



Prepared: 10/04/2019  
Introduced: 10/15/2019  
Revised:  
Adopted: 11/05/2019  
Effective: 12/06/2019

## **ORDINANCE O-36-2019**

### **AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1 ANNEXATION OF 1.2 +/- ACRES FROM JERSEY TOWNSHIP, LICKING COUNTY TO THE CITY OF NEW ALBANY**

**WHEREAS**, pursuant to the petition filed by Aaron L. Underhill and David Hodge, agent for petitioners, with the Licking County Development and Planning Department, on July 23, 2019, and

**WHEREAS**, the foregoing Resolution #100-267 of the Licking County Commissioners granting the petition was delivered to the City of New Albany on July 30, 2019, and more than sixty (60) days have lapsed since the Resolution of the Board of County Commissioners was transmitted to the City of New Albany, and

**WHEREAS**, pursuant to Resolution R-48-2018 of the City of New Albany, the New Albany City Manager was authorized to enter into a Roadway Maintenance Agreement with the Township of Jersey for the maintenance of sections of roadways impacted by this annexation.

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

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

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

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

**Section 1:** The application of property owners set forth in Licking County requesting the annexation of 1.2+/- acres, which is contiguous to the City of New Albany, is hereby accepted, and the corporate boundaries of New Albany shall be extended to include the territory, more particularly described in Exhibit A, attached hereto and incorporated herein as if fully written.

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

**Section 3:** City Council of the City of New Albany hereby accepts the annexation of a 1.2 +/-acre tract, situated in Jersey Township, Licking County, Ohio, the same being land of the owners set forth above, for annexation to the City of New Albany.

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

**Section 5.** It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121 of the Ohio Revised Code.

**Section 6.** 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 5 day of Nov, 2019.

Attest:

  
Sloan T. Spalding  
Mayor

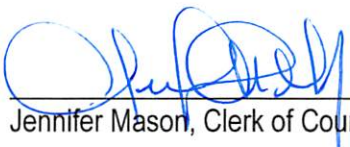
  
Jennifer H. Mason  
Clerk of Council

Approved as to form:

  
Mitchell H. Banchefsky  
Law Director

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

I certify that copies of Ordinance **O-36-2019** were posted in accordance with Section 6.12 of the Charter, for 30 days starting on November 6, 2019.

  
Jennifer Mason, Clerk of Council

11/6/19  
Date

**PROPOSED ANNEXATION  
1.2 ± ACRES**

**TO: VILLAGE OF NEW ALBANY**

**FROM: JERSEY TOWNSHIP**

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Farm Lot 29, Quarter Township 2, Township 2, Range 15, United States Military Lands, and being all of that 1.171 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201904010005879 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at the centerline intersection of Jug Street Road and Beech Road, being an angle point in the City of New Albany Corporation Line established in Ordinance Number O-33-2010, of record in Instrument Number 201011040022449 and established in Ordinance Number O-12-2019, of record in Instrument Number 201906210012317;

Thence North 03° 18' 15" East, with said centerline of Beech Road, said existing corporation line (Ordinance Number O-12-2019), a distance of 2302.49 feet to a point at the common corner of said 1.171 acre tract and that 10.936 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201901070000272, the TRUE POINT OF BEGINNING;

Thence North 03° 18' 15" East, with the centerline of said Beech Road, the westerly line of said 1.171 acre tract, a distance of 149.83 feet to a point at the common corner of said 1.171 acre tract and that 1.171 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201901160000962, being an angle point in said existing corporation line (Ordinance Number O-12-2019);

Thence South 86° 14' 47" East, with the line common to said 1.171 acre tracts, said existing corporation line, a distance of 340.00 feet to a point in a westerly line of said 10.963 acre tract;

Thence South 03° 18' 15" West, with the line common to said 1.171 acre and 10.963 acre tracts, said existing corporation line, a distance of 150.00 feet to a point;

Thence North 86° 13' 05" West, with said common line, said existing corporation line, a distance of 340.00 feet to the TRUE POINT OF BEGINNING, containing 1.2 acres, more or less.

The above description and corresponding map were prepared from Licking County Auditor's GIS information, and said description is not intended for transfer.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

*Heather L. King*  
Heather L. King  
Professional Surveyor No. 8307

*6/27/19*  
Date

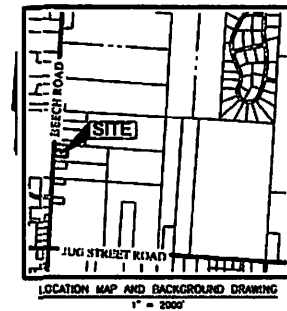
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PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY: <i>[Signature]</i>	<i>HLK</i>
DATE: <i>6/27/19</i>	

# Exhibit "B"

## PROPOSED ANNEXATION OF 1.2± ACRES TO THE CITY OF NEW ALBANY FROM JERSEY TOWNSHIP FARM LOT 29, QUARTER TOWNSHIP 2, TOWNSHIP 2, RANGE 15 UNITED STATES MILITARY LANDS TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Exhibit B - O-36-2019



Proposed Annexation  
of 1.2 ± acres to the Village of New Albany

The within map marked exhibit "A" and made a part of the petition of annexation filed with the Board of Commissioners of Licking County, Ohio, on 20 under Chapter 709 of the Ohio Revised Code, is submitted as an accurate map of the territory in said petition described under the requirements of said Chapter 709 of the Ohio Revised Code.

Agent for Petitioners

The Board of County Commissioners of Licking County, Ohio, having received a petition bearing the signed names and addresses of the parties interested in the annexation to the City of New Albany, Ohio, of the territory shown hereon and having given due consideration to the prayer of said petition, do hereby grant the same.

Board of Licking County Commissioners

Petition Received \_\_\_\_\_, 20\_\_\_\_  
Commissioner  
Petition Approved \_\_\_\_\_, 20\_\_\_\_  
Commissioner  
Commissioner

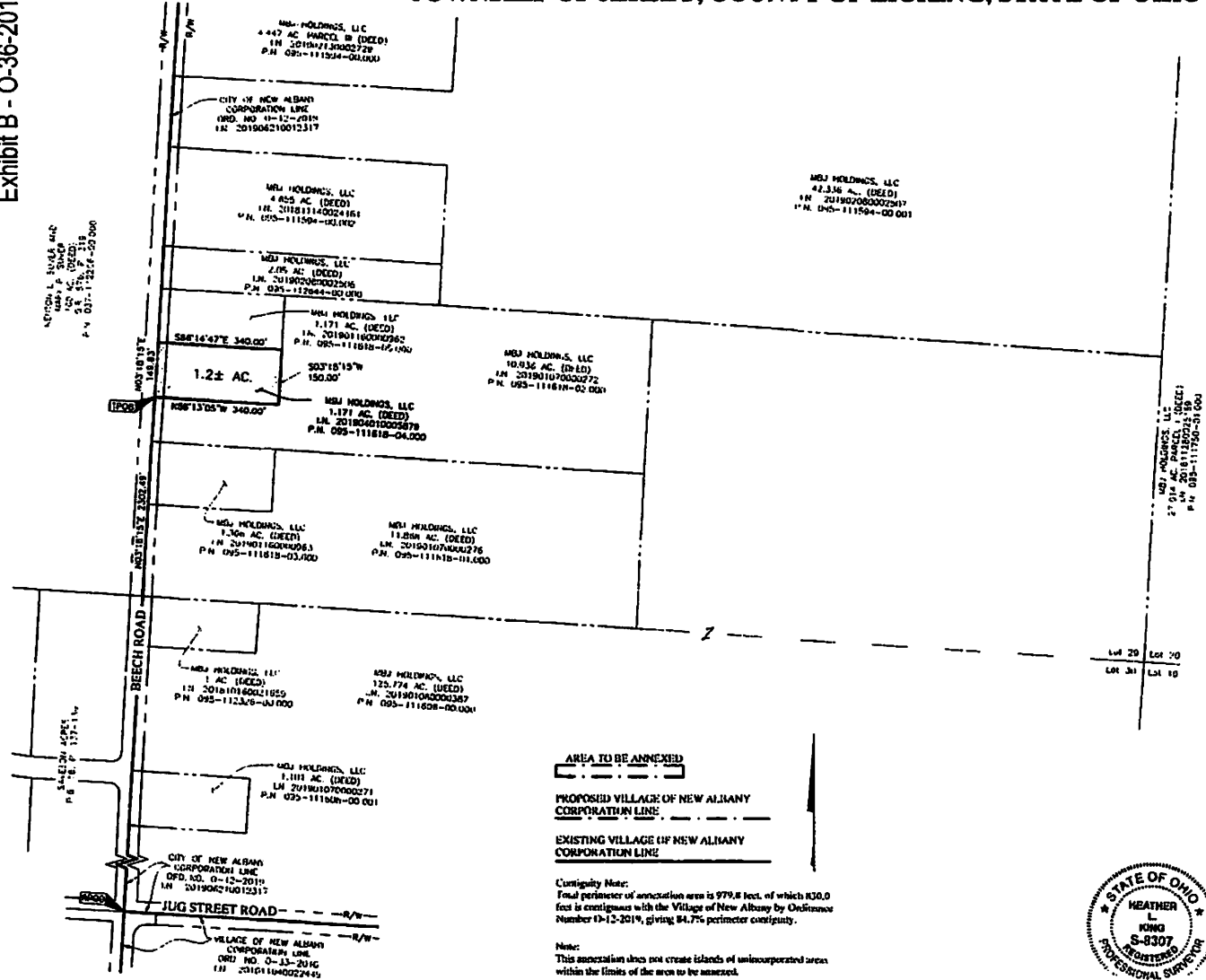
Transferred this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon the duplication of this office.

Containing \_\_\_\_\_ acres.  
Transfer Fee \_\_\_\_\_  
Licking County Auditor

Received for Record \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ (A-M-P-M) and recorded  
20\_\_\_\_, as plat ordinance, petition, etc. in Plat Book Volume \_\_\_\_\_, Page \_\_\_\_\_

Plat Fee \_\_\_\_\_  
Ordinance, etc. Fee \_\_\_\_\_  
Licking County Recorder

Council for the City of New Albany, Ohio, by ordinance \_\_\_\_\_, 20\_\_\_\_, and approved by the mayor on \_\_\_\_\_, 20\_\_\_\_, did accept the territory shown hereon for annexation to the City of New Albany, Ohio, a municipal corporation.  
Attest \_\_\_\_\_  
Clerk, City of New Albany



AREA TO BE ANNEXED

PROPOSED VILLAGE OF NEW ALBANY CORPORATION LINE

EXISTING VILLAGE OF NEW ALBANY CORPORATION LINE

Contiguity Note:  
Total perimeter of annexation area is 979.8 feet, of which 830.0 feet is contiguous with the Village of New Albany by Ordinance Number 13-12-2019, giving 84.7% perimeter contiguity.

Note:  
This annexation does not create islands of unincorporated area within the limits of the area to be annexed.



By *Heather L. King*  
Heather L. King  
Professional Surveyor No. 8307  
Date 6/27/19

<b>EMHIT</b>		Date: January 30, 2019									
Survey, Mapping, Engineering & Design, Inc. 2305 New Albany Road, Columbus, OH 43224 Phone 614.277.4322 Fax 614.277.7534 emhit.com		Scale: 1" = 200'									
Job No: 2018-0523		Sheet: 1 of 1									
<table border="1"> <thead> <tr> <th colspan="3">REVISIONS</th> </tr> <tr> <th>MARK</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>6/26/19</td> <td>Revised per annexation recording</td> </tr> </tbody> </table>			REVISIONS			MARK	DATE	DESCRIPTION	1	6/26/19	Revised per annexation recording
REVISIONS											
MARK	DATE	DESCRIPTION									
1	6/26/19	Revised per annexation recording									



Prepared: 10/01/2019  
Introduced: 10/15/2019  
Revised:  
Adopted: 11/05/2019  
Effective: 12/06/2019

## ORDINANCE O-37-2019

**AN ORDINANCE TO APPROVE THE FINAL PLAT FOR 37 AGE RESTRICTED SINGLE FAMILY LOTS ON 10.332 +/- ACRES AND ACCEPT RESERVES "I," "J," "K," AND "L," FOR PHASE 2 OF THE "COURTYARDS AT NEW ALBANY" SUBDIVISION LOCATED EAST OF STATE ROUTE 605, WEST OF THE WENTWORTH CROSSING SUBDIVISION, AND GENERALLY SOUTH OF NEW ALBANY ROAD EAST, AS REQUESTED BY EPCON COMMUNITIES**

**WHEREAS**, an application to approve The Courtyards at New Albany phase 2 final plat has been submitted; and

**WHEREAS**, Codified Ordinance Chapter 1187 requires approval of the final plat by council; and

**WHEREAS**, the New Albany Planning Commission, after review during a public meeting on September 16, 2019, recommended approval of this final plat (FPL-69-2019); and

**WHEREAS**, The Courtyards at New Albany phase 2 final plat includes approximately 10.332 +/- acres of land to be subdivided into 37 residential lots in addition to the public streets; and

**WHEREAS**, the 10.332 acre The Courtyards at New Albany phase 2 final plat includes approximately 2.541 +/- acres of parkland and open space;

**WHEREAS**, The Courtyards at New Albany phase 2 final plat includes the commitment to dedicate reserves I, J, K and L to the city for public parkland and open space; and

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

**WHEREAS**, the city engineer certifies The Courtyards at New Albany phase 2 final plat meets all the requirements of Chapter 1187 of the Codified Ordinances, stormwater management, design requirements and will meet all other requirements of the city.

**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 said The Courtyards at New Albany phase 2 final plat is attached to this resolution as Exhibit A and made a part herein is approved.


**Section 2.** City Council hereby accepts the lands shown on the map attached hereto as Exhibit A, under the terms and conditions outlined and the covenants and restrictions stipulated in the deed and final plat.

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

**Section 4.** Pursuant to Article 6.07(B) of the New Albany Charter, this ordinance shall become effective thirty (30) days after adoption.

CERTIFIED AS ADOPTED this 5 day of Nov, 2019.

Attest:

  
\_\_\_\_\_  
Sloan T. Spalding  
Mayor

  
\_\_\_\_\_  
Jennifer H. Mason  
Clerk of Council

Approved as to form:

  
\_\_\_\_\_  
Mitchell H. Banchefsky  
Law Director

The undersigned, JACOB NEW ALBANY, INC., an Ohio limited liability company, by JOEL B. RHODES, Regional President, owner of the lands platted herein, duly authorized in the premises, does hereby certify that this plat correctly represents as "THE CO-OWNERS AT NEW ALBANY PHASE 2" a subdivision containing Lots numbered 69 to 105, both inclusive, and areas designated as Reserves "A," "B," and "C," does hereby accept this plat of name and dedications to public use, as such, all of Aster Drive, Forgefire Drive, Hollister Drive, Locust Drive and New Albany-Corral Road shown herein and not heretofore dedicated.

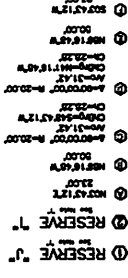
State of Ohio

Plat Book \_\_\_\_\_, Pages \_\_\_\_\_

THE COURTYARDS AT NEW ALBANY PHASE 2 20190236



## PHASE 2



Line Type Legend

- Existing Property Line
- Existing R/W Line
- Existing Easement Line
- Proposed Substation Boundary Line
- Proposed Lot Line
- Proposed R/W Line
- Proposed Easement Line

[illegible]





Prepared: 10/28/2019  
Introduced: 11/05/2019  
Revised:  
Adopted: 11/05/2019  
Effective: 11/05/2019

## RESOLUTION R-52-2019

### **A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NEW ALBANY COMMUNITY FOUNDATION AND NEW ALBANY COMMUNITY AUTHORITY IN ORDER TO ACQUIRE OWNERSHIP OF THE PROPOSED AMPHITHEATER UPON THE COMPLETION OF ITS CONSTRUCTION AND MAKE A DONATION OF \$1,000,000 TOWARD ITS CONSTRUCTION**

**WHEREAS**, to date, the New Albany Community Foundation has obtained financial commitments in the amount of \$5,410,000 for the construction of a community amphitheater of which \$1,925,000 has been collected; and

**WHEREAS**, the city has entered into a long term ground lease with the New Albany Plain Local School District for the property adjacent to the McCoy Center for the Performing Arts upon which the amphitheater will be built; and

**WHEREAS**, the New Albany Community Foundation has entered into a construction management agreement with Corna Kokosing Construction Company and obtained a guaranteed, not to exceed base price, of \$5,410,000 (excluding alternate items) for the construction of the amphitheater; and

**WHEREAS**, it has been the stated desire and intention of the New Albany Community Foundation that ownership of the amphitheater should be transferred to the City of New Albany free and clear of any and all financial encumbrances upon the completion of its construction; and

**WHEREAS**, upon its free and clear transfer of ownership to the City of New Albany, the city shall become responsible for the physical operation and maintenance of the amphitheater, and the New Albany Community Foundation shall be responsible for the contracting and payment of the performers, speakers, etc.; and

**WHEREAS**, the City of New Albany has entered into a memorandum of understanding with the Columbus Association for the Performing Arts (CAPA) to operate and manage the amphitheater on its behalf; and

**WHEREAS**, Council recognizes the value of the amphitheater to the community in terms of the residents' quality of life and future economic development opportunities; and

**WHEREAS**, the amphitheater will provide a unique venue for the community to access and enjoy the performing arts, particularly, those with a presence in New Albany and Central Ohio; and

**WHEREAS**, the amphitheater is intended to become a focal point for the Rose Run Park and Community Entertainment District; and

**WHEREAS**, in support of the amphitheater and its benefits to the community, the council wishes to contribute one million dollars (\$1,000,000.00) in support of its construction.

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

**Section 1:** The city manager is hereby authorized to enter into agreements with the New Albany Community Foundation and the New Albany Community Authority in order to obtain free and clear ownership of the amphitheater upon the completion of its construction.

**Section 2:** Council hereby authorizes the appropriation and payment of an amount not to exceed one million dollars (\$1,000,000.00) to the New Albany Community Foundation exclusively for the construction of the amphitheater, upon the execution of all necessary agreements referenced herein and attached as Exhibit A.

**Section 3.** The city manager is hereby authorized to make and execute amendments to the agreement such as are not adverse to the interests of the city.

**Section 4.** It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121 of the Ohio Revised Code.

**Section 5:** Pursuant to Article 6.07(A) of the New Albany Charter, this resolution shall take effect upon adoption.

**CERTIFIED AS ADOPTED** this 5 day of November, 2019.

**Attest:**

  
Sloan T. Spalding  
Mayor

  
Jennifer H. Mason  
Clerk of Council

**Approved as to form:**

  
Mitchell Banchevsky, Law Director



Prepared: 10/28/2019  
Introduced: 11/05/2019  
Revised:  
Adopted: 11/05/2019  
Effective: 11/05/2019

## RESOLUTION R-53-2019

### **A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A COMMUNITY REINVESTMENT AREA AGREEMENT WITH AMAZON WEB SERVICES, INC., AND A TAX INCREMENT FINANCING AGREEMENT WITH MJB HOLDINGS, LLC, EACH FOR PROJECT BADGER**

**WHEREAS**, the Council of the City, by its Resolution No. R-17-09 adopted March 3, 2009 (the "Original CRA Legislation"), created the Oak Grove II Community Reinvestment Area (the "Original Area"), and by its Resolutions No. R-41-10 adopted July 6, 2010, No. R-72-10 adopted November 16, 2010, No. R-53-12 adopted October 12, 2012, No. R-26-13 adopted July 16, 2013, No. R-72-14 adopted September 9, 2014, No. R-49-2015 adopted November 17, 2015, No. R-45-16 adopted November 1, 2016, No. R-02-17 adopted February 7, 2017, No. R-05-2019 adopted February 19, 2019, and No. R-27-2019 adopted May 21, 2019 (together the "CRA Expansion Legislation" and together with the Original CRA Legislation the "CRA Legislation") amended the designation of the Original Area to include certain other parcels within the City (collectively, with the Original Area, the "Area"); and

**WHEREAS**, Amazon Web Services, Inc. (the "Company") has submitted to the City the application attached to the Community Reinvestment Area Agreement (the "CRA Agreement") referred to in Section 1 of this Resolution (the "Agreement Application") and has remitted with the Agreement Application the required State application fee to be forwarded to the Ohio Development Services Agency with a copy of the final CRA Agreement; and

**WHEREAS**, the City's Housing Officer, duly designated under Ohio Revised Code Section 3735.65, has reviewed the Agreement Application and has recommended the same to City Council on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Area and improve the economic climate of the City; and

**WHEREAS**, the City, having the appropriate legal authority, desires to provide certain property tax incentives to encourage the development the Project (as such term is defined in the CRA Agreement); and

**WHEREAS**, the Project Site is located in the Licking County Joint Vocational School District (C-TEC), the Johnstown-Monroe Local School District and the Licking Heights Local School District, and (i) the Board of Education of the Licking Heights Local School District has been given notice of the CRA Agreement and the TIF Agreement in accordance with, and in the time period prescribed by, Sections 5709.04 and 5709.83 of the Revised Code, (ii) the Board of Education of the Licking County Joint Vocational School District (C-TEC) have been given notice of the CRA Agreement and the TIF Agreement in accordance with, and in the time periods prescribed by, Section and 5709.83 of the Revised Code, and (iii) the Board of Education of the Johnstown-Monroe Local School District has waived its right to both receive notice under Section 5709.83 of the Revised Code and approve the CRA Agreement and the TIF Agreement; and

**WHEREAS**, to further support and facilitate the Project the City also desires make certain infrastructure improvements and provide for their financing; and



**WHEREAS**, the City, by its Ordinance No. O-03-2017 passed on February 21, 2017 (the "TIF Ordinance") established certain tax increment financings and created the Oak Grove II Public Improvement Tax Increment Equivalent Fund (the "TIF Fund"), all for the purpose of paying for certain Public Infrastructure Improvements as defined in Section 5709.40 of the Ohio Revised Code;

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

**Section 1.** Community Reinvestment Area Agreement. The CRA Agreement by and between the City and the Company, in the form presently on file with the Clerk of the Council, is hereby approved and authorized with any changes therein and amendments thereto not inconsistent with this Resolution and not substantially adverse to this City and which shall be approved by the City Manager. The City Manager, for and in the name of this City, with the advice of the Director of Law, is hereby authorized to execute that CRA Agreement and approve the character of any changes and any amendments thereto as consistent with this Resolution and not substantially adverse to the City, as evidenced conclusively by his execution of that CRA Agreement.

**Section 2.** Tax Increment Financing Agreement. The Tax Increment Financing Agreement (the "TIF Agreement") by and between the City and MBJ Holdings, LLC, in the form presently on file with the Clerk of the Council, is hereby approved and authorized with any changes therein and amendments thereto not inconsistent with this Resolution and not substantially adverse to this City and which shall be approved by the City Manager. The City Manager, for and in the name of this City, with the advice of the Director of Law, is hereby authorized to execute that TIF Agreement and approve the character of any changes and any amendments thereto as consistent with this Resolution and not substantially adverse to the City, as evidenced conclusively by his execution of that TIF Agreement.

**Section 3.** Further Authorizations. Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Community Development Director, the Clerk of Council, or other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions as may be appropriate to implement this Resolution and the transactions referenced or contemplated in this Resolution, the CRA Agreement and the TIF Agreement authorized and approved in this Resolution.

**Section 4.** Compliance with the Law. Council finds and determines that all formal actions of Council and any of its committees concerning and relating to the adoption of this resolution were taken in an open meeting of Council and any of its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Ohio Revised Code.

**Section 5.** Effective Date. This resolution is declared to be in full force and effect from and after the earliest period allowed by law.

CERTIFIED AS ADOPTED this 5 day of Nov 2019

**Attest:**

  
\_\_\_\_\_  
Sloan T. Spalding  
Mayor  
\_\_\_\_\_  
Jennifer H. Mason  
Clerk of Council

**Approved as to form:**

  
\_\_\_\_\_  
Mitchell H. Banchefsky  
Law Director