



Prepared: 01/07/2019  
Introduced: 01/15/2019  
Revised:  
Adopted: 02/05/2019  
Effective: 02/08/2019

## ORDINANCE O-04-2019

### AN ORDINANCE AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT WITH THE OHIO WATER DEVELOPMENT AUTHORITY FOR A LOCAL ECONOMIC DEVELOPMENT LOAN IN AN AMOUNT NOT TO EXCEED \$11,700,000

**WHEREAS**, on December 10, 2018, Montauk Innovations, LLC announced plans to open a 275,000 square foot data center in the New Albany International Business Park (the "Project"); and

**WHEREAS**, the Project is estimated to create fifty (50) new full-time jobs with an annual payroll of approximately \$4,000,000 and other jobs and economic activity are expected to stem from the construction and development of the Project; and

**WHEREAS**, the Council of this City, by its Resolution R-50-2018 adopted December 10, 2018, authorized the execution of agreements in furtherance of the Project, including a Development and Supply Agreement providing for, among other things, the extension of the Blacklick Creek Trunkline Sewer Part 2A (the "Water and Sewer Improvements"); and

**WHEREAS**, the City has submitted an application to the Ohio Water Development Authority ("OWDA") for a Local Economic Development ("LED") draw down loan in an amount up to \$11,700,000 to fund those Water and Sewer Improvements; and

**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.** OWDA Loan to Finance Water and Sewer Improvements. The Council authorizes the City Manager to enter into a Loan Agreement with OWDA for an LED loan (the "OWDA Loan") in an amount not to exceed \$11,700,000 to finance the Water and Sewer Improvements, with the terms of that Loan being substantially the same as the terms reflected in the Loan Application previously submitted to the OWDA by the City.

**Section 2.** Appropriation. There is hereby appropriated for the Water and Sewer Improvements, from the City's Water and Sanitary Sewer Improvement Fund, Capital classification an additional amount not to exceed \$1,700,000 to supplement the previously approved \$10,000,000 appropriation from the 2019 Annual Budget Program, from the proceeds of the OWDA Loan.

**Section 3.** Further Authorizations. This Council hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Community Development Director, the Clerk of Council, or other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other

actions (including but not limited to making application and preliminary agreements for financing that is then subject to formal approval by this Council) as may be appropriate to implement this Ordinance and the transactions referenced or contemplated herein.

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

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

CERTIFIED AS ADOPTED this 05 day of Feb, 2019.

Attest:

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

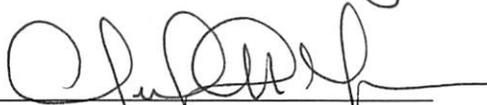
  
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Jennifer H. Mason  
Clerk of Council

Approved as to form:

  
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Mitchell H. Banchefsky  
Law Director

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

I certify that copies of Ordinance **O-04-2019** were posted in accordance with Section 6.12 of the Charter, for 30 days starting on February 6, 2019.

  
\_\_\_\_\_  
Jennifer Mason, Clerk of Council

2/6/19  
\_\_\_\_\_  
Date



Prepared: 01/25/2019  
Introduced: 02/05/2019  
Revised:  
Adopted: 02/05/2019  
Effective: 02/05/2019

## RESOLUTION R-04-2019

### **A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ADVERTISE AND BID PARTS 2A AND 2B OF THE BLACKLICK CREEK TRUNK SEWER AND TO AWARD AND EXECUTE ALL CONTRACTS RELATED TO THE CONSTRUCTION OF THE BLACKLICK CREEK TRUNK SEWER, PART 2A**

**WHEREAS**, the Blacklick Creek Trunk Sewer is necessary for the continued development of the New Albany International Business Park in eastern Franklin County and western Licking County; and

**WHEREAS**, the New Albany International Business Park serves as the economic engine for the city, providing the necessary revenue to sustain the services, amenities and infrastructure required by the residents and business; and

**WHEREAS** without the Blacklick Creek Trunk Sewer, the city will exhaust the capacity of its existing sanitary system by 2025 based upon the current rate of development; and

**WHEREAS**, in anticipation of New Albany's need for additional sanitary infrastructure, the cities of New Albany and Columbus have entered into a development agreement that requires Columbus to construct the Blacklick Creek Trunk Sewer to the intersection of Morse and Reynoldsburg New Albany Roads by 2019; and

**WHEREAS**, subject to the availability of financial resources, New Albany has agreed to begin to construct its section of the Blacklick Creek Trunk Sewer in conjunction with Columbus' completion of its section; and

**WHEREAS**, this project is necessary to fulfill economic development commitments to currently planned projects along the Beech Road corridor.

**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 and bid Parts 2A and 2B of the Blacklick Creek Trunk Sewer and to award and execute all contracts related to the construction of the Blacklick Creek Trunk Sewer, Part 2A.

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

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

CERTIFIED AS ADOPTED this 05 day of Feb, 2019.

**Attest:**

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

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

**Approved as to form:**

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