA ATTACHED HERETO AS EXHIBIT "B" MADE A PART HEREOF).

Prior Instrument Ref: Instrument Number 201010070133785; Recorder's Office. Franklin County, Ohio and Instrument 201010060020027, Recorder's Office, Licking County, Ohio.

As further consideration for the easement granted herein, the following terms, conditions, restrictions and limitations shall inure to the benefit of and be binding upon the parties and their respective successors and assigns. Grantor hereby releases and discharges the Grantee from all further claims for Ohio Constitution, Article I, Section 19, just compensation related to this grant.

This conservation easement is required by a Section 401 Water Quality Certification Permit #062653 issued by the Ohio EPA on October 31, 2006, and Permit Number UN TRIB Blacklick Creek - 200200751 issued by the U.S. Army Corps of Engineers on November 16, 2007. As a condition of the Permits, preserved wetland and stream areas must be protected by a conservation easement. This conservation easement requires the Owner to mitigate impacts to surface waters on the Blacklick Campus by, among other things, preserving in perpetuity 6.444 acres, 0.935 acres (includes stream only), 1.891 acres, and 1.892 acres (includes stream only) of existing wetlands and buffers, and 1,470 linear feet of avoided stream and preservation buffers, in the Blacklick Campus (the "Easement Area").

The easement herein granted shall run with the land in perpetuity and it is the intent and purpose of both parties to this easement to restrict and forbid any activity or use which would, as a natural consequence of such, impede or make more difficult use of the Easement Area for its intended purposes and accomplishment of conservation objectives.

It is the intent of this easement that no private encroachment shall be permitted on the Easement Area, and the Grantor hereby imposes and agrees to comply with the following activity or use limitations on the described Easement Area:

- Development Activities: No development activity may occur on the Easement Area;
- Construction: The placement or construction of any man-made modifications such Ъ. as buildings, structures, fences, roads, utilities and parking lots on the Easement Area is prohibited, other than construction activities that are authorized by the Mitigation Plan approved by Ohio EPA;

- c. <u>Cutting Vegetation</u>: Any cutting of trees, ground cover or vegetation, or destroying by means of herbicides or pesticides on the Easement Area is prohibited, unless necessary to minimize the establishment of invasive species in accordance with the Mitigation Plan approved by Ohio EPA. Plantings of native Ohio trees and shrubs within the 0.935-acre stream setback easement area (<u>Exhibit B</u> Page 2) for additional acreening purposes is allowed;
- d. <u>Dumping</u>: Nothing may be placed or accumulated in the Easement Area, including soils, waste, garbage or other materials; and
- e. <u>Water Courses</u>: Natural water courses and streams and adjacent riparian buffers may not be dredged, straightened, filled, channelized, impeded, diverted or otherwise altered on the Basement Area, other than as part of activities that are authorized by the Mitigation Plan approved by Ohio EPA.

The Grantor hereby covenants with Grantee that it is the true and lawful owner of the above described real property and is lawfully seized of the same in fee simple and has good right and full power to grant this easement.

TO HAVE AND TO HOLD said real property unto said Grantee, its successors and assigns forever, for the uses and purposes hereinbefore described.

IN WITNESS WHEREOF, the said Grantor and the said Grantee have hereunto set their hands this 2016 day of December, 2010.

GRANTOR:

THE NEW ALBANY COMPANY LLC, a Delaware limited liability company

Brent Bradbury, Chief Financial Of

MBJ HOLDINGS, LLC, a Delaware limited

liability company

Brent Bradbury, Vice President/Pressure

GRANTEE:

VILLAGE OF NEW ALBANY, OHIO, an Ohio municipal corporation

Name:

Pitle: Acting Village Administrate

STATE OF OHIO, COUNTY OF FRANKLIN, ss:

BE IT REMEMBERED, that on this day of December, 2010, before me, the subscriber, a Notary Public in and for said County, personally came the above named THE NEW ALBANY COMPANY LLC, a Delaware limited liability company, by Breat Bradbury, its Chief Financial Officer, the Grantor in the foregoing Conservation Basement, and acknowledged the signing of the same to be his voluntary act and deed, and the voluntary act and deed of said company for the uses and purposes therein mentioned.

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

Notary Public

otary Pablic



STATE OF OHIO, COUNTY OF FRANKLIN, ss:

BE IT REMEMBERED, that on this day of December, 2010, before me, the subscriber, a Notary Public in and for said County, personally came the above named MBJ HOLDINGS, LLC, a Delaware limited liability company, by Breat Bradbury, its Vice President/ Treasurer, the Grantor in the foregoing Conservation Easement, and acknowledged the signing of the same to be his voluntary act and deed, and the voluntary act and deed of said company for the uses and purposes therein mentioned.

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



STATE OF OHIO, COUNTY OF FRANKLIN, \$8:

BE IT REMEMBERED, that on this 20 day of December, 2010 before me, the subscriber, a Notary Public in and for said County, personally came the above named VILLAGE OF NEW ALBANY, OHIO, an Ohio municipal corporation, by 1000 Mechalic, its, Achani illage, Administrator, the Grantee in the foregoing Conservation Easement, and acknowledged the signing of the same to be his/her voluntary act and deed, and the voluntary act and deed of said corporation for the uses and purposes therein mentioned.

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

(seal)

JILL VAN DEVENTER

This Instrument Prepared By:
THE NEW ALBANY COMPANY LLC MY GUMMISSION EXPIRES 06-10-11
8000 Walton Parkway, Suite 120
New Albany, Ohio 43054

Notary Public

EXHIBITA BLETT

Situated in the State of Ohio, County of Famicila, Township of Flain, lying in Quarier Township 4, Township 2, Range 16, United States Military Lands, being on, over and scross part of the original 79.063 sere trust conveyed to The New Albury Company LLG by deeds of tembed in Official Reserva 1277219 and 21256EOL, and Instrument Number 1998111202856OT, (mospit as noted, all refusement are the records of the Recorder's Office, Panelikin County, Ohio) and being more particularly described as follows:

BRUNNING at a point in the mathedy right-of-way line of Sankh's Mill Road (PO feet which), as dedicated in Plat Book 105, Page 92, in the eastedy line of said original 79.055 nore tract and at the sunthwesterly corner of the 35.000 nore tract conveyed to American Electric Power by dued of record in Lastrament Number 20(000160016007594 (Linking Courty), being the line common to Franklin County and

Theree North 86° 23' 10" West, a distance of 201.08 flot, with said northerly right-of-way line,

Thomas serves said original 79.065 sere tract, the following courses and distances:

North 03° 35" 50" Heat, a distance of 26.76 feet, to a point;

North 44° 50' 34" East, a distance of 65.06 feet, to a point;

North 18° 27' 29" East, a distance of 90.19 fest, to a point;

North 28° 21' 10" Best, a distance of 44.97 fact, to a point;

North 01°09' 32" West, a distance of 92.56 fest, to a point;

North 62° 14° 11° West, a distance of 341.77 fast, to a point;

North 04" 49" 39" West, a distance of 137.06 feet, to a point;

North 53° 00' 23" West, a distance of 189.54 feet, to a point;

North 28" 20" 59" West, a distance of 59,17 fact, to a point;

North 49° 19° 25" West, a distance of 62,43 fact, to a point;

North 21° 22' 13° West, a distance of 90.73 flet, to a point in the audienty line of the 25 nore tract conveyed to Albert A. Strone by deed of second in Deed Sock 2967, Page 525;

These South 25° 23° 18st, a distance of 630,77 Sec, with the line common to said 79.063 and 25 acre tracts, to a point in the weatherly line of eald 35,000 acre tract, and eald Precide/Licking County line;

Themes South 02° 41' 47" West, a distance of \$29.73 feet, with the Ras common to said 79.045 and 35.000 sens tracts, unit Femidia/Linking County lies, to the FORST OF REGENERICS, containing 6.444 serss, more or ion. SE OF OHE

BYANE, MECHWART, HAMBLETON, & TILTON, INC.

Leather X Hig Heather L. King

9/1/05

Exhibit "A"

FOLETE

STREAM BETRACK

DANA ACER

Situated in the State of Cicle, County of Frankin, Village of New Albury, located in Questo Township 4, Township 2, Rusque 16, United States Millary Londs, being across that 79.055 unce tens occasioned to The New Albury Company LLC by deed of rescords in Offsicial Record 12772119, Offsicial Record 21256501, and Instrument Number 199611130219907 did references paths to the records of the Records's Offsica, Frankin County, Offsica, and instrument and the County of the County

Beginning, the software, in an auturly line of said 79,063 are truet, a southwesterly corner of that 35,005 ares tests conveyed to American Electric Power by deed of rescent in Instantant Number 200603160067334, being the numberly right-of-way line of Smithe's Mill Road (90' width) of rescent in Plat Book 106, Pass 32:

timesee North 86" 23' 10" West, with the anothedy right-of-way line of said Smith's Mill Road, a distance of 208.04 that to the TRIDE POINT OF REGIRATING:

thesee Nexth 86° 23' 10° West, continuing with said northedy right-of-way line, a distance of 474.39 fast to a point;

thence accous said 79.065 some inest, the following sources and dishances:

North 10" 18' 27" West, a distance of 17.55 feet to a point;

North 26° 34' 21" East, a distance of 37.91 fact to a point;

South 79° 22' 57" Hast, a distance of 28.57 fost to a point;

North 78° 40° 28" Heat, a distance of 128.12 fact to a point;

North 59° 33' 39" Bast, a distance of 11.67 feet to a point;

Boath 84° 57' 56" Hast, a distance of 37.22 feet to a point;

South 33" 11' 50" Rest, a distance of 11.12 feet to a point;

PORTE 20 11 10 May -----

North 60° 14' 32" Heat, a distance of 41.23 flat to a point;

Neath 89° 51' 59° limst, a distance of 25.86 feet to a point;

South 69° 14° 10° East, a distance of 64.75 fact to a point;

North 43° 56° 43" Hest, a distance of 37.79 fact to a point;

Bouth \$3º 11' 27" Hast, a distance of \$2.50 feet to a point;

Routh 42° 64° 45" Best, a distance of 40,27 first to a point; and

South 19" 36" 30" West, a distance of 26,76 fact to the TRUE POINT OF REGINARIES, and contribing 0.93 some of 1856, more or law.

EVANS, MECHWART, HAMBLETON, & TILTON, INC.

Resistant Servers No. 8307

EE Park Contactor 6, 2000 B J Tab on 6 MGH

FEMALICAL PROPERTY 1891 ACRES

Situated in the State of Chie, County of Franklin, Village of New Albany, located in Quarter Township 4, Township 2, Range 16, United States Military Lands, being across that 40,940 acro tract conveyed to The New Albany Company LLC by deed of record in 201010070133785, (all references rafer to the records of the Recorder's Office, Franklin County, Ohto), and being described as follows:

BEGENNING at a northwesterly corner of said 40.940 acre tract, a northeasterly corner of that tract conveyed to Abercombio & Fitch by deed of record in Instrument Number 200612150248879, being the southerly right-of-way line of Smith's Mill Road (90' width) of record in Plat Book 106, Page 92;

thence South 85° 23' $10^{\rm o}$ Heat, with the southerly line of said Smith's Mill Read, a distance of 556.88 fact to a point;

thrace screes said 40.940 acre tract, the following courses and distances:

South 03° 36° 50" West, a distance of 117.25 feet to a point;

South 43° 51° 46" West, a distance of 51.22 feet to a point;

South 89° 51° 11" West, a distance of 313.78 feet to a point;

North 33° 30° 37" West, a distance of 70.66 feet to a point; and

North 22° 34° 03° West, a distance of 168.67 fact to a point in the easterly line of said Abercrombte & Fitch tract;

thance North 03° 44° 59" Bast, with the easterly line of said Abertzombic & Fitch tract, a distance of 109.35 feet to the FOINT OF BEGINNING, and containing 1.891 acres of land, more or ices.

EVANS, MECHWART, HAMBLETON, & TILTON, INC.

* HEATHER X

Heether L. King Registered Surveyor No. 8307

NEW TOTAL STREET COSE OF

ı

Situated in the State of Ohio, County of Lielding, Village of New Albany, Isosted in Quarter Township 15, Township 2, Rauge 14, United States Millary Lends, being across that 22.579 are tract conveyed to MSN Holdings, LLC by deed of record in Instrument Number 2010100602027 (all references neither to the records of the Recorder's Office, Lielding County, Ohio), and being described as

EBGINNING at a nontheastedy corner of said 22.579 acre trust, a nonthepeatacly corner of that tract conveyed to James M. Elegs by deed of recents in Official Record 16, Page 437, being the nontherty line of that tract conveyed to Sue Powell and Louis Powell by deed of records in Official Record 661, Page 531;

themse South 03° 18' 28" West, with the westerly line of said James M. Rings and partly with the westerly line of John P. Neymeyer and Dawn M. Neymeyer by dead of record in instrument Number 200107120024969, a distance of 236.00 feet to a point;

Chance North 86° 54° 14" West, nerves said 22.579 sere (ract, a distance of 322.00 feet to a point;

thence North 03° 18' 28" Heat, continuing across said 22.579 acro test, a distance of 256.00 feet to a point in the southerly line of that tract conveyed to Albert A. Strouge by deed of records in Official Record 618, Page 411;

theore South 86° 54' 14" Best, parily with the southerty line of said Albert A. Strones und and Sue Powell and Louis Powell tract, a distance of \$22.00 feet to the POINT OF BEGINNING, and containing 1,822 seems of land, more or laws. TATEOFOL

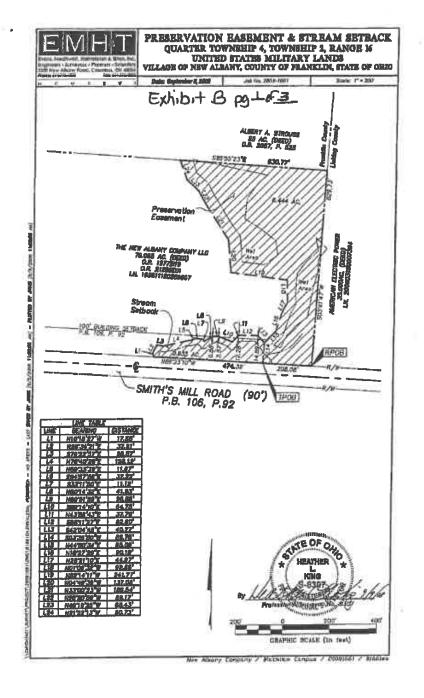
EVANS, MECHWART, HAMBLETON, & TILTON, INC.

Matheu Sulfez 12/20/10
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Paristnered Surveyore No. 22677 Houther L. King Registered Surveyor No. 8307

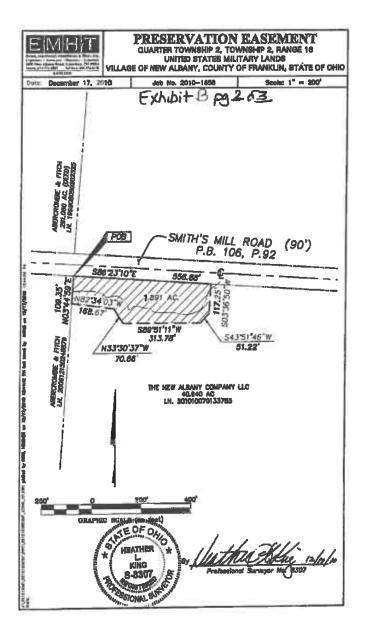
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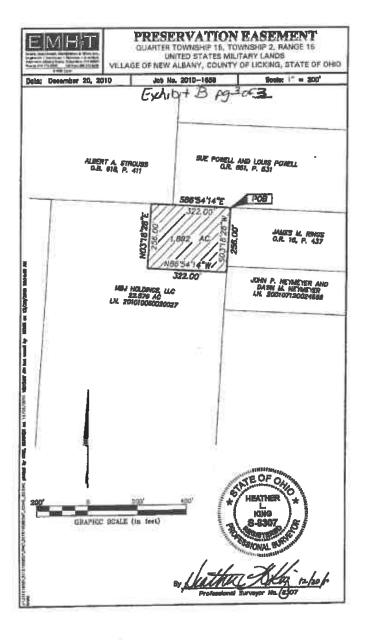
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Page 275 of 379



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FRANKLIN COUNTY, OH Recorded: 10/15/2021 12:46:10 PM

Instrument #: 202110150187587

Page: 2 of 18

TRANSFER NOT NECESSARY

10-15-2021

MICHAEL STINZIANO AUDITOR FRANKLIN COUNTY, OHIO P
MICHAEL STINZIANO
FRANKLIN COUNTY AUDITOR

FIRST AMENDMENT TO CONSERVATION EASEMENT AGREEMENT

142

This First Amendment to Conservation Easement Agreement (this "Amendment") is made to be effective on the last date of signature below (the "Effective Date"), by and between Abercrombie & Fitch Management Company ("Grantor") and the City of New Albany, a municipal corporation existing under the laws of the State of Ohio, having its address at 99 W. Main Street, New Albany, Ohio 43054 ("Grantee").

RECITALS:

WHEREAS, Grantor and Grantee are parties to that certain Conservation Easement Agreement which is of record with the Recorder's Office, Franklin County, Ohio as Instrument Number 201012230175455 (the "Conservation Easement Agreement"), a copy of which is attached hereto as Exhibit A;

WHEREAS, Grantor and Grantee desire to amend the Conservation Easement Agreement as provided in this Amendment in order to allow for the construction, installation, operation, maintenance, repair, removal, and replacement of an underground sanitary sewer crossing ("Sanitary Sewer") within a limited and defined portion of the real property that is burdened by the Conservation Easement Agreement (the "Subject Area"). The Subject Area is shown on Exhibit B attached hereto and is comprised of the areas identified on Exhibit B as the "Temporary Construction Easement" and the "Sanitary Sewer Easement;"

WHEREAS, two jurisdictional wetlands and a portion of a stream within the Subject Area will be temporarily impacted in order to install the Sanitary Sewer. Grantee has obtained a Nationwide Permit 58 Verification, dated June 10, 2021 (LHR-2020-743-SCR-Haines Ditch) (the "Permit") to discharge temporary dredged and/or fill material to allow the construction of the Sanitary Sewer; and

Stewart Titu columbus 27/270

Page: 3 of 18

Instrument # 202110150187587

WHEREAS, a portion of the Subject Area is where the Sanitary Sewer is to be installed (the "Sanitary Sewer Easement Area") and another portion of the Subject Area will be a temporary easement area (or laydown area) that will only be used for a limited time during the original construction of the Sanitary Sewer (the "Temporary Construction Easement Area"). The Sanitary Sewer Easement Area and the Temporary Construction Easement Area are depicted on Exhibit B.

NOW THEREORE, in consideration of the promises and covenants detailed in the Conservation Easement Agreement, in this Amendment, and as described below, the sufficiency of which is hereby acknowledged, Grantor and Grantee agree as follows:

AGREEMENT:

- 1. Sanitary Sewer Construction Incursion. Grantor and Grantee hereby agree to allow an incursion within the Subject Area in order to allow for the original construction and installation of the Sanitary Sewer (the "Sanitary Sewer Construction Incursion").
- 2. Future Sanitary Sewer Maintenance/Replacement Incursions. After the completion of the original construction and installation of the Sanitary Sewer, Grantor and Grantee hereby agree to allow future incursions within the Sanitary Sewer Easement Area in connection with any future construction, installation, operation, maintenance, repair, removal, and replacement of the Sanitary Sewer.
- 3. Remediation After Incursions. Grantee agrees that after any incursion allowed herein, Grantee shall promptly: (i) remove any temporary fill in its entirety and return the affected areas to pre-incursion elevations; (ii) re-establish the Temporary Construction Easement Area as forested wetland and upland buffer area per the Permit; and (iii) re-establish the Sanitary Sewer Easement Area as a non-forested wetland and upland buffer area per the Permit or any future applicable permit or authorization.
- 4. Compliance with Applicable Laws. Grantee shall obtain all necessary permits and authorizations for any incursions after the Sanitary Sewer Construction Incursion and shall fully comply with any applicable laws, permits and authorizations.
- 5. No Other Amendments. Except as expressly provided in this Amendment, no other provisions of the Conservation Easement Agreement are being amended hereby. [signature pages follow]

Page: 4 of 18

IN WITNESS WHEREOF, Grantor and Grantee have executed this Amendment on the date(s) indicated immediately below their respective signatures.

GRANTOR:

Aber	crombie :	& Hitch .	Managemer	it Company
	73	3 l //	11	
_	4.110	91 14	Managemen	<u> </u>

Print Name: Everett Gallagher

Title: SUPATEBASUTET

Date: October 6,2021

STATE OF OHIO COUNTY OF FRANKLIN, ss.

The foregoing instrument was acknowledged before me this day of Dt total 2021, by Everett Gollocks the SVP + Treasurer of Abercrombie & Fitch Management Co., a Delaware corporation, on behalf of the corporation. This is an acknowledgment certificate; no oath or affirmation was administered to the signer with regard to this notarial act.

Notary Public

Printed Name: Melissa A Hoovler

My Commission Expires: 1-19-25

(Seal)



Instrument #: 202110150187587

Page: 5 of 18

GRANTEE: CITY OF NEW ALBANY, an Ohio municipal corporation

Approved as to Form:

STATE OF OHIO COUNTY OF FRANKLIN, ss.

The foregoing instrument was acknowledged before me this $\underline{ 1 \!\!\! / \!\!\! / }$ day of Ottober 2021, by Joseph F. Stefanov, City Manager of the City of New Albany, Ohio, an Ohio municipal corporation, on behalf of the municipal corporation. This is an acknowledgment certificate; no oath or affirmation was administered to the signer with regard to this notarial act.



Umanda & Bonife Notary Public

Printed Name: Amanda L. Bonifield

My Commission Expires: June 4, 2025

(Seal)

NEY400 Tl0098 Page 283 of 379

FRANKLIN COUNTY, OH

Recorded: 10/15/2021 12:46:10 PM

Instrument #: 202110150187587

Page: 6 of 18

Exhibit A

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Page: 7 of 18

NOT NECESSARY
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CLARENCE E, MINSO II



201012230175455 201012230175455 16/20/2006 2/1400 8207EMBT 17 Subset 8. Factories

CONSERVATION EASEMENT

Stewart Title Agency

KNOW ALL MEN BY THESE PRESENTS that THE Company and MBJ HOLDINGS. LLC. a Delaware limited liability company and MBJ HOLDINGS. LLC. a Delaware limited liability company (collectively the "Grantor"), of the Village of New Albany, Counties of Franklin and Licking, State of Ohio, in consideration of its desire to preserve the natural beauty of the following described property for posterity, does hareby quit-claim unto the THE YILLAGE OF NEW ALBANY, OHIO, an Ohio municipal corporation (the "Grantos"), the perpetual right and essement to hold and protect, for open space and conservation purposes, as permaneut wetland and riparian habitat, in, over and upon the following described premises:

(SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A" & SURVEY OF THE PERPETUAL EASEMENT AREA ATTACHED HERETO AS EXHIBIT "B" MADE A PART HEREOF).

<u>Prior Instrument Ref:</u> Instrument Number 201010070133785; Recorder's Office, Pranklin County, Ohio and Instrument 201010060020027, Recorder's Office, Licking County, Ohio.

As further consideration for the easement granted herein, the following terms, conditions, restrictions and limitations shall inure to the benefit of and be binding upon the parties and their respective successors and assigns. Granter hereby releases and discharges the Grantee from all further claims for Ohio Constitution, Article I, Section 19, just compensation related to this grant.

This conservation ensument is required by a Section 461 Water Quality Cartification Permit #062653 issued by the Ohio EPA on October 31, 2006, and Permit Number UN TRIB Biacklick Creek — 200200751 issued by the U.S. Army Corps of Engineers on November 16, 2007. As a condition of the Permits, preserved wetland and stream areas must be protected by a conservation ensument. This conservation ensument requires the Owner to mitigate impacts to surface waters on the Blacklick Campus by, among other things, preserving in perpetuity 6,444 acres, 0.935 acres (includes stream only), 1.891 acres, and 1.892 acres (includes stream only) of existing wednesds and buffers, and 1,470 linear feet of avoided stream and preservation buffers, in the Blacklick Campus (the "Essencet Area").

The easement herein granted shall run with the land in perpetuity and it is the intent and purpose of both parties to this easement to restrict and forbid any activity or use which would, as a natural consequence of such, impede or make more difficult use of the Easement Area for its intended purposes and accomplishment of conservation objectives.

It is the intent of this essement that no private encroschment shall be permitted on the Essement Area, and the Grantor hereby imposes and agrees to comply with the following activity or use limitations on the described Essement Area:

- Development Activities: No development activity may occur on the Basement Area:
- b. <u>Construction</u>: The placement or construction of any man-made modifications such as buildings, structures, fences, roads, utilities and parking lots on the Easement Area is prohibited, other than construction activities that are authorized by the Mitigation Plan approved by Ohio EPA;

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Page: 8 of 18

Cutting Verestation: Any cutting of trees, ground cover or vegetation, or destroying by means of harbicides or posticides on the Basement Area is prohibited, unless necessary to minimize the establishment of invasive species in accordance with the Mitigation Plan approved by Ohio BPA. Plantings of native Ohio trees and shrubs within the 0.935-acre stream setback easement area (Exhibit B - Page 2) for additional screening purposes is allowed;

- Dumping: Nothing may be placed or accumulated in the Basement Area, including soils, waste, garbage or other materials; and
- Water Courses: Natural water courses and streams and adjacent riperian buffers may not be dredged, straightened, filled, channelized, impeded, diverted or otherwise altered on the Basement Area, other than as part of activities that are authorized by the Mitigation Plan approved by Ohio EPA.

The Grantor hereby covenants with Grantoe that it is the true and lawful owner of the above described real property and is lawfully seized of the same in fee simple and has good right and full power to grant this casement.

TO HAVE AND TO HOLD said real property unto said Grantee, its successors and assigns forever, for the uses and purposes hereinbefore described.

IN WITNESS WHEREOF, the said Grantor and the said Grantee have hereunto set their hands this 2016 day of December, 2010.

GRANTOR:

THE NEW ALBANY COMPANY LLC, a Delaware limited liability company

MBJ HOLDINGS, LLC, a Delaware limited

liability company

GRANTEE:

VILLAGE OF NEW ALBANY, OHIO, an Ohio municipal corporation

Page: 9 of 18

STATE OF OHIO, COUNTY OF FRANKLIN. ==:

RE IT REMEMBERED, that on this _______ day of December, 2010, before me, the subscriber, a Notary Public in and for said County, personally came the above named THE NEW ALBANY COMPANY LLC, a Delaware limited liability company, by Brant Bradbury, its Chief Financial Officer, the Grantor in the foregoing Conservation Essentent, and acknowledged the signing of the same to be his voluntary act and deed, and the voluntary act and deed of said company for the uses and purposes therein mentioned.

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



STATE OF OHIO, COUNTY OF FRANKLIN, ss:

BE IT REMEMBERED, that on this county, personally came the above named MEDI HOLDINGS, LILC, a Delaware limited liability company, by Brent Bradbury, in Vice President/Tressurer, the Granter in the foregoing Conservation Essement, and acknowledged the signing of the uses and purposes therein mentioned.

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



STATE OF OHIO, COUNTY OF FRANKLIN, se:

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

(scal)

Notary Public JILL VAN DEVENTER

This Instrument Prepared By:
THE NEW ALBANY COMPANY LLC MY CUMMISSION EXPIRES 06-10-11

8000 Walton Parkway, Suite 120 New Albany, Ohio 43054

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Page: 10 of 18



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March 01" 18" 37" West, a distance of \$7.56 feet, to a point

d of 49° 35° West, a distance of 137,56 fine, to a point;

29° 20° 39° West, a distance of SA.17 first, to a point:

Page: 11 of 18

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North LOT 13" West, a distance of 17.45 Section pol

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in 78° 48° 28° Met, a distance of 152,32 dealers a pri

59° 33' 35° Heet, & distance of 11.67 that to a point;

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th 37° 11° 30° Best, a distance of 11.22 flost to a point

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th 40° 54° 47° That, a cliateason of 57.79 Austra u point;

(b. 88* 11* 27" But, a distance of \$2.00 first to a point;

Page: 12 of 18



Shinsted in the State of Otio, County of Franklin, Village of New Albury, Isotiod is Quarter Township 4, Township 2, Europe 16, United States Millary Lands, being coress that 40,940 mrs trust conveyed to The New Albury Company LLC by deed of recost in 20(010070135785, (all substances make in the seconds of the Reconduc's Office, Remillin County, Chiefe, and being described or follows:

BBGHQUEC at a nonlinearisely countr of said 40.940 arm tract, a nonlinearisely countr of first tract consequed to Abstractable & First by deed of reoper in Instrument Humber 2006121.50042677b, being the nonlinely right-of-very line of familie's MIII Road (90' width) of record in Fist Book 100, Page 52;

thence South 26" 25" 10" Best, with the southerly line of said Smith's Mill Road, a distance of 555,58 flat in a point;

There a square suid 40.540 acres teach, the following concess and distances:

South 05" 26" 30" West, a distance of 117.25 that to a point;

South 43" 51" 46" West, a distance of 51,72 feet to a point;

South 69" 51" 12" West, a distance of 313.78 feet to a point;

Name ago not not the Wind a Statement of 70.65 first to a point; and

Moch 22" 34' US" West, a distance of 168,67 first to a point in the easiedy line of said.

Absorption & First met:

dimos Nacil. 03° 44° 59° Rast, with the castoriy line of mid. Abstracable d: Fitch tweet, a distance of 109.35 fact to the POINT OF BEGINNING, and containing 1.861 areas of land, more as lare.

BYANG, MICHWART, HAMBLETON, & TE.TON, INC.

Hundrer L. King

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Page: 13 of 18



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EMCCRICIO et a nonflouvirily devant of soid 22.579 days test, a northwestedly country of the test conveyed to James M. Elega by deed of records in Official Record. 16, Page 437, Julya the estimate of that test conveyed to Aim Fowell and Lesis Found by deed of seconds in Official Record 651, Page 531;

channe South 69° 11° 20° West, with the westerly like of reld Jennes M. Rhage and purify with the westerly line of John P. Huganeyer and Daven. M. Negarayar by dead of second in Jantanessan Number 2001097120000009, a disastroness of 200200 due to a public.

Chippen Misch 867-547 147 West, across said 22,579 save treet, a distance of 322,000 fleet to a public

thems (kurft 60" 16" 25" linet, combating somes mid 22.579 sees tent, a distance of 256.00 flat to a point in the continuty line of first inset copyright to Albest A. Sixons by deed of recents in Official Named 52 it beautiful.

timens South 50° 54' 14" Nest, parily with the centurity line of said Albert A. Strouge track and Son Payrell and Louis Payrell back, a distance of \$22,80 Sect to the PCINT OF HISGODISMS, and contributes 122 areas of Page 1

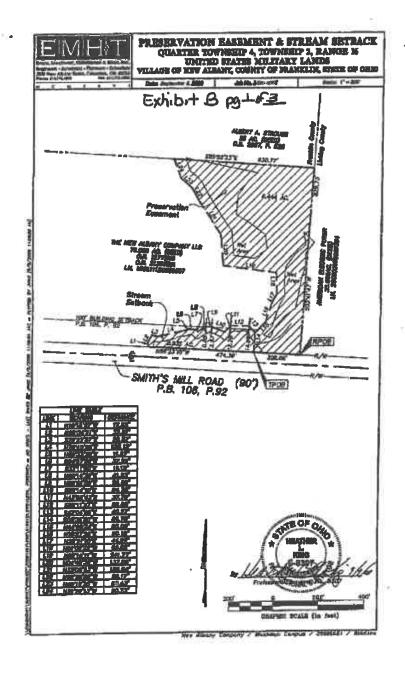
evans, material, hamine etch, a theoda, inc

Shather L. King Registered Spotterer No. 2007

Negational Security, via: 400

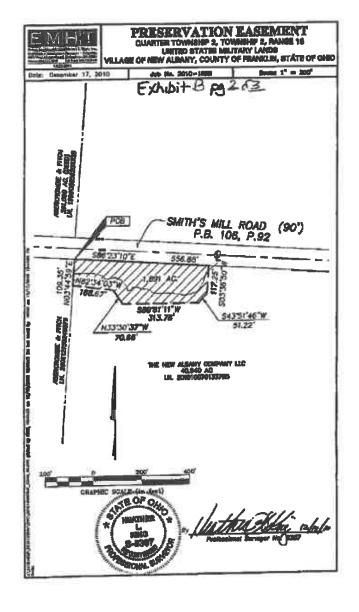
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Page: 14 of 18



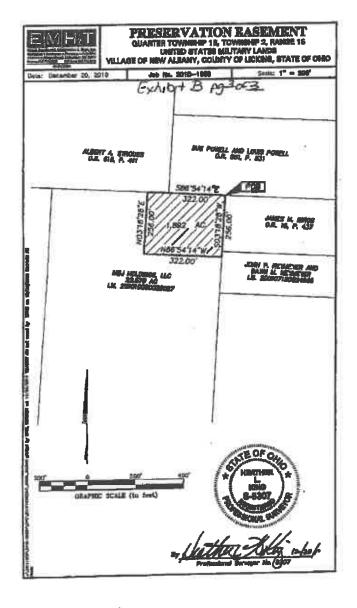
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Page: 15 of 18



4

Page: 16 of 18



NEY400 TI0098

Page 294 of 379

FRANKLIN COUNTY, OH

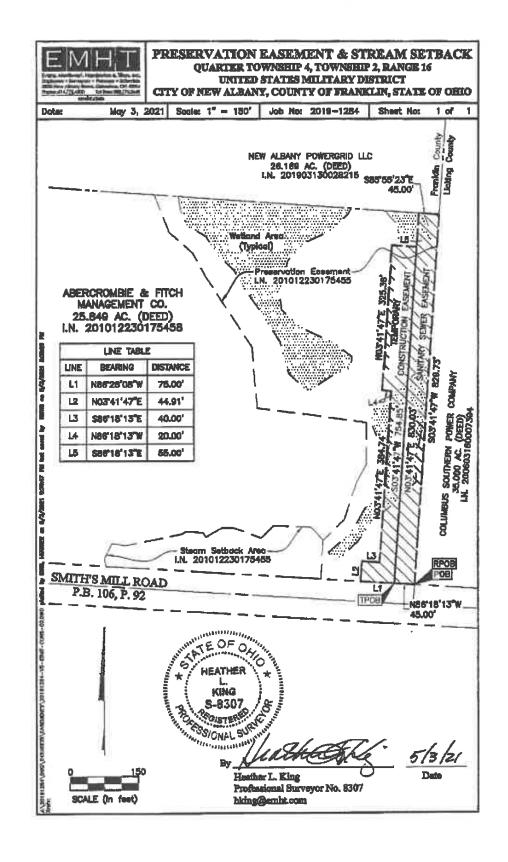
Recorded: 10/15/2021 12:46:10 PM

Instrument #: 202110150187587

Page: 17 of 18

Exhibit B

.



Franklin County Auditor - Michael Stinziano 222-004472-00

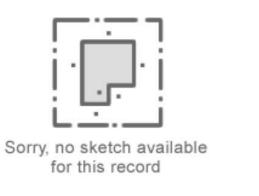
Owner Name	ABERCROMBIE & FITMANAGEMENT CO	ГСН	Prop. Class Land Use Tax District	C - Commercial 400 - VACANT COMMERCIAL LAND 222 - PLAIN TWP-NEW ALBANY CORP
Site Address	0 SMITH MILLS RD		Sch. District App Nbrhd Tax Lein	2508 - NEW ALBANY-PLAIN LSD X5100 No
LegalDescriptions	GRANVILLE RD R16 T2 1/4T4 25.849 ACRES		CAUV Property Owner Occ. Credit Homestead Credit	Yes 2021: No 2022: No 2021: No 2022: No
Owner Address	6301 FITCH PATH NEW ALBANY OH	43054	Rental Registration Board of Revision Zip Code Annual Taxes	No No 43054 481,42
Transfer Date	10/28/2021		Taxes Paid	1,742.86

Transfer Price .00 Calculated Acreage 25.66
Instrument Type LE Legal Acreage 25.85

	Cu	Current Market Value			Taxable Value		
	Land	Improv	Total	Land	Improv	Total	
Base	\$2,959,900	\$0	\$2,959,900	\$5,560	\$0	\$5,560	
TIF	\$0	\$0	\$0	\$0	\$0	\$0	
Exempt	\$0	\$0	\$0	\$0	\$0	\$0	
Total	\$2,959,900	\$0	\$2,959,900	\$5,560	\$0	\$5,560	
CAUV	\$15,880						

Building Data

N/A



Sketch Legend





Franklin County Auditor - Michael Stinziano 222-004970-00

Owner Name	COI INNOVATION BUILDING 3 LLC	Prop. Class Land Use Tax District	R - Residential 503 - VAC UNPLT RES LAND: 20-29.99 AC 222 - PLAIN TWP-NEW ALBANY CORP
Site Address	0 CENTRAL COLLEGE RD	Sch. District App Nbrhd	2508 - NEW ALBANY-PLAIN LSD 05600
		Tax Lein	No
LegalDescriptions	SMITHS MILL RD	CAUV Property	Yes
	R16 T2 1/4T4	Owner Occ. Credit	2021: No 2022: No
	26.119 ACRES	Homestead Credit	2021: No 2022: No
		Rental Registration	No
Owner Address	4900 MAIN ST STE 400	Board of Revision	No
	KANSAS CITY MO 64112	Zip Code	43054
		Annual Taxes	441.40

 Transfer Date
 12/03/2021
 Taxes Paid
 83,743.18

 Transfer Price
 3,200,000.00
 Calculated Acreage
 25.74

 Instrument Type
 LW
 Legal Acreage
 26.12

	Cu	Current Market Value			Taxable Value		
	Land	Improv	Total	Land	Improv	Total	
Base	\$1,441,800	\$0	\$1,441,800	\$6,010	\$0	\$6,010	
TIF	\$0	\$0	\$0	\$0	\$0	\$0	
Exempt	\$0	\$0	\$0	\$0	\$0	\$0	
Total	\$1,441,800	\$0	\$1,441,800	\$6,010	\$0	\$6,010	
CAUV	\$17,170						

Sorry, no sketch available for this record

Building Data

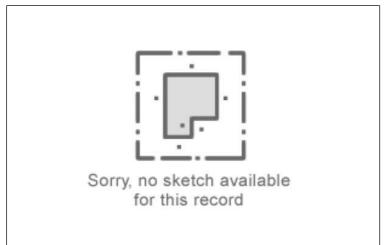
N/A

Sketch Legend





Disclaimer: The information on this web site is prepared from the real property inventory maintained by the Franklin County Auditor's Office. Users of this data are notified that the primary information source should be consulted for verification of the information contained on this site. The county and vendors assume no legal responsibilities for the information contained on this site. Please notify the Franklin County Auditor's Real Estate Division of any discrepancies.



Sketch Legend





Franklin County Auditor - Michael Stinziano 222-001951-00

Owner Name	NEW ALBANY COMMERCE I LLC	Prop. Class	C - Commercial
Owner Hame	NEW ALBANT COMMERCE FLEC	Land Use	400 - VACANT COMMERCIAL LAND
		Tax District	222 - PLAIN TWP-NEW ALBANY CORP
Site Address	0 SMITH MILLS RD	Sch. District	2508 - NEW ALBANY-PLAIN LSD
Onto Atach ooo	O GIVILLE IND	App Nbrhd	X5100
		Tax Lein	No
LegalDescriptions	8122 GRANVILLE RD	CAUV Property	Yes
	R16 T2 1/4T4	Owner Occ. Credit	2021: No 2022: No
	41.295 ACRES	Homestead Credit	2021: No 2022: No
		Rental Registration	No
Owner Address	C/O AL NEYER LLC 302 W THIRD ST STE	Board of Revision	No
	800	Zip Code	43054
	CINCINNATI OH 45202	Annual Taxes	893.58
Transfer Date		Taxes Paid	358,871.07
Transfor Price	02/00/2022	Calculated Acreage	44 44

Transfer Price 02/09/2022 Calculated Acreage 41.41 Legal Acreage 41.30 Current Market Value Taxable

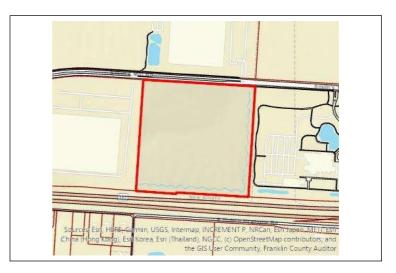
	Cui	Current Market Value			Taxable Value)
	Land	Improv	Total	Land	Improv	Total
Base	\$4,064,100	\$0	\$4,064,100	\$10,320	\$0	\$10,320
TIF	\$0	\$0	\$0	\$0	\$0	\$0
Exempt	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$4,064,100	\$0	\$4,064,100	\$10,320	\$0	\$10,320
CAUV	\$29,480					

Building Data N/A



Sketch Legend





Franklin County Auditor - Michael Stinziano 222-001949-00

THIRTY-ONE REAL ESTATE LLC Prop. Class C - Commercial **Owner Name** Land Use 447 - OFFICE BLDG 1 & 2 STORIES **Tax District** 222 - PLAIN TWP-NEW ALBANY CORP **Site Address** 8111 SMITH MILLS RD Sch. District 2508 - NEW ALBANY-PLAIN LSD **App Nbrhd** X5100 Tax Lein No **CAUV Property** LegalDescriptions GRANVILLE RD No **Owner Occ. Credit** R16 T2 1/4T4 2021: No 2022: No **Homestead Credit** 2021: No 2022: No 40.940 ACRES **Rental Registration** No **Owner Address** 1010 JACKSON HOLE DR STE 100 **Board of Revision** Yes **BLACKLICK OH 43004 Zip Code** 43054 **Annual Taxes** 240.022.70

 Transfer Date
 11/01/2018
 Taxes Paid
 144,239.40

 Transfer Price
 24,000,000.00
 Calculated Acreage
 40.69

 Instrument Type
 LW
 Legal Acreage
 40.94

\$39.820.000

\$40,119,500

Current Market Value Taxable Value Land **Improv** Total Land **Improv Base** \$4,159,800 \$0 \$4,159,800 \$1,455,930 \$0 **TIF** \$3,460,700 \$299,500 \$3,760,200 \$1,211,250 \$104,830

CAUV \$0

Exempt

Total

Building Data

\$39.820.000

\$47,740,000

Land Use 710-AB PROP FOR COMMU REINV AREA

\$13.937.000

\$14,041,830

Total

\$1,455,930

\$1,316,080

\$13,937,000

\$16,709,010

 Year Built
 2013

 Total Sq Ft
 135964

 Stories
 02

Grade VERY GOOD +

Sketch Legend

1 PAVING ASP - PA1:PAVING ASPHALT 259300 Sq. Ft.

\$0

\$2,667,180



\$0

\$7,620,500

Sorry, no sketch available for this record





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Franklin County Auditor - Michael Stinziano 222-001950-00

ABERCROMBIE & FITCH MANAGEMENT **Owner Name**

CO

Site Address

6200 FITCH PATCH RD

LegalDescriptions

KITZMILLER ROAD

R16 T2 1/4T4

234.047 ACRES

Owner Address

6301 FITCH PATH

NEW ALBANY OH 43054

Transfer Date

Transfer Price 07/02/2020

Ф₽ **Instrument Type**

Prop. Class I - Industrial

Land Use 355 - DISTRIBUTION WHSE CENTERS **Tax District**

222 - PLAIN TWP-NEW ALBANY CORP

Sch. District 2508 - NEW ALBANY-PLAIN LSD

App Nbrhd X5100 Tax Lein No **CAUV Property** Yes

Owner Occ. Credit 2021: No 2022: No **Homestead Credit** 2021: No 2022: No

Rental Registration No **Board of Revision** No **Zip Code** 43054

Annual Taxes 2,039,932.70 **Taxes Paid** 1,073,735.72 **Calculated Acreage** 231.89

Legal Acreage 234.05

Current Market Value

	Cu	Current Market Value			Taxable Value		
	Land	Improv	Total	Land	Improv	Total	
Base	\$8,263,300	\$0	\$8,263,300	\$1,469,630	\$0	\$1,469,630	
TIF	\$12,617,100	\$50,495,600	\$63,112,700	\$4,415,990	\$17,673,460	\$22,089,450	
Exempt	\$0	\$3,527,100	\$3,527,100	\$0	\$1,234,490	\$1,234,490	
Total	\$20,880,400	\$54,022,700	\$74,903,100	\$5,885,620	\$18,907,950	\$24,793,570	
CAUV	\$4,198,950						



Sorry, no sketch available for this record

Building Data

Land Use 720-AB PROP FOR CTY IMPROVE/TIFS

Year Built 2000 **Total Sq Ft** 830634 **Stories** 01

Grade **GOOD QUALITY**

Sketch Legend

1 GHSE - OGS:GUARD HSE 60 Sq. Ft.

2 SHELTER - RSL:SHELTER/SLAB 462 Sq. Ft.

4 PAVING CON - PC1:PAVING CONCRETE 200000 Sq. Ft.

7 FENCE CL 6 - FN1:FENCE CHAIN LINK LF -6 2400 Sq. Ft. 8 PAVING ASP - PA1:PAVING ASPHALT 350290 Sq. Ft.





COLUMBUS SOUTHERN POWER COMPANY 8400 SMITHS MILL RD

Tax District: 093 - JERSEY T-N ALB C-LK HTS LSD

School District: LICKING HEIGHTS LSD Neighborhood: 07300 Jersey Twp

Classification: 305 Data Center-Lab-Research

Acreage:

Property Desc: 25.000 AC SEC 15 R15 T2 Q3

TIF 2011-2040 (100%)

TAX ABATE CRA 2009-2023 (75 % OF BLDG)

Parcel #: 093-107046-00.002

Rt #: 093-005.00-004.000

1 of 1



Total

0

18,500,000

18,500,000

17,000,000

ATTRIBUTES

Story Height: 2

Exterior Wall: Heating:

Concrete

2007

WD - WARRANTY

GD1 - Detached Conc Blk Garage

Cooling:

Basement: Attic:

Total Rooms:

Bedrooms: 0.0

Family Rooms:

Dining Rooms:

 Full Baths:
 0.0

 Half Baths:
 0.0

 Other Fixtures:
 0.0

Year Built: Finished Living Area:

Fillistied Living Area.

Fireplace Openings: 0.0 Fireplace Stacks: 0.0

Basement Garage(s): 0.0
Basement Finished: No

80	3 4	7		
10 90 90	30	140	1 s Br S 1885 30 29 65 29 30 65 65	55
CP3 9 93 261 23700 10 50	30	2 s S 41150	65 30 29 65 29 30	155
90 90 80			1 s Br (885)	

3,750,000

3,750,000

2,250,000

0

COLUMBUS SOUTHERN POWER

47,100

Land Improvement

14,750,000

14,750,000

14,750,000

0

0

0

AREA First Floor: Upper Floor: Attic: Half Story: Crawl:

Basement:

04/23/2015

STORY

Pcl # Instrument Type Sale Price Conv # V LO Previous Owner

VALUES (by tax year)

876

2007

2021

2020

Market

Market

CAUV

Market

1,800

2019 CAUV

CAUV

SAL	FS	Н	ST	'n	R۱	1
Uni	LV			w		

IMPROVEMENTS Yr Built Description SqFt Value SH2 - Shelter House Economy 2007 784 10.500 GU1 - Gate or Guard House 2007 456 41,500 UT1 - Utility Building 2007 625 42,000 UT1 - Utility Building 2007 625 42,000 PV1 - Paving Asphalt 165.000 173.300 5 2007 FE1 - Fence Chain Link 2007 4,650 55,800

TAXES				
IANES	Prior	1st Half	2nd Half	Total
Taxes/Reductions	0.00	90483.19	90483.19	180966.38
Pen/Int/Adj	0.00	0.00	0.00	0.00
Recoupment	0.00	0.00	0.00	0.00
Specials	0.00	0.00	0.00	0.00
Gross Due	0.00	90483.19	90483.19	180966.38
Payments	0.00	90483.19	0.00	90483.19
Net Due	0.00	0.00	90483.19	90483.19

0.00

8400 CENTRAL COLLEGE ROAD PROPCO LLC 8400 CENTRAL COLLEGE RD

038 - JERSEY T-N ALB C-PLAIN LSD Tax District:

School District: PLAIN LSD Neighborhood: 07300 Jersey Twp

Classification: 499 Other commercial structures

Acreage:

Property Desc: 107.101 AC LOT 33 & 34 R15 T2 Q2 Parcel #: 038-113376-00.001

Rt #: 038-004.00-018.000

1 of 1



BOR 2020 ATTRIBUTES

Story Height: **Exterior Wall:** Frame Central Warm Air Heating: Cooling: None Basement: Attic:

Pt Basement None

6.0

3.0

1930

Total Rooms: Bedrooms: Family Rooms:

Year Built:

Dining Rooms: 0.0

Full Baths: 1.0 Half Baths: 1.0 Other Fixtures: 0.0

Finished Living Area: 2,530

Fireplace Openings: 0.0 Fireplace Stacks: 0.0

Basement Garage(s): 0.0 Basement Finished: No

3 5 4	7
23 10 23 10 2 s Fr 8 2 s Fr 8 2 s Fr 9 OP1 13 78 9 OP1 14 9 OP1 16 17 18 19 19 19 19 19 19 19 19 19 19	

AREA	
First Floor:	1,529
Upper Floor:	1,001
Attic:	0
Half Story:	0
Crawl:	0
Basement:	1,001

	rovement	Land	ar)	VALUES (by tax ye
13,629 938	0	13,625,000 938,790	Market CAUV	2021
13,625 938	0	13,625,000 938,790	Market CAUV	2020
5,680 479	0 0	5,680,000 479,480	Market CAUV	2019

SALES HISTORY

	Pcl#	Instrument Type	Sale Price	Conv #	V	LO	Previous Owner
12/29/2020	1	LD - LIMITED	13625000.00	4465	Υ	Ν	NEW ALBANY POWERGRID LLC
08/02/2019	1	PL - PLAT	0.00	44444	Ν	Ν	NEW ALBANY POWERGRID LLC
03/15/2019	1	FD - FIDUCIARY	5680000.00	708	Υ	Ν	PNC BANK TRUSTEE
07/09/2018	1	PL - PLAT	0.00	44444	Ν	Υ	PNC BANK TRUSTEE

IMPROVEMENTS

	Description	Yr Built	SqFt	Value
5	FB1 - Flat Barn	1900	1,260	0
2	SH7 - Shed - No Value	1900	0	0
4	LT1 - Lean To	1900	420	0
3	LT1 - Lean To	1900	1,680	0
1	PB1 - Pole Barn Average Dflr 4 Side	1991	10,080	0

TAXES	Prior	1st Half	2nd Half	Total
Taxes/Reductions	12454.59	12461.11	12461.11	37376.81
Pen/Int/Adj	1245.46	0.00	0.00	1245.46
Recoupment	0.00	0.00	0.00	0.00
Specials	10980.48	22392.57	22392.57	55765.62
Gross Due	24680.53	34853.68	34853.68	94387.89
Payments	24680.53	34853.68	0.00	59534.21
Net Due	0.00	0.00	34853.68	34853.68



MBJ HOLDINGS LLC SMITHS MILL RD

Tax District: 093 - JERSEY T-N ALB C-LK HTS LSD

School District: LICKING HEIGHTS LSD Neighborhood: 07300 Jersey Twp

Classification: 499 Other commercial structures

Acreage:

Property Desc: 25.114 AC SEC 15 R15 T2 Q3

TIF 2011-2040 (100%)

Parcel #: 093-107046-00.000 Rt #: 093-005.00-003.000

1 of 1



TIF 2011-2040 (100%)							
ATTRIBUTES							
Story Height:							
Exterior Wall:							
Heating:							
Cooling:							
Basement:							
Attic:							
Attic.							
Total Rooms:							
Bedrooms:							
Family Rooms:					1		
Dining Rooms:					1		
Full Baths:							
Half Baths:							
Other Fixtures:							
Year Built:							
Finished Living Area:							
Fireplace Openings:							
Fireplace Stacks:							
Basement Garage(s):							
Basement Finished: No							
AREA		VALUES (by	tax ye			nprovement	Total
First Floor:			2021	Market	4,143,200	5,000	4,148,200
Upper Floor:			2021	CAUV	29,010	0	29,010
Attic:			2020	Market	4,143,200	5,000	4,148,200
Half Story:			2020	CAUV	29,010	0	29,010
Crawl:			2040	Market	3,444,000	0	3,444,000
Basement:			2019	CAUV	90,200	0	90,200
SALES HISTORY	ļ						
	0 1 5 1		., .				
Pcl # Instrument Type	Sale Price				ious Owner		
11/23/2020 1 EX - EXEMPT CONVEYANCE 10/06/2010 1 EX - EXEMPT CONVEYANCE	0.00 0.00				HOLDINGS LLC ALBANY CO LL		
10/06/2010 1 EX - EXEMPT CONVEYANCE	0.00				ALBANY CO LL		
06/20/2008 1 WD - WARRANTY	464250.00		N	Y NEW	ALBANY CO LL	C	
IMPROVEMENTS							
Description		Yr Buil	t	SqFt	Value		
1 SI2 - Silo - C-Stave		2012	•	1,080	5,000		
		2012		1,000	3,000		
TAXES	Prior	1st Ha	lf		2nd Half		Total
Taxes/Reductions	0.00	413.6	4		413.64		827.28
Pen/Int/Adj	0.00	0.0	0		0.00		0.00
Recoupment	0.00	0.0			0.00		0.00
Specials Gross Due	0.00	0.0			0.00		0.00
Payments	0.00 0.00	413.6 413.6			413.64 0.00		827.28 413.64
Net Due	0.00	0.0			413.64		413.64
** **			-				