



Prepared: 12/11/2018
Introduced: 01/02/2019
Revised:
Adopted: 01/15/2019
Effective: 02/15/2019

ORDINANCE O-01-2019

AN ORDINANCE FINDING THAT THE PROPOSED ADDITION OF LAND TO THE NEW ALBANY EAST COMMUNITY AUTHORITY WILL BE CONDUCTIVE TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE AND WELFARE, AND WILL NOT JEOPARDIZE THE PLAN FOR THE DEVELOPMENT OF ITS "NEW COMMUNITY" AS DEFINED IN SECTION 349.01(A) OF THE OHIO REVISED CODE; AND REDEFINING THE BOUNDARY OF THE AUTHORITY'S COMMUNITY DISTRICT TO REFLECT THAT ADDITION OF LAND

WHEREAS, pursuant to Chapter 349 of the Ohio Revised Code, MBJ Holdings, LLC (the "Developer") filed a petition (the "Original Petition") with the Clerk of this Council and in the office of the Clerk of Licking County Board of Commissioners, both as then required by Chapter 349.03(A) of the Ohio Revised Code, with that Petition being for the establishment of The New Albany East Community Authority (the "Authority") and its proposed new community district comprised of approximately 742 acres (the "Original District"); and

WHEREAS, pursuant to Section 349.03 of the Ohio Revised Code, this City Council by its Resolution No. R-95-2014 adopted on December 2, 2014, as amended by its Resolution No. R-2-2015 adopted on January 6, 2015, accepted that Original Petition after determining it was sufficient and in compliance as to form and substance with the requirements of Section 349.03 of the Ohio Revised Code; and

WHEREAS, after a public hearing on that Original Petition, held after notice published in accordance with Section 349.03 of the Ohio Revised Code, this City Council by its Ordinance No. O-16-2015 passed on February 24, 2015, declared the Authority to be organized and a body politic and corporate with the boundaries of the Authority's new community Original District defined as set forth in that Ordinance; and

WHEREAS, pursuant to Section 349.03(B) of the Ohio Revised Code, the Developer filed a supplement to the Original Petition (the "First Supplemental Petition") with the Clerk of this Council to a (i) add to the Authority's Original District additional land aggregating in amount approximately 141.979 acres and (ii) delete from the Authority's Original District land aggregating in amount approximately 35 acres; and

WHEREAS, pursuant to Section 349.03 of the Ohio Revised Code, this City Council by its Resolution No. R-28-2018 adopted on July 5, 2017, accepted that First Supplemental Petition after determining it was sufficient and in compliance as to form and substance with the requirements of Section 349.03 of the Ohio Revised Code; and

WHEREAS, after a public hearing on that First Supplemental Petition, held after notice published in accordance with Section 349.03 of the Ohio Revised Code, this City Council by its Ordinance No. O-10-2017 passed on August 8, 2017, declared that Original District be redefined to include the approximately 141.979 +/- acres of land added in the First Supplemental Petition and to remove the approximately 35 +/- acres of land deleted in the First Supplemental Petition (together with the Original District, the "District"), and determined that the District would not jeopardize the plan for the development of its "new community"

as that term is defined in Section 349.01(A) of the Ohio Revised Code, and that the District would continue to be conducive to public health, safety, convenience and welfare; and

WHEREAS, this Council continues to be the “organizational board of commissioners” for the Authority as that term is defined in Section 349.01(F) of the Ohio Revised Code; and

WHEREAS, pursuant to Section 349.03(B) of the Ohio Revised Code the “Developer” has filed an application (the “Second Supplemental Petition”) to further supplement that Original Petition with the Clerk of this Council to add to the Authority’s District additional land aggregating in amount approximately 441.345 acres; and

WHEREAS, the Second Supplemental Petition provides that with the proposed addition to the Authority’s District the Authority will continue to be conducive to the public health, safety, convenience and welfare and intended to result in the development of a “new community” as that term is defined in Section 349.01(A) of the Ohio Revised Code, and that such additional land to be included in the District is owned by or under the control of the Developer within the meaning of Section 349.01(E) of the Ohio Revised Code; and

WHEREAS, this Council reviewed the Second Supplemental Petition and determined in its Resolution No. R-51-2018 adopted December 10, 2018, that it complies with the requirements of Section 349.03 of the Ohio Revised Code as to form and substance, fixed a time and place of a public hearing on the Second Supplemental Petition, being January 15, 2019, commencing at 6:30 p.m., in Council Chambers in Village Hall, which time is not less than 30 days nor more than 45 days from the date the Second Supplemental Petition was filed with the Clerk of this Council, and desires that notice of the public hearing be given, all pursuant to Section 349.03(A) of the Ohio Revised Code; and

WHEREAS, this Ordinance redefines the boundary of the Authority’s District by adding 441.345 +/- acres of land to the District, all of which is located in the City of New Albany and the County of Franklin; and

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

Section 1. Findings and Determinations. This Council finds and determines that the District, as its boundaries are redefined by this Ordinance, will be conducive to the public health, safety and convenience and welfare and the District, as so redefined, will not jeopardize the plan for the development of its “new community” as that term is defined in Section 349.01(A) of the Ohio Revised Code.

Section 2. Approval of Second Supplemental Petition. The Second Supplemental Petition is hereby accepted and shall be recorded, along with this Ordinance, in the official minutes of this Council, as the organizational board of commissioners.

Section 3. Revision of New Community District Boundaries. The District is hereby redefined to include the approximate 441.345 +/- acres of land being added, all as set forth in the Second Supplemental Petition, and shall have boundaries reflecting that additional of land.

Section 4. Compliance with Law. 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 of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121 of the Ohio Revised Code.


Section 5. Effective Date. Pursuant to Article VI, Section 6.07(B) of the charter of the City of New Albany, this ordinance shall be in effect on and after the earliest period allowed by law.

CERTIFIED AS ADOPTED this 15th day of January, 2019.

Attest:



Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

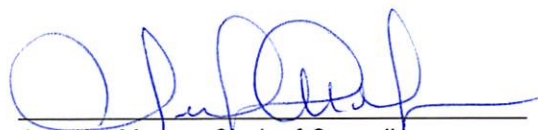
Approved as to form:



Mitchell H. Banchefsky
Law Director

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

I hereby certify that copies of this Ordinance O-01-2019 were duly posted in accordance with Section 6.12 of the Charter of the City for at least 30 days starting on January 16, 2019.



Jennifer Mason, Clerk of Council

1/16/19

Date