



Prepared: 01/02/2019
Introduced: 01/15/2019
Revised:
Adopted: 02/19/2019
Effective: 03/22/2019

ORDINANCE O-02-2019

AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1 ANNEXATION OF 357.2 +/- 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 November 6, 2018, and

WHEREAS, the foregoing Resolution #97-97 of the Licking County Commissioners granting the petition was delivered to the City of New Albany on November 13, 2018, 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-34-2018 of the City of New Albany, the New Albany City Manager was authorized to enter into a Roadway Maintenance Agreement with the Licking County Board of Commissioners for the maintenance of sections of roadways impacted by this annexation.

WHEREAS, the real estate is located in Licking County and is 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 357.2+/- 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 357.2+/-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 19 day of Feb, 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-02-2019** were posted in accordance with Section 6.12 of the Charter, for 30 days starting on February 20, 2019.


Jennifer H. Mason, Clerk of Council

2/20/19
Date

Exhibit A - O-02-2019

**PROPOSED ANNEXATION
357.2± ACRES**

PRE-APPROVAL LICKING COUNTY ENGINEER	
APPROVED ☒	CONDITIONAL ☐
APPROVED BY: DATE:	<i>[Signature]</i> 11/5/16

**FROM: JERSEY TOWNSHIP, LICKING COUNTY OHIO
TO: CITY OF NEW ALBANY**

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Sections 17 and 24, Township 2, Range 15, United States Military District, and being all of that 50.000 acre tract conveyed to Robert A. Carr and Deborah B. Carr by deed of record in Instrument Number 201007260014254, all of that 80.00 acre tract conveyed to Paul Herb and Suzanne Herb by deed of record in Instrument Number 201007260014251, all of that 16.99 acre tract conveyed to Paul Herb and Suzanne Herb by deed of record in Instrument Number 201007260014251, all of that 175.548 acre tract conveyed to Robert A. Carr and Deborah B. Carr by deed of record in Instrument Number 201809270020358, all of that 10 acre tract conveyed to KW Ltd., by deed of record in Official Record 704, Page 639, all of that 8 acre tract conveyed to Blanco Investments, LLC by deed of record in Instrument Number 200511070035506, all of that 8.061 acre tract conveyed to Blanco Investments, LLC by deed of record in Instrument Number 200511280037568, and all of that 6 acre tract conveyed to Blanco Investments, LLC by deed of record in Instrument Number 200712280032705, (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

BEGINNING, in the common line to Section 17 and Section 24, in the centerline of Harrison Road of record in Road Record 2, Page 135, in the southwesterly corner of that 4.862 acre tract conveyed to Vicki Reed by deed of record in Instrument Number 200504140010935, the northwesterly corner of that 14 1/2 acre tract conveyed as Parcel Two, Tract One to Paul Herb and Suzanne Herb by deed of record in Instrument Number 201007260014251, the northeasterly corner of said 80.00 acre tract, the southeasterly corner of that 0.8808 acre tract conveyed to Athena M. Voda by deed of record in Instrument Number 201808130016692;

Thence South 03° 39' 35" West, with the centerline of said Harrison Road, with the easterly line of said 80.00 acre tract, with the easterly line of said 50.000 acre tract, with the westerly line of said 14 1/2 acre tract conveyed as Parcel Two, Tract One, with the westerly line of that 14 1/2 acre tract conveyed as Parcel Two, Tract Two to Paul Herb and Suzanne Herb by deed of record in Instrument Number 201007260014251, with the westerly line of that 54.421 acre tract conveyed to Ralph O. Corwin and Mary Jane Corwin, Trustees by deed of record in Instrument Number 200608310025526, a distance of 2151.03 feet to a point in the southeasterly corner of said 50.000 acre tract, in the northeasterly corner of that 5.097 acre tract conveyed to Jersey Baptist Church, an Ohio Corporation by deed of record in Instrument Number 200509270030373;

Thence North 85° 56' 05" West, with the southerly line of said 50.000 acre tract, with the northerly line of said 5.097 acre tract, with the northerly line of that 44.111 acre tract conveyed to Peggy June Casagrande by deed of record in Instrument Number 201202020002302, a distance of 2705.63 feet to a point in the common section line to Section 24 and Section 25, in the City of New Albany corporation line, established by Ordinance Number 0-15-2015, of record in Instrument Number 201506090011435, in the southwesterly corner of said 50.000 acre tract, in the northwesterly corner of said 44.111 acre tract, in the easterly line of that 323.145 acre tract conveyed to Sidecat LLC by deed of record in Instrument Number 201708310018468;

Thence North 03° 40' 09" East, with the common section line to Sections 24 and 25, with said City of New Albany corporation line (Ordinance Number 0-15-2015), with the City of New Albany corporation line, established by Ordinance Number 0-23-2011, of record in Instrument Number 201206120012996, with the westerly line of said 50.000 acre tract, with the westerly line of said 80.00 acre tract, with the easterly line of said 323.145 acre tract, a distance of 1485.20 feet to a point;

Thence North 03° 33' 59" East, continuing with said common section line, with said City of New Albany corporation line (Ordinance Number 0-23-2011), with the line common to said 80.00 acre tract and said 323.145 acre tract, a distance of 665.24 feet to a point in the corner common to Sections 16, 17, 24, and 25, in the northwesterly corner of said 80.00 acre tract, in the southwesterly corner of said 16.99 acre tract;

357.2± ACRES

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Thence South 02° 56' 37" West, with the easterly line of said 10 acre tract, with the westerly line of that 3.826 acre tract conveyed to Cecelia's Corner LTD., by deed of record in Instrument Number 200706260016483, with the westerly line of that 2.022 acre tract conveyed to Robert A. Carr and John J. Carr by deed of record in Instrument Number 200903090004713, with the westerly line of that 2.016 acre tract conveyed to Dianne M. Carr by deed of record in Instrument Number 201012030024740, with the westerly line of that 2.011 acre tract conveyed to John J. Carr by deed of record in Instrument Number 199801160001475, with the westerly line of that 2.005 acre tract conveyed to William R Carr and Lisa E Carr by deed of record in Instrument Number 201809100018814, with the westerly line of that 2.000 acre tract conveyed to Dianne M. Carr by deed of record in Instrument Number 200805080010761, a distance of 1119.23 feet to a point in the southwesterly corner of said 2.000 acre tract, in an southeasterly corner of said 10 acre tract, in the northerly line of that 49.533 acre tract conveyed to Robert A. Carr and Deborah B. Carr by deed of record in Instrument Number 201809270020360;

Thence North 86° 58' 18" West, with the line common to said 10 acre tract and said 49.533 acre tract, a distance of 46.47 feet to a point in a northwesterly corner of said 49.533 acre tract, in a northeasterly corner of said 175.548 acre tract;

Thence with the line common to said 175.548 acre tract and said 49.533 acre tract, the following courses and distances:

South 21° 25' 12" West, a distance of 412.73 feet to a point;
South 14° 12' 56" West, a distance of 325.57 feet to a point;
South 01° 26' 42" East, a distance of 412.13 feet to a point;
South 41° 55' 37" West, a distance of 180.25 feet to a point;
South 05° 08' 03" West, a distance of 766.00 feet to a point;
South 71° 30' 29" West, a distance of 101.00 feet to a point;
South 11° 37' 18" East, a distance of 92.00 feet to a point;
South 78° 30' 16" East, a distance of 54.50 feet to a point;
South 33° 00' 34" East, a distance of 259.00 feet to a point;
South 43° 49' 15" West, a distance of 51.50 feet to a point;
South 05° 18' 46" East, a distance of 57.00 feet to a point;
North 89° 41' 50" East, a distance of 80.00 feet to a point;
South 17° 26' 33" East, a distance of 219.79 feet to a point;
South 28° 31' 53" West, a distance of 319.94 feet to a point;
South 23° 37' 42" East, a distance of 629.00 feet to a point;
South 88° 12' 10" East, a distance of 129.00 feet to a point;
South 02° 32' 47" East, a distance of 105.90 feet to a point;
South 12° 32' 49" East, a distance of 197.58 feet to a point; and

South 86° 04' 14" East, a distance of 244.57 feet to a point in the centerline of said Harrison Road, in a northeasterly corner of said 175.548 acre tract, in a southeasterly corner of said 49.533 acre tract, in the westerly line of that 2.000 acre tract conveyed as Tract Two to Michael H. Elkins by deed of record in Instrument Number 200907170015904;

Thence South 03° 37' 39" West, with the centerline of said Harrison Road, with the line common to said 175.548 acre tract and said 2.000 acre tract, a distance of 150.00 feet to a point in a southeasterly corner of said 175.548 acre tract, in the northeasterly corner of that 0.931 acre tract conveyed to James E. Winn, Trustee by deed of record in Instrument Number 200505030013126;

357.2± ACRES

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Thence North 86° 04' 14" West, with the line common to said 175.548 acre tract and said 0.931 acre tract, a distance of 325.00 feet to a point in the northwesterly corner of said 0.931 acre tract, in the northeasterly corner of said 16.99 acre tract;

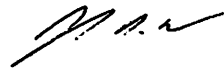
Thence South 13° 47' 02" East, with the line common to said 16.99 acre tract and said 0.931 acre tract, a distance of 150.80 feet to a point in the southwesterly corner of said 0.931 acre tract, in the northwesterly corner of said 0.8808 acre tract;

Thence South 07° 12' 16" East, with the line common to said 16.99 acre tract and said 0.8808 acre tract, a distance of 146.97 feet to a point in the southeast corner of said 16.99 acre tract, in the southwest corner of said 0.8808 acre tract, in the northerly line of said 80.00 acre tract;

Thence South 85° 56' 50" East, with the line common to said 80.00 acre tract and said 0.8808 acre tract, a distance of 252.26 feet to the POINT OF BEGINNING, containing 357.2 acres, more or less.

This description is for annexation purposes only and is not for transfer.

EVANS, MECHWART, HAMBLETON & TILTON, INC.



11-2-2018

Joshua M. Meyer
Professional Surveyor No. 8485

Date

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific information required.

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

1. The first of these is the fact that the Commission has not yet received any information from the Government of the United Kingdom regarding the proposed changes to the law of the United Kingdom regarding the treatment of the British Commonwealth countries.

1. What is the purpose of the document?
 The purpose of the document is to provide a detailed description of the project's objectives, scope, and timeline.

[illegible]

10-11-2014 14:30:00

[illegible]

115

1980-1981
1981-1982

1. *Journal of the American Medical Association*, 1997; 277: 103-107.

EXHIBIT B - O-02-2019



Prepared: 11/30/2018
Introduced: 01/15/2019
Revised:
Adopted: 02/19/2019
Effective: 03/22/2019

ORDINANCE O-03-2019

AN ORDINANCE TO DECLARE THE IMPROVEMENT TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, EXEMPT 100% OF THAT IMPROVEMENT FROM REAL PROPERTY TAXATION, REQUIRE THE OWNERS OF THOSE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, PROVIDE FOR THE DISTRIBUTION OF THE APPLICABLE PORTION OF THOSE SERVICE PAYMENTS TO THE LICKING HEIGHTS LOCAL SCHOOL DISTRICT AND THE CAREER AND TECHNOLOGY EDUCATION CENTERS OF LICKING COUNTY, ESTABLISH A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THE REMAINDER OF THOSE SERVICE PAYMENTS, SPECIFY THE PUBLIC INFRASTRUCTURE IMPROVEMENTS THAT DIRECTLY BENEFIT THOSE PARCELS, AND APPROVE AND AUTHORIZE THE EXECUTION OF ONE OR MORE TAX INCREMENT FINANCING AGREEMENTS

WHEREAS, Sections 5709.40, 5709.42 and 5709.43 of the Ohio Revised Code (collectively, the "*TIF Statutes*") authorize this Council to declare the improvement to certain parcels of real property located within the City of New Albany, Ohio (the "*City*") to be a public purpose and exempt from taxation, require the owner of those parcels to make service payments in lieu of taxes, provide for the distribution of the applicable portion of those service payments to the Licking Heights Local School District and the Career and Technology Education Centers of Licking County, (each, a "*School District*"), establish a municipal public improvement tax increment equivalent fund for the deposit of the remainder of those service payments and specify public infrastructure improvements made, to be made or in the process of being made that directly benefit, or that once made will directly benefit, those parcels; and

WHEREAS, the parcels of real property identified and depicted in Exhibit A attached hereto (each, as now or hereafter configured on the tax list and duplicate of real and public utility property, a "*Parcel*", and collectively, the "*Parcels*") are located in the City, and this Council has determined to declare the Improvement (as defined in Section 1 of this Ordinance) to each Parcel to be a public purpose; and

WHEREAS, this Council has determined that it is necessary and appropriate and in the best interest of the City to exempt from taxation one hundred percent (100%) of the Improvement to each Parcel as permitted and provided in Section 5709.40(B) of the Ohio Revised Code for thirty (30) years and to simultaneously direct and require the current and future owner of each Parcel (each such owner individually, an "*Owner*," and collectively, the "*Owners*") to make annual Service Payments (as defined in Section 2 of this Ordinance); and

WHEREAS, the City has determined that a portion of the Service Payments shall be paid directly to each School District in an amount equal to the real property taxes that the School District would have received if the Improvement to the Parcels had not been exempted from taxation pursuant to this Ordinance; and

WHEREAS, pursuant to Section 5709.43(A) of the Ohio Revised Code, this Council has determined to establish a municipal public improvement tax increment equivalent fund in which there shall be deposited the remaining Service Payments distributed to the City; and

WHEREAS, this Council has determined to designate the public infrastructure improvements described in Exhibit B attached hereto (the "*Public Infrastructure Improvements*") as public infrastructure improvements made, to be made or in the process of being made that directly benefit, or that once made will directly benefit, the Parcels; and

WHEREAS, this Council has determined to provide for the execution and delivery of one or more Tax Increment Financing Agreements (each, a "*TIF Agreement*"), which will more fully provide for the collection of Service Payments; and

WHEREAS, notice of this proposed Ordinance has been delivered to the Board of Education of the Licking Heights Local School District in accordance with, and within the time periods prescribed by, Sections 5709.40 and 5709.83 of the Ohio Revised Code and in furtherance of the commitment made by the City in the Compensation Agreement entered into between the Board of Education of the Licking Heights Local School District, and the City; and

WHEREAS, notice of this proposed Ordinance has been delivered to the Board of Education of Career and Technology Education Centers of Licking County (C-TEC) in accordance with, and within the time periods prescribed by, Section 5709.83 of the Ohio Revised Code;

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

Section 1. Authorization of Tax Exemption. Pursuant to and in accordance with the provisions of Section 5709.40(B) of the Ohio Revised Code, one hundred percent (100%) of the increase in assessed value of each Parcel that is used or to be used for non-residential purposes and that would first appear on the tax list and duplicate of real and public utility property after the effective date of this Ordinance (which increase in assessed value is hereinafter referred to as the "*Improvement*", as further defined in Section 5709.40(A) of the Ohio Revised Code) is hereby declared to be a public purpose and shall be exempt from taxation for a period commencing with the first tax year that begins after the effective date of this Ordinance and in which an Improvement attributable to a new structure on that Parcel first appears on the tax list and duplicate of real and public utility property for that Parcel and ending on the earlier of (a) thirty (30) years after such commencement or (b) the date on which the City can no longer require service payments in lieu of taxes, all in accordance with the requirements of the TIF Statutes. The real property tax exemption granted pursuant to this Section and the payment obligation established pursuant to Section 2 are subject and subordinate to any real property tax exemption granted pursuant to Sections 3735.65 to 3735.70 or Sections 5709.61 to 5709.69 of the Ohio Revised Code.

Section 2. Service Payments and Property Tax Rollback Payments. Pursuant to Section 5709.42 of the Ohio Revised Code, this Council hereby directs and requires the Owner of each Parcel to make annual service payments in lieu of taxes with respect to the Improvement allocable thereto to the Treasurer of Licking County, Ohio (the "*County Treasurer*") on or before the final dates for payment of real property taxes. The service payment in lieu of taxes for each Parcel, including any penalties and interest at the then current rate established under Sections 323.121(B)(1) and 5703.47 of the Ohio Revised Code, as the same may be amended or supplemented from time to time, or any other applicable provisions of the Ohio Revised Code

(collectively, the "*Service Payments*"), shall be charged to each Parcel and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the Improvement to that Parcel if it were not exempt from taxation pursuant to Section 1 of this Ordinance, all in accordance with Section 5709.42 of the Ohio Revised Code. The Service Payments, and any other payments with respect to the Improvement that are received by the County Treasurer in connection with the reduction required by Sections 319.302, 321.24, 323.152 and 323.156 of the Ohio Revised Code, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time, or any other applicable provisions of the Ohio Revised Code (collectively, the "*Property Tax Rollback Payments*"), shall be allocated and distributed in accordance with Section 4 of this Ordinance.

Section 3. Tax Increment Equivalent Fund. This Council hereby establishes, pursuant to and in accordance with the provisions of Section 5709.43 of the Ohio Revised Code, the Oak Grove II Public Tax Increment Equivalent Fund (the "*Fund*"). The Fund shall be maintained in the custody of the City and shall receive all distributions to be made to the City pursuant to Section 4 of this Ordinance. Those Service Payments and Property Tax Rollback Payments received by the City with respect to the Improvement to each Parcel and so deposited pursuant to Section 5709.42 of the Ohio Revised Code shall be used solely for the purposes authorized in the TIF Statutes and this Ordinance, as the same may be amended from time to time. The Fund shall remain in existence so long as such Service Payments and Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time the Fund shall be dissolved and any incidental surplus funds remaining therein transferred to the City's General Fund, all in accordance with Section 5709.43 of the Ohio Revised Code.

Section 4. Distribution of Funds. Pursuant to the TIF Statutes, the County Treasurer is hereby requested and directed to distribute the Service Payments and Property Tax Rollback Payments as follows:

(i) to each School District, an amount equal to the amount the School District would otherwise have received as real property tax payments (including the applicable portion of any Property Tax Rollback Payments) derived from the Improvement to each Parcel if the Improvement had not been exempt from taxation pursuant to this Ordinance; and

(ii) to the City, all remaining amounts for further deposit into the Fund for payment of costs of the Public Infrastructure Improvements upon appropriation for that purpose by this Council. If so appropriated, such costs may but shall not be required to include, without limitation, all debt service payable on debt issued by the City or the New Albany Community Authority (the "*Authority*") to pay for Public Infrastructure Improvements, all amounts owed to any fund of the City or Authority to reimburse that fund for the costs of any Public Infrastructure Improvements previously paid from that fund, including interest payable on those amounts, and all amounts owed by the City or Authority to any third party for the construction of Public Infrastructure Improvements, including interest payable on those amounts.

Section 5. Public Infrastructure Improvements. This Council hereby designates the Public Infrastructure Improvements described in Exhibit B attached hereto, and any other public infrastructure improvements hereafter designated by ordinance, as public infrastructure improvements made, to be made or in the process of being made by the City that directly benefit, or that once made will directly benefit, the Parcels.

Section 6. Tax Increment Financing Agreement. The form of TIF Agreement presently on file with the Fiscal Officer is hereby approved and authorized with changes therein and amendments thereto not inconsistent with this Ordinance and not substantially adverse to the City and which shall be approved by the

City Manager. The City Manager, for and in the name of the City, is hereby authorized to execute and deliver one or more TIF Agreements with one or more owners of a Parcel or Parcels in substantially that form along with any changes therein and amendments thereto, provided that the approval of such changes and amendments by the City Manager, and the character of those changes and amendments as not being substantially adverse to the City or inconsistent with this Ordinance, shall be evidenced conclusively by the City Manager's execution thereof.

Section 7. Further Authorizations. This Council hereby authorizes and directs the City Manager, the City Solicitor, the Fiscal Officer or other appropriate officers of the City to make such arrangements as are necessary and proper for collection of the Service Payments from the Owners, including the preparation and filing of any necessary exemption applications. This Council further hereby authorizes and directs the City Manager, the City Solicitor, the Fiscal Officer 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 Ordinance.

Section 8. Filings with Ohio Department of Development. Pursuant to Section 5709.40(l) of the Ohio Revised Code, the City Manager or other appropriate officer of the City is hereby directed to deliver a copy of this Ordinance to the Director of Development of the State of Ohio within fifteen (15) days after its adoption. Further, on or before March 31 of each year that the exemption set forth in Section 1 of this Ordinance remains in effect, the City Manager or other appropriate officer of the City shall prepare and submit to the Director of Development of the State of Ohio the status report required under Section 5709.40(l) of the Ohio Revised Code.

Section 9. Tax Incentive Review Council. This council hereby designates the Tax Incentive Review Council created pursuant to Resolution R-46-2009 as the tax incentive review council responsible for reviewing annually all exemptions from taxation resulting from the declarations set forth in this Ordinance and any other such matters as may properly come before that council, all in accordance with Section 5709.85 of the Ohio Revised Code.

Section 10. Open Meetings. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or 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 11. Effective Date. 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 19th day of February, 2019.

Attest:



Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

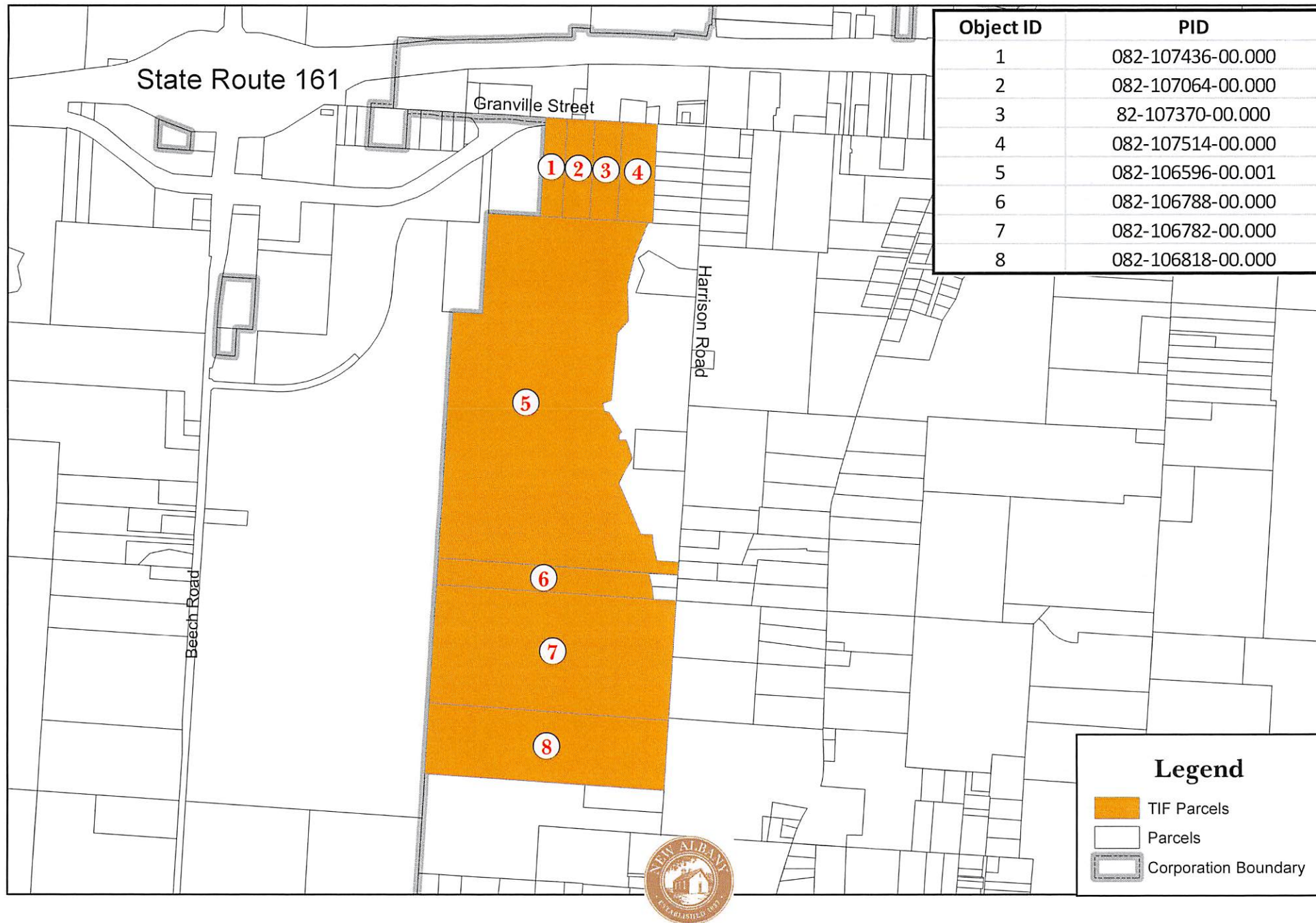


Mitchell H. Banchefsky
Law Director

EXHIBIT A

PARCEL MAP

The colored areas on the attached map specifically identify and depict the Parcels and constitutes part of this Exhibit A.



New Albany TIF Parcels - Business Park South Harrison Road Amendment
City of New Albany, Ohio

EXHIBIT B

PUBLIC INFRASTRUCTURE IMPROVEMENTS

The Public Infrastructure Improvements include the construction of the following improvements that will directly benefit the Parcels and all related costs of permanent improvements (including, but not limited to, those costs listed in Section 133.15(B) of the Ohio Revised Code), along with any other improvements subsequently designated by Village Council:

- public roads and highways (including street realignments);
- water and sewer lines;
- leisure trails and connections;
- parks and public facilities;
- environmental remediation projects;
- stormwater and flood remediation projects, including such projects on private property when determined to be necessary for public health, safety and welfare;
- gas, electric and communications services facilities, including fiber optics;
- land acquisition, including acquisition in aid of industry, commerce, distribution, or research;
- demolition, including demolition on private property when determined to be necessary for economic development purposes;
- landscaping and signage, including brick retaining walls at roadway intersections; including in each case, design and other related costs (including traffic studies); any rights-of-way or real estate acquisition; curbs and gutters, medians, sidewalks, bikeways, and landscaping (including scenic fencing and irrigation); traffic signs and signalization (including overhead street signage); street lighting and signs; burial of utility lines (including fiber optics); erosion and sediment control measures; grading, drainage and other related work; survey work, soil engineering, inspection fees and construction staking; and all other costs and improvements necessary and appurtenant thereto.



Prepared: 01/07/2019
Introduced: 01/15/2019
Revised: 01/19/2019
Adopted: 02/19/2019
Effective: 03/22/2019

ORDINANCE O-05-2019

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 357.2 +/- ACRES OF LAND GENERALLY LOCATED WEST OF AND ADJACENT TO HARRISON ROAD, SOUTH OF AND ADJACENT TO WORTHINGTON ROAD, AND GENERALLY NORTH OF MORSE ROAD FOR AN AREA TO BE KNOWN AS THE "HARRISON ROAD SOUTH ZONING DISTRICT" FROM ITS CURRENT ZONING OF "AG" AGRICULTURAL DISTRICT TO "L-GE" LIMITED GENERAL EMPLOYMENT DISTRICT AS REQUESTED BY MBJ HOLDINGS LLC C/O AARON UNDERHILL, ESQ.

WHEREAS, the Council of the City of New Albany has determined that it is necessary to rezone certain property located in the city of New Albany to promote orderly growth and development of lands; and

WHEREAS, the Planning Commission and City Council on separate occasions have held public hearings and received public input into the amendment of the zoning ordinance; and

WHEREAS, pursuant to the application by MBJ Holdings LLC c/o Aaron Underhill, the Planning Commission of the City of New Albany has reviewed the proposed ordinance amendment and recommended its approval.

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 Council of the City of New Albany hereby amends the Zoning Ordinance Map of the City of New Albany to change the zoning classification of the following described site:

- A. A 357.2 ± acre area of land general located to the west of and adjacent to Harrison Road, south of and adjacent to Worthington Road, and generally north of Morse Road for an area to be known as the "Harrison Road South Zoning District" from its current zoning of "AG" Agricultural District to "L-GE" Limited General Employment District;
- B. The zoning district's limitation text and site plan is hereby attached and marked Exhibit A.

Section 2. It is hereby found and determined that all formal actions of this council concerning and relating to the passage of this ordinance were adopted in an open meeting of the council and any decision making bodies of the City of New Albany which resulted in such formal action were in meetings open to the public or in compliance with all legal requirements of the City of New Albany, Counties of Franklin and Licking, State of Ohio.

Section 3. Pursuant to Article 6.07(b) of the New Albany Charter, this ordinance shall become effective thirty (30) days after adoption and after the effective date of the associated annexation.

CERTIFIED AS ADOPTED this 19 day of Feb, 2019.

Attest:

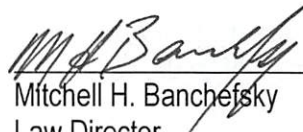


Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Mitchell H. Banchefsky
Law Director

Exhibit A - O-05-2019

HARRISON SOUTH ZONING DISTRICT

LIMITATION (L-GE) TEXT

January 15, 2019

The Harrison South Zoning District (hereinafter, the “Zoning District”) serves to extend the same or similar zoning and development standards to property being annexed to the City as currently apply to adjacent property to the east. The property that is the subject of this zoning text consists of 357.2+/- acres located partially adjacent to and to the west of Harrison Road, to the east of and adjacent to property owned by an affiliate of Facebook, to the south of and adjacent to Worthington Road, and generally to the north of Morse Road. To the extent that a standard in this text conflicts with a standard that is provided in the City of New Albany’s Codified Ordinances, the standard contained in this text shall govern. This Zoning District shall be governed by the relevant provisions of the City’s Codified Ordinances to the extent that this text is silent on any particular matter.

A. Zoning Designation: L-GE, Limited General Employment District

B. Permitted Uses: The permitted and conditional uses contained and described in the Codified Ordinances of the City of New Albany, GE, General Employment District, Sections 1153.02 and 1153.03, provided that conditional uses are approved in accordance with Chapter 1115, Conditional Uses. The following uses from these code sections shall be prohibited:

1. Industrial product sales (See Section 1153.03(a)(1));
2. Industrial service (See Section 1153.03(a)(2));
3. Mini-warehouses (See Section 1153.03(a)(4)(c)). For purposes of clarification, this prohibition applies only to such facilities that are made available for rental to the general public.
4. Personal service (See Section 1153.03(b)(2)) and retail product sales and service (See Section 1153.03(b)(3)), except that such uses shall be allowed as accessory uses to a permitted use in this Zoning District;
5. Vehicle services (See Section 1153.03(b)(4));
6. Radio/television broadcast facilities (See Section 1153.03(c)(1)); and
7. Sexually-oriented businesses (See Section 1153.03(c)(3)).

C. Access, Parking, Site Circulation, and Traffic Commitments:

1. The developer shall work with the City Manager or his designee to determine the appropriate timing and phasing of all required street improvements.
2. Subject to other provisions in this text, on public rights-of-way which exist on the date of this text the number, locations, and spacing of curbcuts shall be determined and approved by the City Manager or his designee in consultation with the developer at the time that a certificate of appropriateness is issued for a project in this Zoning District. No vehicular access point along Harrison Road shall be located closer than 100 feet from the southern property lines of the parcels which are known on the date of this text as Licking County Auditor Parcel Numbers 082-107850-00.000 and 082-108732-00.000.
3. Parking and loading spaces shall be provided for each use per Section 1167 of the Codified

Ordinances of the City of New Albany.

4. In conjunction with the filing of an application with the City for a plat or private site development a traffic study shall be filed by the applicant unless the City waives this requirement or modifies it to require less than a full study. The developer shall dedicate property as directed by the City for public street right-of-way as follows:

a. Harrison Road: The total right-of-way for Harrison Road shall be 60 feet. Right-of-way shall be dedicated to the City within this Zoning District to a width of 30 feet as measured from the centerline of Harrison Road. The developer shall grant easements to the City which are adjacent to the aforementioned 60-foot right-of-way to the extent necessary to provide for the installation and maintenance of streetscape improvements, public utility lines, and leisure paths.

b. Worthington Road: The total right-of-way for Worthington Road shall be 60 feet. Right-of-way shall be dedicated to the City within this Zoning District to a width of 30 feet as measured from the centerline of Worthington Road. The developer shall grant easements to the City which are adjacent to the aforementioned 60-foot right-of-way to the extent necessary to provide for the installation and maintenance of streetscape improvements, public utility lines, and leisure paths.

c. New Public Streets: All other public streets constructed within this zoning district shall have a right-of-way width that is appropriate for the character and anticipated usage of such streets as guided by the City of New Albany 2014 Strategic Plan and determined by the aforementioned traffic study.

D. Lot and Setback Commitments:

1. Lot Coverage: There shall be a maximum lot coverage in this Zoning District of 75%.

2. Setbacks:

a. Harrison Road: There shall be a minimum building and pavement setback of 100 feet from the Harrison Road right-of-way, as measured after the required right-of-way dedication for this street is completed as provided in this text.

b. Worthington Road: There shall be a minimum pavement setback of 50 feet and a minimum building setback of 100 feet from the Worthington Road right-of-way as measured after the required right-of-way dedication for this street is completed as provided in this text, except that if all parcels with frontage on the north side of the right-of-way for Worthington Road are zoned to allow for the development of non-residential uses then the minimum pavement setback shall be reduced to 25 feet and the minimum building setback shall be reduced to 50 feet.

c. New Public Streets: There shall be a minimum building and pavement setback of 25 feet from the right-of-way for any new public street within this Zoning District.

d. Perimeter Boundaries: Subject to Section J below, there shall be (i) a minimum pavement setback of 50 feet and a minimum building setback of 100 feet from all perimeter boundaries of this Zoning District which are adjacent to property on which residential uses

are permitted, and (ii) a minimum pavement and building setback of 25 feet from all other perimeter boundaries that are not adjacent to a public right-of-way. Furthermore, where a parcel boundary follows or generally follows the centerline of a stream, the minimum pavement setback shall be 50 feet and the minimum building setback shall be 100 feet from the centerline of that stream.

e. From Streams: Subject to the immediately preceding subsection e., there shall be a minimum 100-foot wide stream corridor protection zone covering the existing stream which is located within the eastern portion of this Zoning District. The amount of the stream corridor protection zone which is located on each side of the centerline of the stream may vary, provided that no less than 50 feet of this protection zone shall be located within this Zoning District for streams that abut properties located outside of this Zoning District. For streams which are internal to the Zoning District, no less than 25 feet of this protection zone shall be located on either side of the stream. Notwithstanding the foregoing, should any applicable permits from federal or state governmental authorities more restrictive widths for this stream corridor, then the requirements of such permits shall govern.

f. Elimination of Setbacks: In the event that a parcel located within this Zoning District and an adjacent parcel located within or outside of this Zoning District (i) come under common ownership or control, (ii) are zoned to allow compatible non-residential uses, and (iii) are combined into a single parcel, then any minimum building, pavement, or landscaping setbacks set forth in this text as they apply to common property lines shall no longer apply with respect to these parcels.

E. Architectural Standards:

1. Building Height: The maximum building height for structures in this Zoning District shall be 65 feet, subject to adjustments as contemplated in Section J below.

2. Service and Loading Areas: Service areas and loading docks shall be screened to limit visibility from off-site.

3. Building Design:

a. Building designs shall not mix architectural elements or ornamentation from different styles.

b. Buildings shall be required to employ a comparable use of materials on all elevations.

c. The number, location, spacing, and shapes of windows and door openings shall be carefully considered. Primary entrances to buildings shall be made sufficiently prominent that they can be easily identified from a distance.

d. For office buildings and complexes, achieving a human or pedestrian scale is of less concern. When achieving such a scale is desired, it may be achieved by careful attention to width of facades, size and spacing of window and door openings, and floor to floor heights on exterior walls.

e. Use of elements such as shutters, cupolas, dormers, and roof balustrades shall be avoided in building designs that are not based on traditional American architectural styles. Such

elements may be employed only when they are common elements of a specific style, and this style shall be replicated in its entirety. When shutters are employed, even if they are non-operable, they must be sized and mounted in a way that gives the appearance of operability.

f. Elements such as meter boxes, utility conduits, roof and wall projections such as vent and exhaust pipes, basement window enclosures, and trash containers shall be designed, located, or screened so as to minimize their visibility and visual impact from off-site. Solar energy systems shall be excluded from the requirements of this section.

g. Accessory or ancillary buildings, whether attached or detached, shall be of similar design, materials and construction as the nearest primary structure. Fenestration themes that employ windows, panels and piers that are consistent with the architectural vocabulary of the building are encouraged.

4. Building Form:

a. All building elevations shall be designed to be compatible with each other and to reflect a consistent design approach.

b. Gable or hip roofs shall be avoided unless a building design replicates a traditional American architectural style that employs such roof forms. In non-stylistic contemporary designs, low or flat roofs may be employed. Roof visibility shall be minimized.

5. Materials:

a. Exterior building materials shall be appropriate for contemporary suburban designs and shall avoid overly reflective surfaces. Traditional materials such as, but not limited to, wood, stone, brick, and concrete shall be permitted, along with contemporary materials such as, but not limited to, aluminum, metal, glass, stucco, or cementitious fiberboard (e.g., hardiplank or equivalent) shall be permitted on buildings not employing traditional styles. The use of reflective or mirrored glass shall be prohibited.

b. Prefabricated metal buildings, untreated masonry block structures, and buildings featuring poured concrete exterior walls are prohibited. Notwithstanding the foregoing, ancillary structures built and operated for the purpose of enclosing equipment and which are not occupied by a tenants or persons on a regular basis may be constructed using pre-engineered metal.

c. Generally, the quantity of materials selected for a building shall be minimized. A single material selection for the independent building components of roof, wall and accents is permitted (i.e., Architectural Grade shingle roof with Brick Masonry wall and EIFS Cornice and Accents).

d. Loading docks are not required to have the same degree of finish as a main entry unless they are visible from a public right-of-way.

e. Additional Standards for Uses Not Governed by DGRs: Buildings that are constructed to accommodate certain uses are not governed by the City's Design Guidelines and Requirements (DGRs). For example, buildings that are constructed for the operation of

warehousing and/or distribution uses are not subject to the DGRs and can present challenges in meeting the community standard for architectural design. Such buildings are necessarily large and typically include long walls that together form a square or rectangular box. The goal for the development of buildings that are not subject to the DGRs is to balance the practical needs of these buildings with the desire to provide exterior designs that are attractive and complimentary to the architecture that will be found elsewhere in this zoning district.

Architecture by its nature is a subjective medium, meaning that the adoption of strict objective standards in all instances may not provide the best means for achieving appropriate design. In recognition of this fact, the standards set forth herein provide guidelines and suggestions for designing buildings that are not subject to the DGRs in an effort to set expectations for the quality of architecture that will be expected for these structures. On the other hand, these standards are meant to allow for some flexibility to encourage innovative design provided that the spirit and intent of these provisions are met.

In conjunction with an application for a certificate of appropriateness for each building or structure in this Zoning District that is not subject to or governed by the DGRs, and subject to Section J of this text, the applicant shall be required to submit to the City illustrations of the proposed exterior design of the building or structure for review and approval by the Design Review Committee contemplated in Section 1157.08(a)(1)(D) of the City Code. In designing such buildings, the user or applicant shall take into account the following, which are intended to set a level of expectation for the quality of design:

- i. Architectural design for all portions of a building or structure that are visible from a public right-of-way (excluding public rights-of-way whose primary purpose is to accommodate truck traffic or service loading areas) shall meet the community standard in terms of quality while taking into account the unique nature of the use(s) that will be found therein.
- ii. Uninterrupted blank wall facades shall be prohibited to the extent that they are visible from a public right-of-way. Design variations on long exterior walls shall be employed in order to create visual interest. Examples of such design variations include, but are not limited to, the use of offsets, recesses and/or projections, banding, windows, and/or reveals; scoring of building facades; color changes; texture or material changes; and variety in building height.
- iii. The use of one or more architectural or design elements may be used to soften the aesthetics of the building, such as but not limited to canopies, porticos, overhangs, arches, outdoor patios, community spaces, or similar devices.
- iv. Contemporary exterior designs, while not required, shall be encouraged in order to create architecture that does not look aged or dated even many years after the facility is built.
- v. Landscaping and/or the use of existing vegetation shall be utilized where appropriate to enhance the aesthetics of the building and to lessen its visual impact when viewed from public rights-of-way.

vi. HVAC, generators and similar equipment and associated gravel or concrete yards or pads shall be located subject to the minimum building setbacks.

6. Roof-Mounted Equipment: Complete screening of all roof-mounted equipment shall be required on all four sides of buildings with materials that are consistent and harmonious with the building's façade and character. Such screening shall be provided in order to screen the equipment from off-site view and to buffer sound generated by such equipment.

F. Buffering, Landscaping, Open Space, and Screening: The following landscaping requirements shall apply to this Zoning District:

1. Tree Preservation: Standard tree preservation practices will be in place to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line.

2. Street Trees: A street tree row shall be established along all publicly dedicated rights-of-way within or adjacent to this Zoning District and shall contain one (1) tree for every thirty (30) feet of road frontage. Trees may be grouped or regularly spaced. Minimum street tree size at installation shall be three (3) caliper inches. This requirement may be waived in areas where existing vegetation occurs, subject to approval of the City Landscape Architect.

3. Parking Areas: Within this Zoning District, there shall be no less than one (1) tree planted for every ten (10) parking spaces located therein. At least five percent (5%) of the vehicular use area shall be landscaped or green space (or treed areas). Parking lots shall be designed to accommodate parking lot islands with tree(s) at the end of parking aisles.

4. Minimum On-Site Tree Sizes: Unless otherwise set forth herein, minimum tree size at installation shall be no less than two and one half (2 ½) inches in caliper for shade trees, six (6) feet in height for evergreen trees, two (2) inches in caliper for ornamental trees, and thirty (30) inches in height for shrubs. Caliper shall be measured six (6) inches above grade.

5. Pedestrian Circulation: Unless they are part of a campus which for safety or security reasons requires access by the public to be restricted, for buildings whose primary use is office, an internal pedestrian circulation system shall be created so that a pedestrian using a public sidewalk along a public sidewalk along a public street can access the adjacent buildings through their parking lots as delineated with markings, crosswalks, and/or different materials, directing foot traffic, where possible, away from primary access drives. Pedestrian connections shall be provided between parking lots and the front of buildings. A building shall be considered to have offices as its primary use when greater than 50% of its total square footage is occupied by office uses. The requirements of this paragraph shall not apply to any building with a main entrance which is located 500 feet or more from a public right-of-way.

6. All street trees that are not installed prior to infrastructure acceptance shall be bonded to guarantee installation.

7. All project landscape plans are subject to review and approval by the City Landscape Architect.

8. Screening – Residential Uses: For those perimeter boundaries which abut properties containing existing residential uses or, as determined at the time that an application is filed for a building permit ("Building Permit") in this Zoning District, has a zoning classification which permits the development and operation of residential uses thereon that are not owned by the

developer (any real property meeting either of the foregoing criteria to be referred to herein as “**Residential Property**”), a minimum six (6) foot high mound shall be installed along the property line and shall include a landscape buffer on the mound which shall consist of a mixture of deciduous trees, evergreens and bushes to provide an opacity of 75% on the date that is 5 years after planting to a total height of 10 feet above ground level. These mounds shall be installed within the minimum pavement setback area as required by this zoning text and may encroach on the abutting property if that owner is in agreement with the mound’s installation on his/her property. The plan for these areas must be reviewed and approved by the City’s Landscape Architect. For purposes of determining which properties qualify as a Residential Property hereunder, if two properties have an intervening public street right-of-way between them, they shall still be considered abutting.

If there are existing trees within this perimeter area and the City Landscape Architect recommends preservation of them then the mounding may be omitted and the existing trees may be utilized as the required screening. The requirement for 75% opacity 5 years after installation is still applicable with this alternative and, therefore, if necessary, additional landscaping materials (i.e., deciduous trees, evergreens or bushes) shall be planted along those perimeter boundary areas to meet the 75% opacity requirement. The plan for these areas must be reviewed and approved by the City’s Landscape Architect.

Utilities and permitted access drives may be placed within or cross through perimeter boundaries which abut residentially zoned and used properties and the screening provided for above, provided, however, that the developer shall use good faith efforts to place utilities in a manner that minimizes the impact on the required screening.

In recognition of the amount of land area contained within this Zoning District, the following provisions shall apply to the installation of the required mounding and landscaping contemplated in this Section F.8:

- a. Such mounding and landscaping shall be required to be installed along the entirety of the perimeter boundaries of any individual tax parcel, or project phase within a tax parcel, which includes a perimeter boundary line of this Zoning District that abuts Residential Property and upon which construction of buildings and/or pavement is to be undertaken pursuant to the issuance of a Building Permit by the City and installation shall be complete prior to the issuance of a Certificate of Occupancy; or
- b. If the perimeter boundary line of the tax parcel, or project phase within a tax parcel, on which construction is to occur does not include a perimeter boundary line of this Zoning District that abuts a Residential Property, but an application for a Building Permit has been issued by the City with respect to that tax parcel, or project phase within a tax parcel, which allows for construction of a structure or pavement within 500 feet of a perimeter boundary line of a Residential Property, then the mounding and landscaping required by this Section F.8 shall be required to be installed along the entirety of the shared boundary line with that Residential Property and installation shall be complete prior to the issuance of a Certificate of Occupancy.

9. Harrison Road and Worthington Road:

- a. Landscaping along Worthington Road: Within the required minimum pavement setback along Worthington Road, a minimum of seven (7) deciduous trees shall be installed

for every 100 feet of frontage on the public right-of-way. Such trees shall be planted in random locations (i.e., not in rows). No more than 30% of such trees shall be of a single species. Where existing healthy and mature trees are found within these pavement setbacks, such trees may be preserved in lieu of installing the trees described in this paragraph, provided that a similar amount of vegetation is being preserved when compared to that which would otherwise be required to be installed. A standard New Albany white four-board horse fence may (but shall not be required to) be provided within the public right-of-way. Notwithstanding the foregoing and if proposed by the developer, the City's Landscape Architect shall be permitted to approve deviations from the planting requirements that are detailed in the immediately preceding paragraph. Such deviations shall be permitted to provide variations in the landscape treatment of long street frontages, when it is desirable to create or preserve viewsheds into any portion of the site where architectural or natural features within the site add visual character or aesthetic appeal when viewed from the street, and/or to protect the health of vegetation or the safety of people or property. Mounding shall be permitted within minimum pavement setback areas from the Worthington Road right-of-way but not required. When utilized, mounding shall have a minimum height of 3 feet and a maximum height of 12 feet. The slope of mounds shall not exceed 3:1 from the crest of the mound extending toward the private site, and shall not exceed a 6:1 slope from the crest of the mound extending toward the public right-of-way.

b. Landscaping along Harrison Road: Along portions of Harrison Road where the requirements of Section F.8 of this text do not apply, the developer may elect to either install the landscaping and/or mounding improvements described in Section F.8A or provide landscaping in accordance with this paragraph. Should the developer elect to comply with the requirements of this paragraph, a landscape buffer shall be located within the required minimum pavement setback along Harrison Road. The buffer shall be planted with a minimum quantity of one tree per 25 feet, in addition to street trees. Trees shall be randomly planted to create a naturalized appearance. Trees shall be of native species. Evergreen trees or shrubs shall not be permitted in the area between the buffer landscape and the edge of street pavement. For landscaping which is not used to meet zoning text, codified ordinance and street tree requirements, the minimum caliper of tree material may be reduced to 1" caliper to gain additional plant material. A four-board white horse fence may be located 1 foot from the edge of the right-of-way along Babbitt Road.

c. The landscape buffer contemplated in the immediately preceding paragraph may consist of mounding. Mounding, when used in this circumstance, shall be a maximum of 12 feet in height. Trees shall be planted on the mound with a minimum of 70% of the trees occurring on the street side. No trees shall be located within the upper quartile of the crest of the mound.

10. Preservation Areas: Certain portions of the Zoning District contain environmentally sensitive elements that will be preserved and protected. These "Preservation Zones" are generally identified on the attached Preservation Plan. The intent of the Preservation Plan is to generally depict the portions of the Zoning District that will not be developed or disturbed. In addition to preservation zones which are noted on the Preservation Plan, Preservation Zones shall be deemed to include all required minimum pavement setbacks along the perimeter boundaries of the Zoning District that are not adjacent to a public right-of-way. Notwithstanding the foregoing, Preservation Zones shall not apply to such minimum pavement setback areas which are eliminated pursuant to Section D.2.f of this text and, upon the elimination of required setbacks pursuant to that provision, driveways, pavement, structures, and other improvements shall be

permitted within such areas which otherwise would be considered to be Preservation Zones. Within the Preservation Zones located within these perimeter setbacks, the developer shall preserve existing healthy and mature trees and vegetation but shall be permitted to place utilities within or allow them to cross through these areas, provided, however, that the developer shall use good faith efforts to place utilities in a manner that minimizes the impact on healthy and mature trees. Trees that are in good health and that are at least four (4) caliper inches in diameter at a height of three (3) feet above the ground shall be preserved where reasonably practical. Trees within these areas may be removed if they present a danger to persons or property.

The Preservation Zones that are located outside of the minimum required perimeter pavement setbacks as shown on the Preservation Plan illustrate the land that has been preserved pursuant to applicable federal and state permits that have been issued or will be preserved once they are approved and issued by the Ohio Environmental Protection Agency and the U.S. Army Corps of Engineers. These Preservation Areas shall be maintained, protected, and preserved in accordance with such permits. The Preservation Plan is being provided for illustrative purposes only, and the final boundaries of the Preservation Zones that are located outside of the minimum required perimeter pavement setbacks shall be the same as the boundaries of the portions of the site that will be required to be preserved under applicable federal and state permits, as may be amended from time-to-time. Prior to commencing development in a portion of the Zoning District that contains a Preservation Zone that is located outside of the minimum required perimeter pavement setbacks, the developer shall provide detailed legal descriptions of such Preservation Zone to the Director of Development for record-keeping and enforcement purposes. Should the boundaries of any Preservation Zone that is located outside of the minimum required perimeter pavement setbacks change in the future as a result of amendments to or replacements of relevant federal and state permits, then the developer shall provide updated legal descriptions and an updated Preservation Plan to the Director of Development within a reasonable amount of time after such information is available, and the Preservation Plan then shall be considered to be enforceable as amended.

Preservation Areas which qualify as stream corridor protection zones as provide in Section D.2.e. should be used as site amenities and to provide public access for leisure trail and linear park space except where such uses would (i) violate the provisions of any applicable conservation easement, (ii) are incompatible with the security requirements of an existing or proposed permitted or approved conditional use, (iii) are inconsistent with a proposed plan for a large multi-building "campus" type development, or (iv) health, safety, or other development factors mitigate against such uses.

G. Lighting:

1. All parking lot and private driveway lighting shall be cut-off type fixtures and down cast. Parking lot lighting shall be from a controlled source in order to minimize light spilling beyond the boundaries of the site.
2. All parking lot lighting shall be of the same light source type and style. Building, pedestrian, and landscape lighting may be incandescent or metal halide.
3. All parking lot light poles shall be black or New Albany green and constructed of metal. Light poles shall not exceed 30 feet in height.
4. Landscape uplighting from a concealed source shall be subject to staff approval. All uplighting fixtures must be screened by landscaping. Lighting details shall be included in the landscape plan

which is subject to review and approval by the City Landscape Architect.

5. No permanent colored lights or neon lights shall be used on the exterior of any building.
6. All other lighting on the site shall be in accordance with City Code.
7. Street lighting must meet the City Standards and Specifications.

H. Signage: All signage shall conform to the standards set forth in Chapter 1169 of the Codified Ordinances of the City of New Albany.

I. Utilities: All new utilities within this Zoning District shall be installed underground.

J. Height Adjustments: It is anticipated that technology-oriented companies and other large parcel users may have certain operational and design requirements necessitating the development of buildings in excess of 65 feet in height. The Planning Commission shall have the authority, upon application from a property owner or other applicant as provided in Section J.1 below, to increase the allowable height for a building to a maximum of 85 feet within this Zoning District. This Section J shall not be read or applied to override or supersede the provisions of Section 1165.05 of the Codified Ordinances as they relate to the right for certain elements of a building to exceed the maximum height provided for in this text in the absence of a request for an increase in building height.

1. Procedure for Approval: A property owner or other applicant seeking an increase in building height as contemplated in this Section J shall request the Planning Commission's review by filing an application with the City on a form that is prescribed by its zoning staff. Such an application and any decisions made thereon by the Planning Commission shall not be considered to be a variance, but instead shall be considered to be administrative in nature in that the Planning Commission's function will be to apply and administer the requirements of Section J.2 below to any application made pursuant hereto. The Planning Commission shall hold a public hearing on the application at its first meeting following the date that is 30 days after the application is filed in a manner that is deemed to be complete by the City's zoning staff or on such later date as may be agreed by the applicant. The Planning Commission may vote on the application at any time following such public hearing, provided that in no circumstance shall such a vote occur later than the next meeting of the Planning Commission which immediately follows the meeting when the public hearing occurred (unless the applicant otherwise consents). The Planning Commission's decision to approve or disapprove the application shall be based upon its consideration of the matters contemplated in Section J.2 below, and a decision to approve the application may be issued with conditions that are not inconsistent with the requirements set forth in Section J.2.

2. Basis for Approval: The Planning Commission shall approve the request for an increase in permissible building height if it determines that the following requirements are met (or waived by the Planning Commission based on the facts and circumstances of the particular proposal):

- a. Buildings exceeding 65 feet in height shall:

- i. Have a minimum setback of 300 feet as measured from the centerline of each of Harrison Road and Worthington Road; and

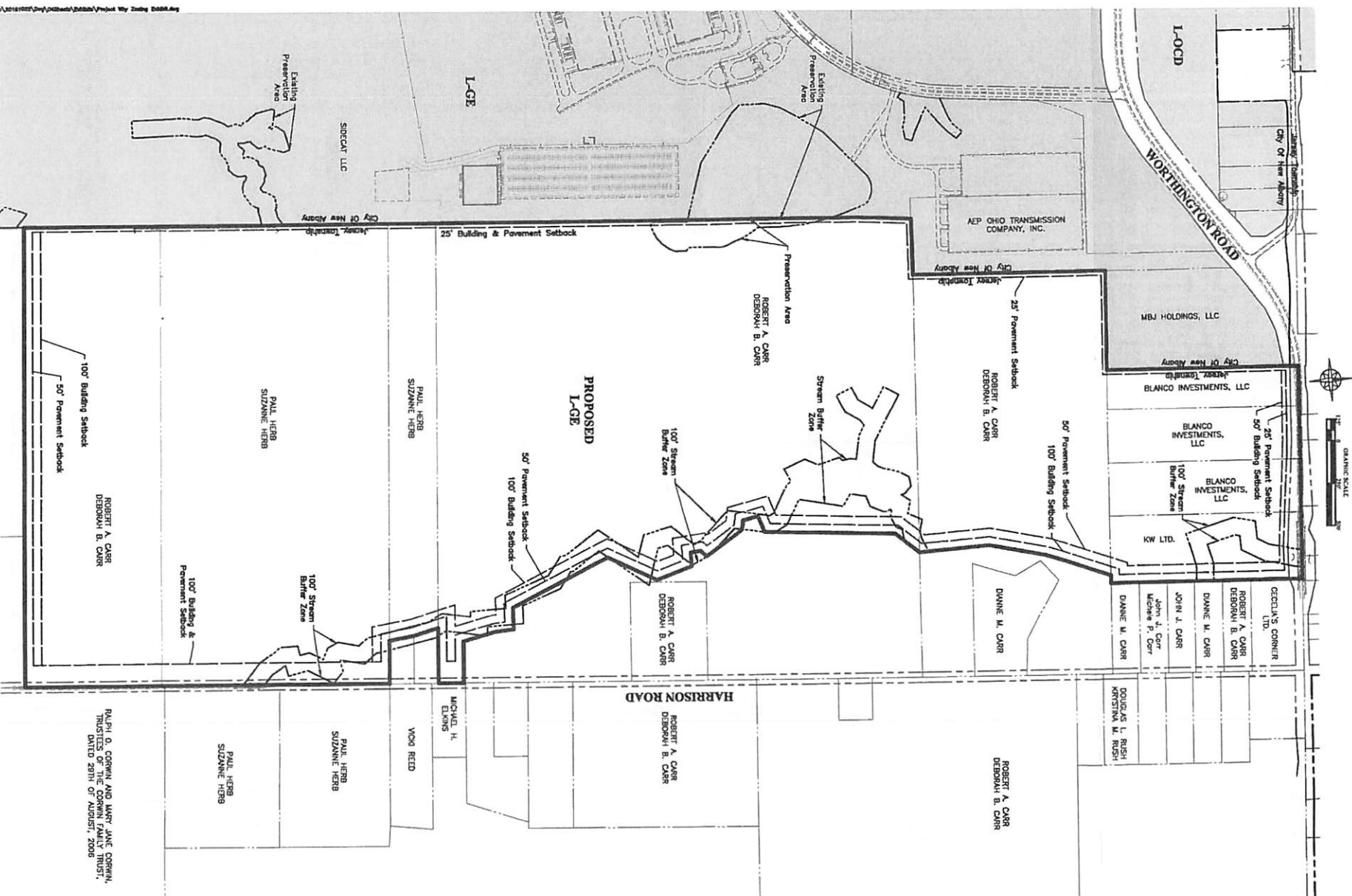
- ii. Have a minimum setback of 200 feet from any parcel as to which the current zoning permits residential uses and on which a residence exists on the date that the

Planning Commission reviews the application for increased building height if the request is for a building height of up to 75 feet, and a minimum setback of 250 feet from any such parcel if the request for an increase in building height is between 76 feet and 85 feet.

- b. The need for an increase in building height (a) is the result of a technological or operational need or other function that cannot be reasonably, practically, or economically addressed or accommodated in a building that complies with the height requirement contained in Section E.1 above, or (b) reflects best or favored practices in the relevant industry;
- c. Roof-mounted mechanical equipment and other appurtenant building elements shall be screened to limit from view from the rights-of-way for Harrison Road and Worthington Road;
- d. No lights or signage shall be installed on the building at a height greater than that which would be permitted without the increase in building height;
- e. The design of the building with the additional height:
 - i. Incorporates, into the portions of the primary architectural elements of the building that exceed 65 feet, two or more of the architectural design elements contemplated in Section 5.e.ii of this text in order to reduce or eliminate the appearance of the building as being monolithic in form (or other design elements as reasonably determined by the Planning Commission to meet this objective);
 - ii. Does not include blank facades which are visible from a public right-of-way. For purposes of this text, a “blank facade” shall be defined to mean “the use of a single exterior façade material without any variations using other materials, patterns, textures, colors, or other means of creating visual interest extending full height in a vertical direction and 100 feet in a horizontal direction, unless otherwise approved by the Planning Commission based on sound architectural design principles”;
 - iii. Shall meet the architectural requirements set forth in Section E.2 through Section E.6 of this text, it being the intent that that the requirements of this Section J are in addition to other requirements for buildings as provided in this text;
- f. The proposed building will utilize a sprinkler system; and
- g. The relevant provider of fire protection services for the proposed building has confirmed that it will be able to provide adequate fire suppression services to the building with the increased height.

THE NEW ALBANY COMPANY

Date: December 6, 2018



RALPH O. CORWIN AND MARY JANE CORWIN,
TRUSTEES OF THE CORWIN FAMILY TRUST,
DATED 28TH OF AUGUST, 2006



Prepared: 01/16/2019
Introduced: 02/05/2019
Revised:
Adopted: 02/19/2019
Effective: 03/22/2019

ORDINANCE O-06-2019

AN ORDINANCE TO AMEND CODIFIED ORDINANCES OF THE CITY OF NEW ALBANY CHAPTER 113 "COUNCIL", SPECIFICALLY SECTIONS 113.01 "SALARY OF THE MAYOR" AND 113.02 "SALARY FOR MEMBERS OF COUNCIL"

WHEREAS, Section 4.04 of the New Albany Charter authorizes council, by ordinance, to annually determine its compensation and benefits, and Codified Ordinance Chapter 113 provides for salary levels of the mayor and members of council, and

WHEREAS, salary amounts for the mayor, members of council, and President *Pro Tem* who presides over Mayor's Court were last set via ordinance O-05-2018; and

WHEREAS, as the city grows, so does the work for council, and a cost of living increase of 2.75% for city staff was approved as part of the 2019 budget.

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. Chapter 113, specifically Sections 113.01 and 113.02 of the New Albany Codified Ordinance, is hereby amended to read as follows:

113.01 SALARY OF THE MAYOR.

The salary of the Mayor shall be Twenty-Four Thousand One Hundred Twenty-One dollars and Eighty-Two cents (\$24,121.82) annually paid bi-weekly. The Mayor and/or the President *Pro Tem* and/or the designated council member who is regularly scheduled to preside in Mayor's Court, averaging two court sessions per month, shall receive Five Thousand Five Hundred Thirty-Two dollars and Fifty-Three cents (\$5,532.53) per year in additional salary.

113.02 SALARY FOR MEMBERS OF COUNCIL.

The salary of each Council Member shall be Eleven Thousand Fifty-Four dollars and Twenty-Six cents (\$11,054.26) annually, paid bi-weekly. The salary of the President *Pro Tem* shall be Eleven Thousand Fifty-Four dollars and Twenty-Six cents (\$11,054.26) annually, paid bi-weekly.

Section 2. The salary changes shall be effective as of January 1, 2019.

Section 3. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in

meetings open to the public, in compliance with all legal requirements, including Section 121 of the Ohio Revised Code.

Section 4. Pursuant to 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 19 day of Feb, 2019.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:


Mitchell H. Banchefsky
Law Director



Prepared: 01/24/2019
Introduced: 02/05/2019
Revised:
Adopted: 02/19/2019
Effective: 02/19/2019

ORDINANCE O-07-2019

APPROPRIATION AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND APPROPRIATIONS AND TRANSFER OF FUNDS FOR THE FISCAL YEAR ENDING DECEMBER 31, 2018

WHEREAS, in December 2018, a final amendment to the appropriations for the fiscal year ending December 31, 2018 was considered and passed which did not include appropriate amendments for certain funds;

WHEREAS, the Village Center Tax Increment Financing fund and the Healthy New Albany Special Revenue fund are responsible for the debt payments on the Series 2014 Capital Facilities Non-tax and Taxable bonds;

WHEREAS, it is necessary to make adjustments to appropriations and transfers to reallocate a portion of the debt responsibility for fiscal year ended December 31, 2018 from the Village Center Tax Increment Fund to the Healthy New Albany Special Revenue fund to avoid a negative fund balance;

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

Section 1. Council hereby authorizes a transfer of appropriation from the Village Center Tax Increment Financing fund, transfer category to the Healthy New Albany Special Revenue fund, transfer category in the amount of \$58,830.32, effective for fiscal year ending December 31, 2018.

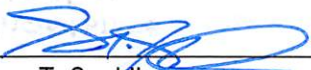
Section 2. Council hereby authorizes a transfer from the Healthy New Albany Special Revenue fund to the Debt Service fund in the amount of \$58,830.32, effective for fiscal year ending December 31, 2018.

Section 3. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this ordinance were adopted in an open meeting 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

Section 4. Pursuant to the Article VI, § 6.07(A) of the charter of the City of New Albany, this ordinance shall take effect upon passage.

CERTIFIED AS ADOPTED this 19 day of Feb, 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-07-2019** were posted in accordance with Section 6.12 of the Charter, for 30 days starting on February 20, 2019.


Jennifer Mason, Clerk of Council

2/20/19
Date



Prepared: 01/17/2019
Introduced: 02/19/2019
Revised:
Adopted: 02/19/2019
Effective: 02/19/2019

RESOLUTION R-05-2019

A RESOLUTION TO AMEND THE OAK GROVE II COMMUNITY REINVESTMENT AREA TO ADD APPROXIMATELY 357.2 +/- ACRES TO THAT AREA, CONFIRMING THE DESIGNATION OF A HOUSING OFFICER AND THE CREATION OF A COMMUNITY REINVESTMENT AREA HOUSING COUNCIL AND TAX INCENTIVE REVIEW COUNCILS, AND TO EXPAND THE OAK GROVE II ECONOMIC OPPORTUNITY ZONE TO ADD THAT AREA

WHEREAS, the Council of the City of New Albany, Ohio (the "City") desires to pursue all reasonable and legitimate incentive measures to assist and encourage development in specific areas of the City that have not enjoyed sufficient reinvestment in new construction; and

WHEREAS, Council, by its Resolution No. R-17-09 adopted March 3, 2009, designated the Oak Grove II Community Reinvestment Area (the "Original Oak Grove II Area"), and by each of its Resolutions No. R-41-2010 adopted July 6, 2010, R-72-2010 adopted November 16, 2010, R-53-2012 adopted October 2, 2012, R-26-2013 adopted August 6, 2013, R-72-2014 adopted September 16, 2014, R-49-2015 adopted November 17, 2015, R-45-16 adopted November 1, 2016, R-02-2017 adopted February 7, 2017, R-17-2018 adopted July 17, 2018, R-41-2018 adopted November 6, 2018, and R-50-2018 adopted December 10, 2018 expanded that Original Oak Grove II Area (as expanded to date, the "Current Oak Grove II Area"), which enabled the City to offer in that Current Oak Grove II Area real property tax exemptions on the construction of certain new structures and the remodeling of certain existing structures as described in Ohio Revised Code ("R.C.") Section 3735.67; and

WHEREAS, the City desires to promote commercial and industrial development in an additional area contiguous to the Current Oak Grove II Area, which contiguous area includes approximately 357.2+/- acres and which is depicted on Exhibit A attached hereto (the "Oak Grove II Expansion Area"); and

WHEREAS, the City believes that the redevelopment of the Oak Grove II Expansion Area would encourage economic stability, maintain real property values and generate new employment opportunities and desires to designate the Oak Grove II Expansion Area as a community reinvestment area pursuant to R.C. Sections 3735.65 to 3735.70; and

WHEREAS, as required by R.C. Section 3735.66, a survey of housing was prepared for the Oak Grove II Expansion Area (the "Survey"); and

WHEREAS, that Survey shows the facts and conditions relating to existing housing and commercial structures and undeveloped land in the Oak Grove II Expansion Area, including, among other things, evidence of deterioration and lack of new construction, or repair or rehabilitation, of structures in that Oak Grove II Expansion Area; and

WHEREAS, the construction of new commercial or industrial structures in the Oak Grove II Expansion Area will serve to encourage economic stability, maintain real property values and generate new employment opportunities; and

WHEREAS, the construction of new commercial or industrial structures in the Oak Grove II Expansion Area constitutes a public purpose for which real property tax exemptions may be granted; and

WHEREAS, the City created an economic opportunity zone (the "Oak Grove II EOZ") to encourage commercial and other business development in the City and now the City, to consistently preserve areas and zones, wishes to expand the Oak Grove II EOZ in conjunction with the expansion of the Oak Grove II CRA so that the two, when mapped, have the same area and boundaries;

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

Section 1. Conditions in the Oak Grove II Expansion Area. Based on the findings in the Survey and on this Council's own knowledge of the facts and conditions existing in the Oak Grove II Expansion Area, this Council hereby finds that the Oak Grove II Expansion Area is one in which housing facilities or structures of historical significance are located and new housing construction and repair of existing facilities or structures are discouraged.

Section 2. Creation of Oak Grove II Expanded CRA. This Council hereby designates the Oak Grove II Expansion Area as a community reinvestment area (collectively with the Current Oak Grove II Area, the "Oak Grove II CRA") in accordance with R.C. Section 3735.66. Only new commercial and/or industrial structures consistent with the applicable zoning regulations within the Oak Grove II CRA will be eligible for the exemptions provided for in Section 3 of this Resolution, and residential remodeling or new structures, including, but not limited to, multi-family condominium or apartment structures or remodeling thereof, shall not be eligible for the exemptions granted in that Section 3.

Section 3. Tax Exemptions in the Oak Grove II CRA. Within the Oak Grove II CRA, the percentage of the tax exemption on the increase in the assessed valuation resulting from improvements to commercial and industrial real property and the term of those exemptions shall be negotiated in advance of construction occurring according to the rules outlined in R.C. Section 3735.67. The City has the authority to negotiate, approve or deny any request for such a tax exemption. The results of the negotiation as approved by this Council will be set forth in writing in a Community Reinvestment Area Agreement as provided in R.C. Section 3735.671. The maximum exemption that may be negotiated in the Oak Grove II CRA is 15 years for 100% for construction of new commercial or industrial structures. If the newly constructed structure qualifies for an exemption, during the period of the exemption the exempted percentage of the value of the structure shall not be considered to be an improvement on the land on which it is located for the purpose of real property taxation.

The Mayor, the City Manager, and the City Community Development Director, or any one of them, are hereby authorized to give any and all notices on behalf of this Council that may be required by law, including, without limitation, those notices required by R.C. Sections 3735.671, 3537.673 and 5709.83, in connection with the consideration, approval or entering into of any agreements under R.C. Section 3735.671.

Section 4. Designation of Housing Officer. To administer and implement the provisions of this Resolution, the Council hereby confirms the prior designation of the City Manager as the Housing Officer for the Oak Grove II CRA as described in R.C. Sections 3735.65 to 3735.70.

Section 5. Application Fee. All projects are required to comply with the State application fee requirements of R.C. Section 3735.672(C). The City may also require a local annual monitoring fee of one percent of the amount of taxes exempted under an agreement, provided there shall be a minimum local annual monitoring fee of \$500 and a maximum local annual monitoring fee of \$2,500.

Section 6. Housing Council and Tax Incentive Review Councils. This Council hereby confirms the prior creation of a Community Reinvestment Area Housing Council (the "Housing Council") for the Oak Grove II CRA. That Housing Council is composed of two members appointed by the Mayor, two members appointed by this Council and one member appointed by the City's Municipal Planning Commission. A majority of those five members shall appoint two additional members who shall be residents of the City. Terms of the members of the Housing Council shall be three years. An unexpired term resulting from a vacancy in the Housing Council shall be filled in the same manner as the initial appointment was made. The Housing Council shall make an annual inspection of the properties within the Oak Grove II CRA for which an exemption has been granted under R.C. Section 3735.67. The Housing Council also shall also hear appeals under R.C. Section 3735.70.

The "Franklin County Tax Incentive Review Council" and the "Licking County Tax Incentive Review Council" (each a "TIRC") were both previously created pursuant to R.C. Section 5709.85. Each TIRC reviews annually the compliance of each agreement involving the granting of exemptions for commercial or industrial real property improvements under R.C. Section 3735.671 and makes written recommendations to this Council as to continuing, modifying or terminating each agreement based upon the performance of each agreement.

Section 7. Resolution to be Forwarded and Published. The Housing Officer or the Housing Officer's designee is hereby authorized and directed to forward a copy of this Resolution to the Franklin County Auditor and the Licking County Auditor, and to cause to be published a copy of this Resolution in a newspaper of general circulation in the City once per week for two consecutive weeks following its adoption.

Section 8. Authorization to Petition the Director of Development Services. The Housing Officer or the Housing Officer's designee is hereby authorized and directed, on behalf of the City, to petition the State Director of Development Services, in accordance with R.C. Section 3735.66, for confirmation of the Oak Grove II CRA as expanded to include the Oak Grove II Expansion Area.

Section 9. Open Meeting. The Council hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Council and any of its committees and that all deliberations of this Council and of its committees that resulted in formal action were taken in meetings open to the public in full compliance with the applicable legal requirements, including R.C. Section 121.22.

Section 10. Effective Date. Pursuant to Article 6.07(a) of the New Albany Charter, this Resolution shall take effect upon adoption.

CERTIFIED AS ADOPTED this 19 day of Feb, 2019.

Attest:



Sloan T. Spalding
Mayor

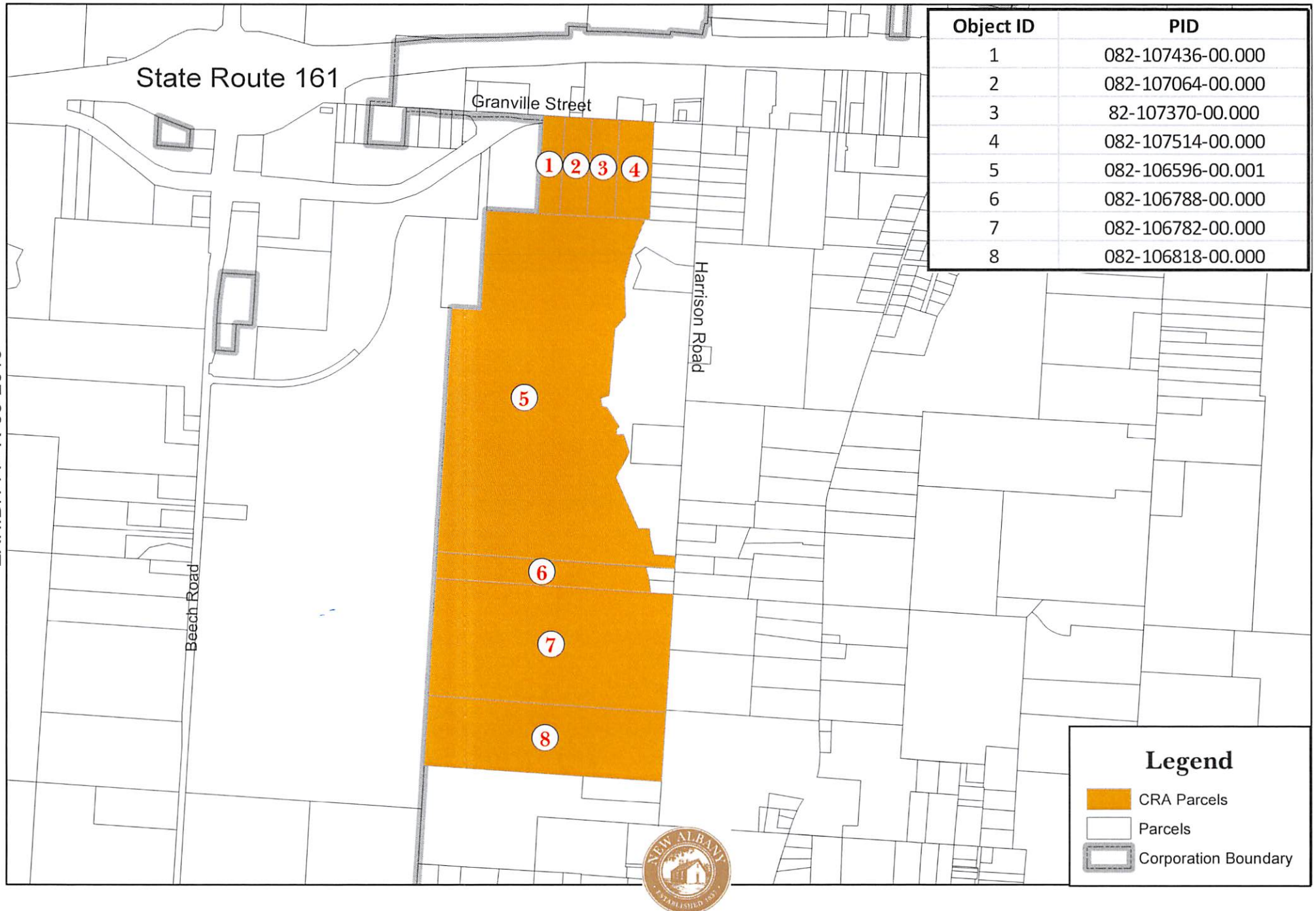


Jennifer H. Mason
Clerk of Council

Approved as to form:



Mitchell H. Banchefsky
Law Director



New Albany CRA Parcels -Business Park South Harrison Road Amendment
City of New Albany, Ohio



Prepared: 01/31/2019
Introduced: 02/19/2019
Revised:
Adopted: 02/19/2019
Effective: 02/19/2019

RESOLUTION R-06-2019

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO APPROVE AND SIGN AGREEMENTS WITH VANTRUST REAL ESTATE, LLC RELATED TO INCENTIVES AVAILABLE FOR PROJECT DEVELOPMENT IN THE OAK GROVE II COMMUNITY REINVESTMENT AREA

WHEREAS, the Council for the City of New Albany, Ohio (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-53-2012 adopted October 2, 2012, No. R-26-2013 adopted August 6, 2013, No. R-72-2014 adopted September 16, 2014, and R-49-2015 adopted November 17, 2015, No. R-45-2016 adopted November 1, 2016, No. R-02-17 adopted February 7, 2017, No. R-17-18 adopted July 17, 2018, and No. R-41-18 adopted November 6, 2018 (together the "CRA Expansion Legislation" and collectively with the Original CRA Legislation the "CRA Legislation"), amended the designation of the Original Area to include the area known as the "Johnstown Monroe Area", "Johnstown Monroe Annex", "Licking Heights Annex", "Cobbs Road Annex", "Harrison Road Area", "Innovation Campus Area" "Innovation Campus Way Extension" "Beech Road South", "Babbitt Road", and the "Central College Road Area" respectively, and certain other parcels within the City (collectively, with the Original Area, the "Area"), and designated that entire Area the Oak Grove II Community Reinvestment Area; and

WHEREAS, the City has encouraged the development of real property and the acquisition of personal property to be located in the CRA; and

WHEREAS, the Director of Development of the State of Ohio has determined that the Area contains the characteristics set forth in R.C. Section 3735.66 and confirmed the Area as a "Community Reinvestment Area"; and

WHEREAS, VanTrust Real Estate, LLC has submitted to the City a proposed agreement application (the "Application"), the Housing Officer of the City designated under Ohio Revised Code Section 3735.65 has reviewed the Application and has recommended the same to this Council on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities in the CRA and to improve the economic climate of the City, and the City, having appropriate authority, desires to provide the Company with the incentives available in the CRA for the development of the project described in that Application; and

WHEREAS, the Board of Education of the Licking County Career & Technology Education Center (C-TEC) has been notified in accordance with the applicable law; and

WHEREAS, the Board of Education of the Licking Heights Local School District approved this Agreement and waived their right to notice in accordance with their respective compensation agreements entered into with New Albany.

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

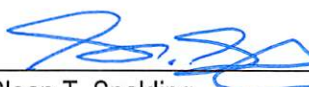
Section 1. The city manager is hereby authorized to execute the Agreement on file in the New Albany Community Development Department, which Agreement provides for a 15-year, 100% CRA exemption for the proposed building to be located on the north side of Innovation Campus Way between Beech and Mink Roads, and directed to take any further actions, and execute and deliver any further agreements, certificates or documents necessary to accomplish the granting of the incentives described in the Agreement, provided further that the approval of changes thereto by the city manager and their character as not being substantially adverse to the City shall be evidenced conclusively by the execution thereof.

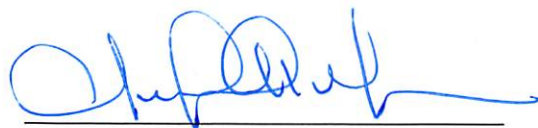
Section 2. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121 of the Ohio Revised Code.

Section 3. Pursuant to Article 6.07(a) of the New Albany Charter, this resolution shall take effect upon adoption.

CERTIFIED AS ADOPTED this 19 day of Feb, 2019.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:


Mitchell H. Banchevsky
Law Director



Prepared: 02/06/2019
Introduced: 02/19/2019
Revised:
Adopted: 02/19/2019
Effective: 02/19/2019

RESOLUTION R-07-2019

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN ANNEXATION AGREEMENT WITH JERSEY TOWNSHIP IN ORDER TO FACILITATE THE ANNEXATION OF PARCEL NUMBER 037-111618-04.00 WHICH IS COMPRISED OF APPROXIMATELY 1.2 +/- ACRES AND LOCATED ON BEECH ROAD

WHEREAS, the City and the Township share certain boundaries and therefore have a shared interest in the general area found immediately east of Beech Road and north of Jug Street, as illustrated and described in the exhibits of the attached Annexation Agreement; and

WHEREAS, it is anticipated that real property comprised of a real estate parcel Number 037-111618-04.000, totaling approximately 1.2 +/- acres, and located at 3180 Beech Road, (Annexation Parcel), will be the subject of an annexation petition to be filed with the Licking County Commissioners soon after the Effective Date; and

WHEREAS, the City and the Township desire to maintain a cooperative relationship that will foster economic development on the property and to provide for public infrastructure improvements that will serve the residents and property owners of the City and Township; and

WHEREAS, the Ohio Revised Code Sections 709.021 and 709.022 establish provisions for the annexation of property that includes an annexation agreement between the City and the Township; and

WHEREAS, in furtherance of this relationship, the City and the Township desire to enter this Agreement to memorialize the terms of their mutual agreement on the procedure under which the annexation(s) of the Property to the City will occur in order to ensure that such annexation(s) are completed in accordance with the procedure that has been historically utilized by the City.

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

Section 1. Council hereby authorizes the City Manager to enter into an annexation agreement with Jersey Township as set forth on, or substantially similar to, Exhibit C attached hereto.

Section 2. This Agreement shall cover and be applicable only to the Property which is identified in Exhibits A and B, attached herein. The area/boundaries of the Property to which this agreement applies shall not be reduced, enlarged, modified, or altered in any way except by written mutual agreement of the parties approved authorizing legislation from both the legislative authority of the Township and the City. Any changes to the boundaries of the Property shall require a written amendment to this Agreement.

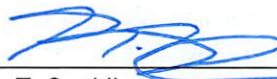
Section 3. On or after the Effective Date, all or part of the Property shall, upon proper petition(s) to and with the approval of the Licking County Board of Commissioners and acceptance of the annexation by the city, be annexed to and accepted by the City under the conditions set forth in the annexation agreement.

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 19 day of Feb, 2019.

Attest:

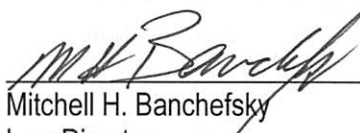


Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Mitchell H. Banchefsky
Law Director

ANNEXATION AGREEMENT – 1.2+/- ACRES

THIS ANNEXATION AGREEMENT (this "Agreement"), is entered into as of the last date of signature below (the "Effective Date") by and between the City of New Albany, Ohio (the "City"), an Ohio Charter municipal corporation having its address at 99 W. Main Street, New Albany, Ohio 43054, and the Township of Jersey, Licking County, Ohio (the "Township"), a township duly organized and validly existing under the laws of the State of Ohio having its address at 1481 Mink Street, Pataskala, Ohio 43062.

W I T N E S S E T H:

WHEREAS, the City and the Township share certain boundaries and therefore have a mutual interest in the 1.2 +/- acre parcel (Parcel Number 037- 111618-04.000) located at 3180 Beech Road within the general area found north of Jug Street and south of Miller Road, as illustrated in Exhibit A and described in Exhibit B; and

WHEREAS, the City and the Township desire to maintain a cooperative relationship that will foster economic development within the property and to provide for public infrastructure improvements that will serve the residents and property owners of the City and the Township; and

WHEREAS, in furtherance of this relationship, the City and the Township desire to enter this Agreement to memorialize the terms of their mutual agreement on the procedure under which the future annexation of the Property to the City will occur in order to ensure that such annexation is completed in accordance with the procedure that has been historically utilized by the City; and

WHEREAS, the City desires to work in good faith with the Township in order to identify certain public infrastructure improvements that the City will construct and fund in the general vicinity of the Property that will serve residents and property owners in the Township and the City.

NOW, THEREFORE, in consideration of the foregoing and of the mutual covenants and agreements hereinafter set forth, the parties hereby agree as follows:

1. Territory Defined: This Agreement shall cover and be applicable only to the 1.2 +/- acre former Kristen and Susan Kropat Property, identified at the time of this agreement as Parcel Number 037-111618-04.000, which is presently located within the boundaries of the Township. The boundaries of the Property shall not be reduced, enlarged, modified, or altered in any way except by written consent approved and given by the legislative authorities of both the City and the Township by means of appropriate action authorizing such reduction, enlargement, modification, or alteration. Any changes to the boundaries of the Property shall require a written amendment to this Agreement.
2. Annexation of the Property: On or after the Effective Date, all or part of the Property shall, upon proper petition(s) to and with the final approval of the Licking County Board of Commissioners (the "Commissioners"), be annexed to and accepted by the City under the conditions hereinafter set forth in this Section 2 and subject to all other conditions and limitations in this Agreement. It is anticipated that the real property identified in Exhibits A and B attached hereto and incorporated by reference will be the subject of an annexation petition to be filed with the Commissioners soon after the Effective Date.

- A. Procedure: Annexations of all or part of the Property to the City shall be filed pursuant to and comply with the provisions of Sections 709.021 and 709.022 of the Ohio Revised Code, as such provisions exist on the Effective Date. It is the intention of the parties to require any petition seeking to annex all or a portion of the Property to the City to be filed pursuant to and in compliance with the provisions of Sections 709.021 and 709.022 of the Ohio Revised Code as set forth in this Section 2.A, and to prohibit the City from assisting or accepting an annexation petition concerning the Property which fails to comply with this requirement.
 - B. Effect of Annexation: Immediately following both (i) the approval of a particular annexation petition affecting all or part of the Property by the Commissioners and (ii) the City's acceptance into municipal boundaries of the real property affected by the petition(s), then the annexed property shall be treated and viewed with the same legal effect as if it had been approved as an annexation completed under Section 709.02 of the Ohio Revised Code. Should, at any time, any Property annexed into the City, pursuant to this Agreement, be excluded from the Township, the City shall compensate the Township as in accordance with Section 709.19 of the Ohio Revised Code.
 - C. In the event that the annexed Properties' redevelopment and associated change in use from agricultural and/or residential uses to commercial use results in a reduction in the total aggregate property tax revenue received by the Township from the Property in tax years 2019 through 2023, when compared with property tax revenue received by the Township for tax year 2018 (January 1, 2018 tax lien date) (Baseline Year), the City agrees to compensate the Township annually in an amount equal to any such aggregate reduction in said property tax revenue. In the event any of the parcels which make up the Property are combined with other parcels not subject to this Agreement, then in that case, the total tax property revenue received by the Township for such combined parcel(s) shall be utilized in the comparison calculation to the Baseline Year.
 - D. Cooperative Efforts: Upon the filing of any annexation petition concerning all or part of the Property in accordance with Section 2.A of this Agreement, the Township and the City shall cooperate in good faith to facilitate the approval and success of such petition. In such an instance, each party shall refrain from taking any action that would directly or indirectly delay the annexation process or endanger the possible approval of the annexation petition by the Commissioners.
3. Tax Increment Financing (TIF) in Jersey Township: If the City redirects real property tax revenue through Tax Increment Financing (TIF), then, by May 1 and November 1 of the year following the year in which the (TIF) becomes effective, and continuing each year thereafter, for the duration of the TIF the City shall pay to the Township an amount equal to the real property tax revenue the Township would have received during the previous calendar year, exclusively from all property tax levies for fire and emergency medical services (EMS), had the TIF not been granted by the City (the "Fire & EMS Payment").

4. **Public Infrastructure:** In addition to their agreement regarding annexation of the Property as provided in Section 2 above, the City and the Township desire to work cooperatively to identify new public infrastructure improvements that may be necessary to serve areas in the vicinity of the Property. To this end, the City and the Township acknowledge that certain improvements may need to be made by the City to Jug Street and Beech Road.

The City and the Township shall make reasonable and good faith efforts to identify such public infrastructure improvements in the future as the need arises and to negotiate the specifications and parameters for such improvements. Any commitments regarding the construction and/or financing of improvements as contemplated in this Section 3 shall require the prior approval of the New Albany City Council.

5. **Miscellaneous:**

- A. The term of this Agreement shall commence on the Effective Date and shall terminate at 11:59 p.m. on the fiftieth (50th) anniversary of the Effective Date (the "**Initial Term**"). Unless the legislative authority of the City or the Township, at least ninety (90) days before the expiration of the Initial Term or any subsequent term as provided herein, acts to terminate the Agreement at the expiration of said term, this Agreement shall automatically renew for consecutive terms of twenty (20) years each, with no limit on the number of renewal terms.
- B. **Notices.** Any notice required to be given hereunder shall be given in writing by ordinary United States mail, postage prepaid, by nationally recognized overnight courier or by hand delivery addressed to the parties at their respective addresses as set forth below.

If to City:

The City of New Albany
Attn: City Manager
99 W. Main Street
New Albany, Ohio 43054
Fax: (614) 855-8583

If to Township:

Jersey Township Board of Trustees
Attn: _____
1481 Mink Street
Pataskala, Ohio 43062
Fax: _____

Notices shall be deemed received at the earlier of (i) actual hand delivery to the address of the receiving party, (ii) when received or when receipt is refused or (iii) two business days following proper deposit in the United States mail or delivery by facsimile.

- C. **Entire Contract.** This Agreement embodies the entire understanding among the parties with respect to the subject matter herein contemplated. Any amendments hereto shall be in writing and shall be executed by both the City and the Township.

- D. Counterparts. This Agreement may be executed in counterparts, each of which, when executed and delivered, shall be deemed an original, and all counterparts shall constitute one and the same instrument.

[Remainder of this page intentionally blank – Signatures on following page.]

City of New Albany

By: _____
Joseph Stefanov, City Manager

Approved as to Form:

Mitchell Banchefsky,
Law Director

Jersey Township

By: _____
Ed Bright, Trustee

By: _____
Dan Wetzel, Trustee

By: _____
Kathy Frost, Trustee

Approved as to Form:

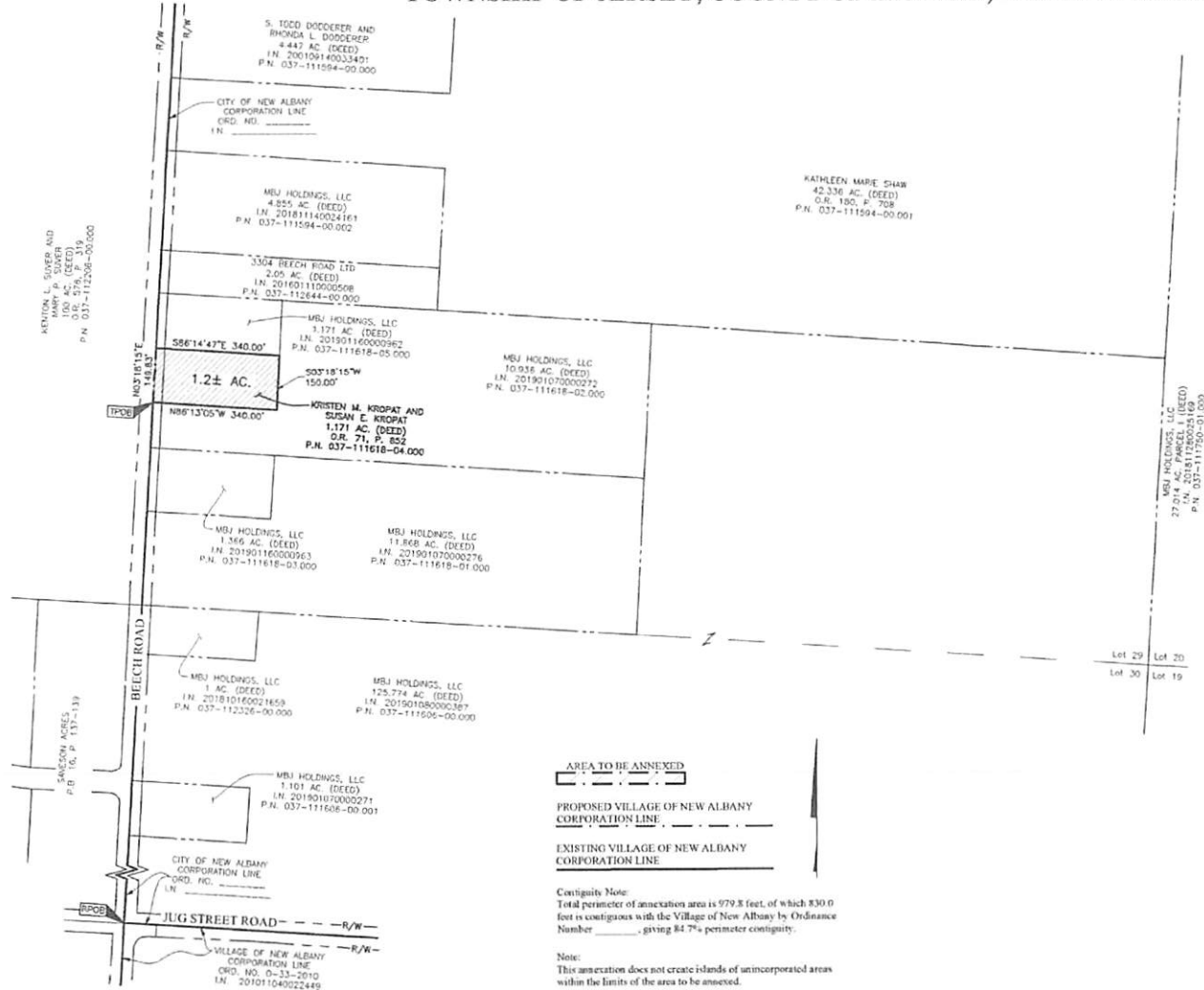
[INSERT NAME AND TITLE]

EXHIBIT A

Depiction of the "Property"

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



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
Transferred this _____ day of _____, 20____, upon the duplicates of this office.

Containing _____ acres
Transfer Fee _____ Licking County Auditor

Received for Record _____, 20____ at _____ (AM-PM) and recorded _____, 20____ in plat ordinance, petition, etc. in Plat Book Volume _____, Page _____.

Flat 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

EMHT Ernst, Machuga, Hamilton & Titus, Inc. Engineers • Surveyors • Planners • Scientists 3020 New Albany Road, Columbus, OH 43204 Phone: 614.779.4800 fax: 614.779.5668 emht.com		Date: January 30, 2019
Scale: 1" = 200'		Job No: 2018-0523
Sheet: 1 of 1		REVISIONS
MARK	DATE	DESCRIPTION

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 _____, giving 84.7% perimeter contiguity.

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



By _____ Date _____
Heather L. King
Professional Surveyor No. 8367

EXHIBIT B

Description of the "Property"

**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 Kristen M. Kropat and Susan E. Kropat by deed of record in Official Record 71, Page 852 (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 _____, of record in Instrument Number _____;

Thence North 03° 18' 15" East, with said centerline of Beech Road, said existing corporation line (Ordinance Number _____), 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 _____);

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
Professional Surveyor No. 8307

Date



Prepared: 02/06/2019
Revised: 02/19/2019
Introduced:
Adopted: 02/19/2019
Effective: 02/19/2019

RESOLUTION R-08-2019

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN ANNEXATION AGREEMENT WITH JERSEY TOWNSHIP IN ORDER TO FACILITATE THE ANNEXATION OF PARCEL NUMBERS 082-108156-00.000 AND 082-108162-00.000 WHICH ARE COMPRISED OF APPROXIMATELY 1.6 +/- ACRES AND LOCATED ON MORSE ROAD

WHEREAS, the City and the Township share certain boundaries and therefore have a shared interest in the general area found immediately north of Morse Road and east of Beech Road, as illustrated and described in the exhibits of the attached Annexation Agreement; and

WHEREAS, it is anticipated that real property comprised of a real estate parcel Numbers 082-108156-00.000 and 082-108162-00.000, totaling approximately 1.6 +/- acres, and located on Morse Road, (Annexation Parcel), will be the subject of an annexation petition to be filed with the Licking County Commissioners soon after the Effective Date; and

WHEREAS, the City and the Township desire to maintain a cooperative relationship that will foster economic development on the property and to provide for public infrastructure improvements that will serve the residents and property owners of the City and Township; and

WHEREAS, the Ohio Revised Code Sections 709.021 and 709.022 establish provisions for the annexation of property that includes an annexation agreement between the City and the Township; and

WHEREAS, in furtherance of this relationship, the City and the Township desire to enter this Agreement to memorialize the terms of their mutual agreement on the procedure under which the annexation(s) of the Property to the City will occur in order to ensure that such annexation(s) are completed in accordance with the procedure that has been historically utilized by the City.

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

Section 1. Council hereby authorizes the City Manager to enter into an annexation agreement with Jersey Township as set for on, or substantially similar to, the attached Exhibit C.

Section 2. This Agreement shall cover and be applicable only to the Property which is identified in Exhibits A and B, attached herein. The area/boundaries of the Property to which this agreement applies shall not be reduced, enlarged, modified, or altered in any way except by written mutual agreement of the

parties approved authorizing legislation from both the legislative authority of the Township and the City. Any changes to the boundaries of the Property shall require a written amendment to this Agreement.

Section 3. On or after the Effective Date, all or part of the Property shall, upon proper petition(s) to and with the approval of the Licking County Board of Commissioners and acceptance of the annexation by the City, be annexed to and accepted by the City under the conditions set forth in the annexation agreement.

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 19 day of Feb, 2019.

Attest:



Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Mitchell H. Banchefsky
Law Director

ANNEXATION AGREEMENT – 1.6 +/- ACRES

THIS ANNEXATION AGREEMENT (this "Agreement"), is entered into as of the last date of signature below (the "Effective Date") by and between the City of New Albany, Ohio (the "City"), an Ohio Charter municipal corporation having its address at 99 W. Main Street, New Albany, Ohio 43054, and the Township of Jersey, Licking County, Ohio (the "Township"), a township duly organized and validly existing under the laws of the State of Ohio having its address at 1481 Mink Street, Pataskala, Ohio 43062.

W I T N E S S E T H:

WHEREAS, the City and the Township share certain boundaries and therefore have a mutual interest in the 1.6 +/- acre parcels (Parcel Numbers 082-108156-00.000 and 082-108162-00.000) located on Morse Road within the general area found east of Beech Road and West of Harrison Road, as illustrated in Exhibit A and described in Exhibit B; and

WHEREAS, the City and the Township desire to maintain a cooperative relationship that will foster economic development within the property and to provide for public infrastructure improvements that will serve the residents and property owners of the City and the Township; and

WHEREAS, in furtherance of this relationship, the City and the Township desire to enter this Agreement to memorialize the terms of their mutual agreement on the procedure under which the future annexation of the Property to the City will occur in order to ensure that such annexation is completed in accordance with the procedure that has been historically utilized by the City; and

WHEREAS, the City desires to work in good faith with the Township in order to identify certain public infrastructure improvements that the City will construct and fund in the general vicinity of the Property that will serve residents and property owners in the Township and the City.

NOW, THEREFORE, in consideration of the foregoing and of the mutual covenants and agreements hereinafter set forth, the parties hereby agree as follows:

1. Territory Defined: This Agreement shall cover and be applicable only to the 1.6+/- acre former Scott and Tracey Corrigan Property, identified at the time of this agreement with Parcel Numbers 082-108156-00.000 and 082-108162-00.000, which are presently located within the boundaries of the Township. The boundaries of the Property shall not be reduced, enlarged, modified, or altered in any way except by written consent approved and given by the legislative authorities of both the City and the Township by means of appropriate action authorizing such reduction, enlargement, modification, or alteration. Any changes to the boundaries of the Property shall require a written amendment to this Agreement.
2. Annexation of the Property: On or after the Effective Date, all or part of the Property shall, upon proper petition(s) to and with the final approval of the Licking County Board of Commissioners (the "Commissioners"), be annexed to and accepted by the City under the conditions hereinafter set forth in this Section 2 and subject to all other conditions and limitations in this Agreement. It is anticipated that the real property identified in Exhibits

A and B attached hereto and incorporated by reference will be the subject of an annexation petition to be filed with the Commissioners soon after the Effective Date.

- A. Procedure: Annexations of all or part of the Property to the City shall be filed pursuant to and comply with the provisions of Sections 709.021 and 709.022 of the Ohio Revised Code, as such provisions exist on the Effective Date. It is the intention of the parties to require any petition seeking to annex all or a portion of the Property to the City to be filed pursuant to and in compliance with the provisions of Sections 709.021 and 709.022 of the Ohio Revised Code as set forth in this Section 2.A, and to prohibit the City from assisting or accepting an annexation petition concerning the Property which fails to comply with this requirement.
 - B. Effect of Annexation: Immediately following both (i) the approval of a particular annexation petition affecting all or part of the Property by the Commissioners and (ii) the City's acceptance into municipal boundaries of the real property affected by the petition(s), then the annexed property shall be treated and viewed with the same legal effect as if it had been approved as an annexation completed under Section 709.02 of the Ohio Revised Code. Should, at any time, any Property annexed into the City, pursuant to this Agreement, be excluded from the Township, the City shall compensate the Township as in accordance with Section 709.19 of the Ohio Revised Code.
 - C. In the event that the annexed Properties' redevelopment and associated change in use from agricultural and/or residential uses to commercial use results in a reduction in the total aggregate property tax revenue received by the Township from the Property in tax years 2019 through 2023, when compared with property tax revenue received by the Township for tax year 2018 (January 1, 2018 tax lien date) (Baseline Year), the City agrees to compensate the Township annually in an amount equal to any such aggregate reduction in said property tax revenue. In the event any of the parcels which make up the Property are combined with other parcels not subject to this Agreement, then in that case, the total tax property revenue received by the Township for such combined parcel(s) shall be utilized in the comparison calculation to the Baseline Year.
 - D. Cooperative Efforts: Upon the filing of any annexation petition concerning all or part of the Property in accordance with Section 2.A of this Agreement, the Township and the City shall cooperate in good faith to facilitate the approval and success of such petition. In such an instance, each party shall refrain from taking any action that would directly or indirectly delay the annexation process or endanger the possible approval of the annexation petition by the Commissioners.
3. Tax Increment Financing (TIF) in Jersey Township: If the City redirects real property tax revenue through Tax Increment Financing (TIF), then, by May 1 and November 1 of the year following the year in which the (TIF) becomes effective, and continuing each year thereafter, for the duration of the TIF the City shall pay to the Township an amount equal to the real property tax revenue the Township would have received during the previous

calendar year, exclusively from all property tax levies for fire and emergency medical services (EMS), had the TIF not been granted by the City (the "Fire & EMS Payment").

4. **Public Infrastructure:** In addition to their agreement regarding annexation of the Property as provided in Section 2 above, the City and the Township desire to work cooperatively to identify new public infrastructure improvements that may be necessary to serve areas in the vicinity of the Property. To this end, the City and the Township acknowledge that certain improvements may need to be made by the City to the intersection of Beech Road and Morse roads.

The City and the Township shall make reasonable and good faith efforts to identify such public infrastructure improvements in the future as the need arises and to negotiate the specifications and parameters for such improvements. Any commitments regarding the construction and/or financing of improvements as contemplated in this Section 3 shall require the prior approval of the New Albany City Council.

5. **Miscellaneous:**

- A. The term of this Agreement shall commence on the Effective Date and shall terminate at 11:59 p.m. on the fiftieth (50th) anniversary of the Effective Date (the "**Initial Term**"). Unless the legislative authority of the City or the Township, at least ninety (90) days before the expiration of the Initial Term or any subsequent term as provided herein, acts to terminate the Agreement at the expiration of said term, this Agreement shall automatically renew for consecutive terms of twenty (20) years each, with no limit on the number of renewal terms.
- B. **Notices.** Any notice required to be given hereunder shall be given in writing by ordinary United States mail, postage prepaid, by nationally recognized overnight courier or by hand delivery addressed to the parties at their respective addresses as set forth below.

If to City:

The City of New Albany
Attn: City Manager
99 W. Main Street
New Albany, Ohio 43054
Fax: (614) 855-8583

If to Township:

Jersey Township Board of Trustees
Attn: _____
1481 Mink Street
Pataskala, Ohio 43062
Fax: _____

Notices shall be deemed received at the earlier of (i) actual hand delivery to the address of the receiving party, (ii) when received or when receipt is refused or (iii) two business days following proper deposit in the United States mail or delivery by facsimile.

- C. Entire Contract. This Agreement embodies the entire understanding among the parties with respect to the subject matter herein contemplated. Any amendments hereto shall be in writing and shall be executed by both the City and the Township.
- D. Counterparts. This Agreement may be executed in counterparts, each of which, when executed and delivered, shall be deemed an original, and all counterparts shall constitute one and the same instrument.

[Remainder of this page intentionally blank – Signatures on following page.]

City of New Albany

By: _____
Joseph Stefanov, City Manager

Approved as to Form:

Mitchell Banchefsky,
Law Director

Jersey Township

By: _____
Ed Bright, Trustee

By: _____
Dan Wetzel, Trustee

By: _____
Kathy Frost, Trustee

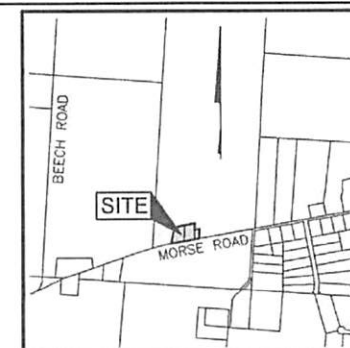
Approved as to Form:

[INSERT NAME AND TITLE]

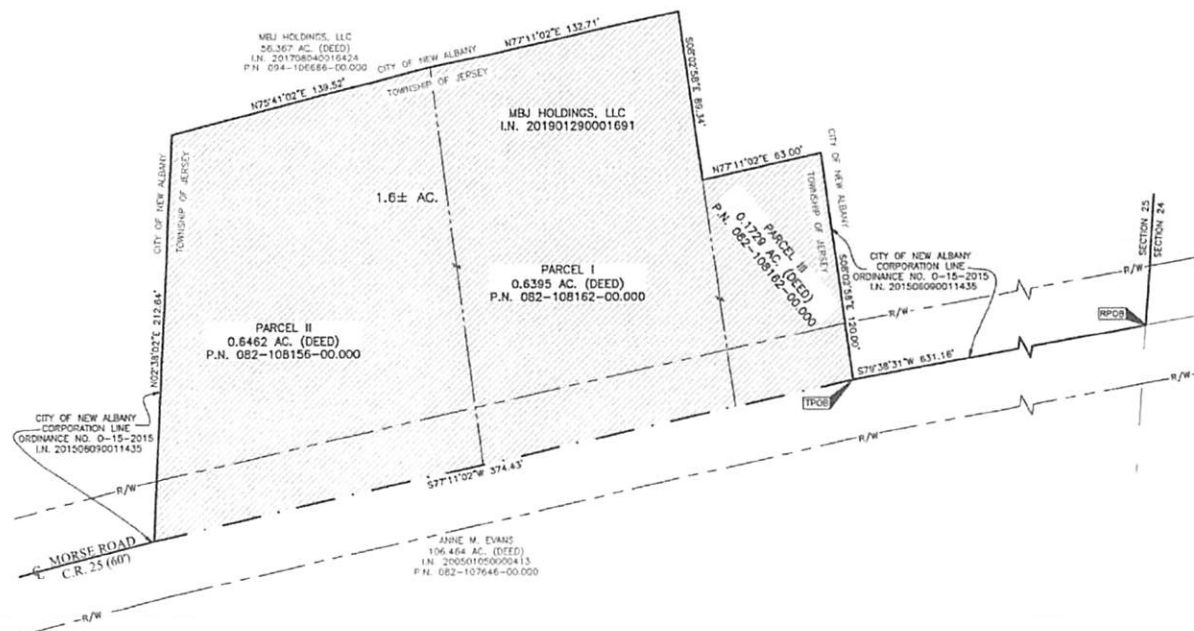
EXHIBIT A

Depiction of the "Property"

ANNEXATION OF 1.6± ACRE TO THE CITY OF NEW ALBANY FROM JERSEY TOWNSHIP UNITED STATES MILITARY DISTRICT SECTION 25, TOWNSHIP 2, RANGE 15 TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO



LOCATION MAP AND BACKGROUND DRAWING
NOT TO SCALE



AREA TO BE ANNEXED

PROPOSED CITY OF NEW ALBANY
CORPORATION LINE

EXISTING CITY OF NEW ALBANY
CORPORATION LINE

Contiguity Note:
Total perimeter of annexation area is 1131.64 feet, of which 757.21
feet is contiguous with the City of New Albany by Ordinance
Number O-15-2015, giving 66.9% perimeter contiguity.

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



DRAFT

By Joshua M. Meyer
Professional Surveyor No. 8485
jmeyer@emht.com

Date

EMHT Evans, Mechwart, Hamilton & Tison, Inc. Engineers • Surveyors • Planners • Scientists 8320 New Albany Road, Columbus, OH 43254 Phone: 614.778.4800 Fax: 614.778.3448 emht.com		Date: January 30, 2019 Scale: 1" = 40' Job No: 2019-0011 Sheet: 1 of 1
REVISIONS		
MARK	DATE	DESCRIPTION

Corrigan to MSJ ALTA / 20190011-VS-ANNEX-01

EXHIBIT B

Description of the "Property"

**PROPOSED ANNEXATION
1.6± ACRE**

FROM: JERSEY TOWNSHIP, LICKING COUNTY OHIO

TO: CITY OF NEW ALBANY

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Section 25, Township 2, Range 15, United States Military Lands, and being all of the 0.6395, 0.6462 and 0.1729 acre tracts conveyed to MJB Holdings, LLC by deed of record in Instrument Number 201901290001691, (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 Morse Road and the common section line of Sections 25 and 24, and in the southeasterly corner of City of New Albany corporation line, established by Ordinance Number O-15-2015, of record in Instrument Number 201506090011435;

Thence South 79° 38' 31" West, with the centerline of said Morse Road, with said City of New Albany corporation line, a distance of 631.16 feet to a southeasterly corner of said MJB Holdings tracts, a southwesterly corner of that 56.367 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 201708040016424, the TRUE POINT OF BEGINNING;

Thence South 77° 11' 02" West, continuing with the centerline of said Morse Road, with the northerly line of the that 106.464 acre tract conveyed to Anne M. Evans by deed of record in Instrument Number 200501050000413, with the southerly line of said MJB Holdings tracts (Instrument Number 201901290001691), a distance of 374.43 feet to an angle point in the City of New Albany corporation line, the southwesterly corner of said MJB Holdings tract (Instrument Number 201901290001691), and a southeasterly corner of said 56.367 acre tract;

Thence with the common line of said MJB Holdings tracts (Instrument Number 201901290001691) and 57.367 acre tract, and said southerly City of New Albany corporation line, the following courses and distances:

North 02° 38' 02" East, a distance of 212.64 feet to a point;

North 75° 41' 02" East, a distance of 139.52 feet to a point;

North 77° 11' 02" East, a distance of 132.71 feet to a point;

South 08° 02' 58" East, a distance of 89.34 feet to a point;

North 77° 11' 02" East, a distance of 63.00 feet to a point; and

South 08° 02' 58" East, a distance of 120.00 feet to the TRUE POINT OF BEGINNING, containing 1.6 acre, more or less.

This description is for annexation purposes only and is not for transfer.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Joshua M. Meyer
Professional Surveyor No. 8485

Date



Prepared: 02/08/2019
Introduced: 02/19/2019
Revised:
Adopted: 02/19/2019
Effective: 02/19/2019

RESOLUTION R-09-2019

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ADVERTISE, BID, AWARD, AND EXECUTE ALL CONTRACTS RELATED TO THE MILLER AVENUE ROADWAY IMPROVEMENT PROJECT

WHEREAS, council desires to make infrastructure improvements to support redevelopment opportunities in the historic village center; and

WHEREAS, the subject roadway improvement project will provide for enhanced vehicular and pedestrian access within the historic village center; and

WHEREAS, current redevelopment activities provide an opportunity for the City to secure right of way necessary to support the subject roadway improvement project; and

WHEREAS, this is an initial step of a larger effort to establish a grid system to better accommodate traffic and provide alternate travel paths within the historic village center; and

WHEREAS, the engineer's estimate for this project is eight hundred thousand dollars (\$800,000).

NOW, THEREFORE, be it resolved by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, that;

Section 1. The city manager is hereby authorized and directed to advertise, bid, award, and execute all contracts related to the construction of the Miller Avenue Roadway Improvement Project.

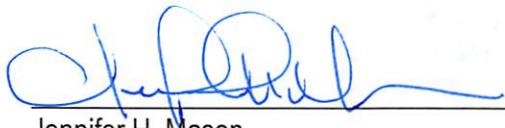
Section 2. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121 of the Ohio Revised Code.

Section 3: Pursuant to Article 6.07(a) of the New Albany Charter, this resolution shall take effect upon adoption.

CERTIFIED AS ADOPTED this 19 day of FEB, 2019.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:


Mitchell H. Banchefsky
Law Director



Prepared: 02/08/2019
Introduced: 02/19/2019
Revised:
Adopted: 02/19/2019
Effective: 02/19/2019

RESOLUTION R-10-2019

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ADVERTISE, BID, AWARD, AND EXECUTE ALL CONTRACTS RELATED TO THE INNOVATION CAMPUS WAY WEST ROADWAY IMPROVEMENT PROJECT

WHEREAS, council desires to make infrastructure improvements to the New Albany International Business Park to increase the pedestrian, vehicular, and utility access; and

WHEREAS, the city has encouraged the development of real property within the city, and for that purpose desires to expand a development corridor in the International Business Park generally located west of Beech Road, north of Smith's Mill Road, and south of Jug Street/Central College Road; and

WHEREAS, the engineer's estimate for this project is two million eight hundred thousand dollars (\$2,800,000).

NOW, THEREFORE, be it resolved by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, that;

Section 1. The city manager is hereby authorized and directed to advertise, bid, award, and execute all contracts related to the construction of the Innovation Campus Way West Roadway Improvement Project.

Section 2. 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 3: Pursuant to Article 6.07(a) of the New Albany Charter, this resolution shall take effect upon adoption.

CERTIFIED AS ADOPTED this 19 day of Feb, 2019.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:



Mitchell H. Banchevsky
Law Director



Prepared: 02/08/2019
Introduced: 02/19/2019
Revised:
Adopted: 02/19/2019
Effective: 02/19/2019

RESOLUTION R-11-2019

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ADVERTISE, BID, AWARD, AND EXECUTE ALL CONTRACTS RELATED TO THE MAIN STREET UTILITY BURIAL

WHEREAS, council desires to install underground conduit for the purpose of burying electric and telecommunication utilities; and

WHEREAS, the elimination of utility poles in the Main Street Corridor creates a more desirable streetscape; and

WHEREAS, the limits of the aforementioned improvements are generally along Main Street from Market Street to Dublin-Granville Road; and

WHEREAS, the engineer's estimate for this project is eight hundred fifty thousand dollars (\$850,000).

NOW, THEREFORE, be it resolved by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, that;

Section 1. The city manager is hereby authorized and directed to advertise, bid, award, and execute all contracts related to the construction of the Main Street Utility Burial.

Section 2. 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 3: Pursuant to Article 6.07(a) of the New Albany Charter, this resolution shall take effect upon adoption.

CERTIFIED AS ADOPTED this 19 day of FEB, 2019.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:

DATE: 11/11/19



Mitchell H. Banchefsky
Law Director



Prepared: 02/08/2019
Introduced: 02/19/2019
Revised:
Adopted: 02/19/2019
Effective: 02/19/2019

RESOLUTION R-12-2019

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ADVERTISE, BID, AWARD, AND EXECUTE ALL CONTRACTS RELATED TO THE SECOND STREET ROADWAY IMPROVEMENT PROJECT

WHEREAS, council desires to make infrastructure improvements to support redevelopment opportunities in the historic village center; and

WHEREAS, the subject roadway improvement project will provide for enhanced vehicular and pedestrian access within the historic village center; and

WHEREAS, this is an initial step of a larger effort to establish a grid system to better accommodate traffic and provide alternate travel paths within the historic village center; and

WHEREAS, the engineer's estimate for this project is two hundred sixty thousand dollars (\$260,000).

NOW, THEREFORE, be it resolved by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, that;

Section 1. The city manager is hereby authorized and directed to advertise, bid, award, and execute all contracts related to the construction of the Second Street Roadway Improvement Project.

Section 2. 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 3: Pursuant to Article 6.07(a) of the New Albany Charter, this resolution shall take effect upon adoption.

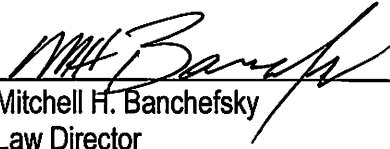
CERTIFIED AS ADOPTED this 19 day of Feb, 2019.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:



Mitchell H. Banchefsky
Law Director