



Prepared:	05/24/2019
Introduced:	06/04/2019
Revised:	06/14/2019
Adopted:	06/18/2019
Effective:	06/18/2019

## ORDINANCE O-16-2019

### AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AMENDMENTS TO THE 2010 NEW ALBANY REVISED CHARTER ON NOVEMBER 5, 2019

**WHEREAS**, pursuant to Section 13.01 of the 2010 New Albany Revised Charter ("Charter"), council appointed the Charter Review Commission to review and recommend revisions to the Charter;

**WHEREAS**, the Charter Review Commission has completed its review of the Charter and the Law Director has submitted their findings, conclusions, and proposed amendments to council in a memorandum; and

**WHEREAS**, council has considered the revisions recommended by the Charter Review Commission and hereby finds that it would be in the interest of the city and its citizens to submit proposed Charter amendments to the New Albany electorate as a single ballot question; and

**WHEREAS**, by way of summary, these revisions:

- replace references to "Village" with "City";
- replace references to "Village Administrator" with "City Manager";
- clarify language relating to form of government;
- clarify ability of a council member to preside in Mayor's Court;
- revise when unexcused absences can result in forfeiture of office;
- revise distribution of legislation;
- update city manager residency requirements;
- update council notification of manager's temporary absence;
- eliminates duplicate references;
- provide for employment status of future police command staff;
- modify budget legislation;
- provide council with authority to reduce the need for purchase orders;
- modify provisions for board and commission rules of procedure; and
- update the charter history and effective date.

**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 question of amending the 2010 New Albany Revised Charter, as set forth in Exhibit A attached hereto, shall be submitted as a single ballot question to the qualified electors of the city at the general election, to be held on Tuesday, November 3, 2019.

**Section 2.** The law director is hereby authorized and directed to make necessary arrangements with the Board of Elections of Franklin and Licking Counties as is necessary for giving notice of said election date, for placing the question on the ballot, and for printing the text of the proposed amendments for posting at polling places.

**Section 3.** In posted and published charter revisions, deleted materials from the existing charter will appear in red and struck out like this, and new materials will appear in red and underlined like this.

**Section 4.** The ballot question shall read, or be substantially similar, as follows: Shall the proposed revisions to the 2010 New Albany Revised Charter including, changing most instances of "Village" to "City", changing all instances of "Village Administrator/Administrator" to "City Manager/Manager", and amendments to Article I (Name, Boundaries, and Form of Government), Article III (Mayor), Article V (Elected Officials), Article VI (Legislative and Other Procedures), Article VII (The Manager), Article VIII (Administrative Departments and Personnel Systems), Article IX (Taxation, Borrowing, Budgeting and Contract Procedures), Article X (Boards and Commissions), and Article XIV (Transitional Provisions), as recommended by the New Albany Charter Review Commission and approved by the New Albany City Council be adopted?

**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(A)(4) of the Charter of the City of New Albany, this ordinance shall be effective immediately upon passage.

CERTIFIED AS ADOPTED this 18 day of June, 2019.

Attest:

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

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

Approved as to form:

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

## EXHIBIT A – O-16-2019

### PREAMBLE

We, the people of the CityVillage of New Albany, Ohio, for the purpose of continuing the established plan for fair, efficient, and effective municipal government, ~~preparing for city status,~~ securing the benefits of home rule, and exercising the powers of local self-government conferred by the Constitution and laws of the State of Ohio, adopted this Revised Charter, which became effective January 1, 20~~12~~20, hereinafter referred to as "Charter" or "Revised Charter." ~~as a complete replacement to the original Charter approved by the electorate on November 3, 1992, and which was became effective on January 1, 1993.~~

### ARTICLE I

#### NAME, BOUNDARIES, AND FORM OF GOVERNMENT

##### 1.01 NAME

The municipal corporation formerly known as the Village of New Albany, which advanced to city status on April 29, 2011, Village of New Albany shall continue to be a municipal corporation known as the City of New Albany ~~known as the "Village of New Albany" under this Revised Charter, until such time as it becomes a City in the manner provided by the Constitution and laws of the State of Ohio. At such time it shall then be known as the "City of New Albany", unless otherwise provided by Council.~~

##### 1.02 BOUNDARIES

The CityVillage shall have the same boundaries that exist on the adoption date of the current Charter, with power and authority to change its boundaries and annex territory. Territory annexed to the CityVillage shall immediately be subject to the provisions of this Charter.

##### 1.03 FORM OF GOVERNMENT

The form of government provided for by this Charter shall be known as the "~~Mayor-~~ Council-Manager" plan.

### ARTICLE II

#### POWERS OF THE ~~VILLAGE~~ CITY

##### 2.01 GENERAL POWERS GRANTED

The CityVillage shall have all powers possible for a municipality to have under the Constitution and laws of the State of Ohio as fully and completely as though they were specifically enumerated in this Charter.

## **2.02 EXERCISE OF POWERS**

All powers shall be exercised in a manner prescribed in this Charter, or if not so prescribed, in a manner provided by legislation of the CityVillage. When not prescribed in this Charter or by legislation of the CityVillage, the powers shall be exercised in the manner provided by the laws of the State of Ohio, until Council provides by legislation a different manner of exercising the powers.

## **2.03 CONSTRUCTION OF POWERS**

The powers of the CityVillage under this Charter shall be construed liberally in favor of the CityVillage, and the specific mention of particular powers in the Charter shall not be construed as limiting the general powers granted in this Charter.

## **2.04 COOPERATIVE AUTHORITY**

The CityVillage may exercise any of its powers, perform any of its functions, and provide related financing, jointly or in cooperation, by contract or otherwise, with any one or more states, including but not limited to the State of Ohio, and any of their political subdivisions, special districts, instrumentalities, divisions, or agencies; the United States or any of its divisions or agencies; or any individual, partnership, corporation, or other type of entity, whether for profit or not-for-profit, unless prohibited by the Constitution of the State of Ohio.

# **ARTICLE III**

## **MAYOR**

### **3.01 TERM**

The Mayor shall be elected, at large, by separate ballot for a four (4) year term.

### **3.02 POWERS AND DUTIES**

#### ***(A) General Grant of Power and Duties***

The Mayor shall have all the powers, rights, and duties as a Council member, as described in Section 4.02.

#### ***(B) Specific Grant of Powers and Duties***

In addition to the powers, rights, and duties as a Council member, the Mayor shall:

- (1) serve as president and preside over all Council meetings;
- (2) act as a Council member and have the right to vote on all matters before the Council, but shall have no veto power;
- (3) perform all ceremonial duties and functions as necessary for non-administrative purposes;
- (4) exercise all judicial powers and functions granted to mayors of municipal corporations by the laws of the State of Ohio and applicable court rules;
- (5) have authority and discretion to appoint a magistrate and/or other eligible Council member, with approval of Council, to hear and determine prosecutions of traffic and criminal cases subject to the laws of the State of Ohio;
- (6) act as chief spokesperson for the CityVillage in dealing with other governments;
- (7) exercise military powers and functions granted to mayors of municipal corporations by the laws of the State of Ohio or the United States; and
- (8) perform or exercise such other powers, duties, and functions as provided by this Charter and Council Rules, to the extent such Council Rules are consistent with this Charter.

### **3.03 PRESIDENT PRO-TEMPORE AND ACTING MAYOR**

#### **(A) *President Pro Tempore***

During its organizational meeting held pursuant to Section 4.03(A), ~~in each even numbered year~~, Council shall choose, by a vote of four Council members, one of its members as President *pro tempore* who shall serve as the Mayor during the temporary absence or disability of the Mayor.

#### **(B) *Acting Mayor***

In the event of the temporary absence of both the Mayor and President *pro tempore*, the senior Council member, based on length of continuous elected service with the CityVillage, shall serve as the Acting Mayor. If two or more Council members have held the same length of continuous elected service with the CityVillage, then an Acting Mayor shall be chosen from among those two or more Council members by a vote of four

Council members at the organizational meeting of Council in each even-numbered year held pursuant to Section 4.03(A).

## **ARTICLE IV**

### **COUNCIL**

#### **4.01 COMPOSITION, TERM, AND QUORUM**

##### **(A) *Composition***

Council shall be composed of seven (7) members, including the Mayor.

##### **(B) *Terms***

Council Members, other than the Mayor, shall be elected at large for four (4) year overlapping terms beginning on January 1 after their election.

##### **(C) *Quorum***

Four Council members shall constitute a quorum at all meetings.

#### **4.02 POWERS AND DUTIES**

##### **(A) *General Grant of Powers and Duties***

All powers of the City Village permitted by this Charter and the Constitution and laws of the State of Ohio shall be vested in Council. Council shall provide for the exercise of all powers and for the performance of all duties and obligations imposed on the City Village by law, through the adoption of legislation.

##### **(B) *Specific Grant of Powers and Duties***

Without limitation of the powers stated in Section 4.02(A), Council shall have the power and duty to:

- (1) establish or authorize the number of positions in the various departments, divisions, offices, bureaus, boards, commissions, and committees of the City Village and to adopt a wage, salary, and benefit structure for all positions within the classified and unclassified service;

- (2) create, combine, change, and abolish departments, divisions, offices, bureaus, boards, commissions, and committees not specifically created by this Charter;
- (3) provide for an independent audit of the accounts and records of the City Village, which may be in addition to audits by State offices and agencies as may be required under the laws of the State of Ohio;
- (4) conduct inquiries and investigations regarding the affairs of the City Village and the conduct of any City Village department, office, or agency and for this purpose subpoena witnesses, administer oaths, take testimony, and require the production of evidence;
- (5) —levy taxes and assessments and incur debt subject to limitations imposed thereon by this Charter and the Constitution and laws of the State of Ohio;
- (6) adopt and to provide for the enforcement of local police, sanitary, and other similar regulations as are not in conflict with general laws;
- (7) appropriate funds based on the annual operating and capital budgets and to delegate execution of such annual budgets to the Manager Administrator;
- (8) regulate by Ordinance the use of private real estate in the City Village; and
- (9) appoint and remove the Manager Administrator, to establish the Manager's Administrator's compensation, and to appoint an acting Manager Administrator when necessary.

#### 4.03 MEETINGS

##### (A) *Organizational Meeting*

Council shall be a continuing body and shall meet annually before the first regularly scheduled meeting of the year for the purpose of organizing. At such meeting, the newly elected Council members, if any, may take the oath of office; the Council may transact such other business as may come before it; and in even number years Council shall nominate a President *pro tempore* and acting Mayor as required by Section 3.03.

##### (B) *Regular Meetings*

Council shall hold at least one regular meeting each month and shall determine the frequency, dates, and times of additional regular meetings in order to properly conduct its business.

##### (C) *Special Meetings*

Special meetings of Council may be called, for any purpose, by the Mayor or any three (3) Council members upon at least twenty-four hours' notice to each Council member, which notice may be served personally or left at the usual place of residence. Council members who attend special meetings of Council or who are present at another regular or special meeting where a special meeting is announced by the presiding Mayor, President *pro tempore*, or acting Mayor need not receive notice of the special meeting. Council members may waive receipt of notice of a special meeting either prior or subsequent to the meeting. Attendance at a special meeting constitutes a waiver of receipt of notice of special meeting.

**(D) *Adjournment or Recess of Meetings***

Any meeting of Council may be adjourned or recessed to another time, date, or place without giving the notice required in Section 4.03(C).

**(E) *Open Meetings***

All meetings of Council shall be open to the public, except as allowed by the laws of the State of Ohio, and for economic development purposes.

**4.04 COMPENSATION**

Once in any calendar year and only as a non-emergency ordinance, Council may determine the annual compensation and benefits of its current members, including the Mayor. In the event Council shall fail to establish salaries and benefits as required in this Section, the salaries and benefits in effect shall remain until changed in accordance with this Section.

**4.05 RULES AND JOURNALS**

Council shall adopt its own rules of procedure which shall not conflict with this Charter and which shall remain in effect until amended or repealed by Council. The Council Rules shall not be subject to initiative or referendum. The Council Rules shall provide for such matters as Council shall determine to be necessary for the proper functioning and governance of Council. Council shall maintain a journal of its proceedings.

**4.06 CLERK OF COUNCIL**

Council shall appoint a person to serve as Clerk of Council. The Clerk of Council shall be an employee of the ~~City~~ Village and shall give notice of Council meetings to its members and the public, keep the minutes of Council's proceedings, and perform such other duties as are provided by this Charter or by Council. The Clerk of Council shall be Council's employee subject to Council's direction and under the general supervision of the ~~Manager~~ Administrator. The Clerk of Council shall serve at the pleasure of Council and may be removed without cause by Council.

## ARTICLE V

### ELECTED OFFICIALS

#### 5.01 ELIGIBILITY AND NOMINATIONS

##### (A) *Eligibility*

Any elector of the City Village who has been domiciled in the City Village, or any area annexed to the City Village, for one (1) year immediately prior to filing a nominating petition, shall be eligible to hold an elected office. All elected officials shall be domiciled in and electors of the City Village during their entire term of office.

##### (B) *Nominations*

No primary election shall be held for the nomination of candidates for elected office. Nominations for the elected offices of the City Village shall be made by petition signed by not less than twenty-five (25) nor more than seventy-five (75) electors of the City Village. Petitions shall be in the form determined by the election officials of the State of Ohio for the nomination of non-partisan candidates. Group petitions shall not be permitted. Petitions shall be filed with the election officials of the State of Ohio as provided by the law of the State of Ohio.

#### 5.02 PROHIBITIONS

##### (A) *Holding Other Office*

Except where authorized by the laws of the State of Ohio or legislation of the City Village, no elected official of the City Village shall hold any other elected public office during the term for which the elected official is elected. Except as set forth in Section 3.02 (B)(5), no elected official shall hold any other City Village office or employment with the City Village during the term for which the elected official is elected. Except for boards, commissions, and committees, no former elected official of the City Village shall hold any compensated appointed office or employment with the City Village until one year after the expiration of the term for which the elected official was elected. Nothing in this Section shall be construed to prohibit Council from selecting any current or former elected official to represent the City Village on the governing board of any intergovernmental agency or organization.

##### (B) City Village *Employees*

Except for the purpose of inquiries and investigations under Section 4.02(B)(4), elected officials of the City Village shall deal with City Village employees who are subject to the direction and supervision of the Manager Administrator solely through the

~~Manager Administrator~~. No elected official of the ~~City Village~~ shall in any manner direct or demand the hiring or termination of any ~~City Village~~ employee whom the ~~Manager Administrator~~ is empowered to hire, but Council may express its views and fully and freely discuss with the ~~Manager Administrator~~ anything pertaining to the hiring and termination of such employees.

### **5.03 FORFEITURE OF OFFICE**

#### ***(A) Grounds Constituting Forfeiture***

The office of an elected official shall be forfeited upon a determination that the elected official:

- (1) has pled to or has been convicted of a felony while in office;
- (2) has pled to or has been convicted of any crime involving dereliction of duties or breach of public trust while in office;
- (3) lacks, or is found to have lacked, at any time prescribed by this Charter, any eligibility requirements of Section 5.01(A);
- (4) has violated any prohibition of Section 5.02(A); or
- (5) has failed to attend three ~~consecutive~~-regular Council meetings in a twelve month period without being excused by Council.

#### ***(B) Judge of Grounds Constituting Forfeiture***

Council shall be the sole judge of the grounds constituting forfeiture of office. Council shall initiate the process to establish grounds for forfeiture of office by motion and shall have the power to subpoena witnesses, administer oaths, take testimony, and require the production of evidence.

#### ***(C) Notice and Public Hearing***

Upon finding that grounds exist which subject the elected official to forfeiture of office, Council shall instruct the Clerk of Council to notify the elected official. The Clerk of Council shall notify the elected official by any method which includes written evidence of receipt. The elected official so notified shall receive a public hearing before Council to be held no earlier than ten (10) days nor later than thirty (30) days after notification of forfeiture is received by the elected official.

#### ***(D) Final Determination***

Council shall make a final determination by a motion to regard the office of the Mayor or Council member as forfeited. The elected official subject to forfeiture of office shall be entitled to vote. Upon passage of the motion, the office shall be deemed vacant and Council shall fill the vacancy as provided in Section 5.04.

#### **5.04 VACANCIES AND FILLING OF VACANCIES**

##### **(A) *Vacancies***

An elected official's office shall become vacant upon the death, resignation or forfeiture of office as provided in Section 5.03.

##### **(B) *Filling of Vacancies***

###### **(1) *Mayor***

Any vacancy in the Office of Mayor shall be filled by the President *pro tempore*. If the vacancy occurs on or after July 1 of the second year of the Mayor's term, the President *pro tempore* shall serve for the remainder of the Mayor's unexpired term. If the vacancy occurs on or before June 30 of the second year of the Mayor's term, the President *pro tempore* shall serve until a successor is elected at the next regular municipal election. The person so elected shall take office on January 1 following such election for the remainder of the Mayor's term. Upon the election of a new Mayor, other than the President *pro tempore* then serving as Mayor, the President *pro tempore* shall serve the remaining original elected term as Council member.

In the event of a vacancy in the office of Mayor, whereby the President *pro tempore* is required to serve as Mayor, the Council shall select a person to fill the vacancy on Council, as provided in Section 5.04(B)(2). However, nothing herein shall prevent the President *pro tempore* from serving the original full elected term as Council member. The person chosen to fill the vacancy on Council shall serve a term as Council member equal to the term the President *pro tempore* serves as Mayor. In the event the President *pro tempore*'s original elected term expires while filling the Mayor's unexpired term, the new President *pro tempore* shall assume the remainder of the Mayor's unexpired term.

###### **(2) *Council Member***

Any vacancy in the office of a Council member shall be filled by the appointment of an elector, qualified under 5.01(A), by a majority of the remaining Council members. If the vacancy occurs on or after July 1 of the second year of the vacated Council member's term, the person nominated by Council shall serve for the unexpired term, except as provided in Section 5.04(B)(1). If the vacancy occurs on or before June 30 of the second year of the vacated Council member's term, the qualified person nominated by Council shall serve until a successor is

elected at the next regular municipal election. The person so elected shall take office on January 1 following such election for the remainder of the vacated Council member's term. If Council fails to fill a vacancy in Council within sixty days after the occurrence of the vacancy, the Mayor shall appoint a person to serve for the time as provided in this Section.

## **ARTICLE VI**

### **LEGISLATIVE AND OTHER PROCEDURES**

#### **6.01 FORM OF ACTION**

Non-legislative action of Council shall be by motion and legislative action shall be by resolution or ordinance. No action of Council shall be invalidated merely because the form of the action taken fails to comply with the provisions of this Charter.

##### **(A) *Motions***

Council shall use a motion to determine policy and procedural matters; to conduct elections among and make appointments by Council; and as otherwise provided in this Charter or by Council.

##### **(B) *Resolutions***

Council shall use a resolution, where practicable, for any legislation of a temporary, informal, or ceremonial nature and as otherwise provided in this Charter or by Council.

##### **(C) *Ordinances***

Council shall use an ordinance, where practicable, for any legislation of a general or permanent nature and as otherwise provided in this Charter or by Council.

#### **6.02 FORM OF LEGISLATION**

The form of legislation shall be established by the Council Rules. Legislation shall contain only one subject, which shall be clearly expressed in its title; provided that appropriation ordinances may contain the various accounts for which monies are appropriated, and that ordinances which are codified or recodified are not subject to the limitation of containing one subject.

#### **6.03 GENERAL PROCEDURE FOR CONSIDERATION OF LEGISLATION**

**(A) Introduction**

Legislation may be introduced by any Council member at any regular or special meeting of Council. Prior to the introduction of any legislation, the Clerk of Council shall distribute a copy of the legislation to each Council member and to the Manager, ~~file a reasonable number of copies in the office of the Clerk of Council and such other public places as Council may designate~~, and publish the title of the legislation together with a notice setting forth the time and place for its public hearing before Council.

**(B) Public Hearing**

The procedure for public hearings shall be determined by the Council Rules. The public hearing of any legislation shall follow its publication by no less than seven days; may be held separately or in conjunction with a regular or special Council meeting; may be adjourned or recessed from time to time; and may be dispensed with for an emergency ordinance. The public hearing of a resolution shall be conducted at the time of its introduction. The public hearing of an ordinance shall be conducted at the next designated meeting subsequent to its introduction, unless otherwise specified by Council. Unless dispensed with by Council, the public hearing of an emergency ordinance shall be conducted at the time of its introduction. Upon closing the public hearing and after discussion by Council, Council may adopt the legislation, with or without amendment, reject it, or table it.

**(C) Vote Recordation and Publication**

The vote on legislation shall be entered in the minutes or other record of Council proceedings. As soon as possible after adoption, the Clerk of Council shall have the legislation and a notice of its adoption published and available to the public at a reasonable fee.

**6.04 PROCEDURE FOR CONSIDERATION OF AN EMERGENCY ORDINANCE**

**(A) Public Hearing Notice**

An emergency ordinance shall be introduced in the form and manner prescribed for legislation generally, except that each emergency ordinance shall declare that it is necessary for the immediate preservation of the public peace, health, safety, or welfare, and shall clearly specify the nature of the emergency.

**(B) Voting Requirements**

Upon a successful motion to treat an ordinance as an emergency, and to dispense with the public hearing when appropriate, an ordinance may be adopted as an emergency ordinance by an affirmative vote of no less than five Council members after its first reading. If an emergency ordinance fails to receive an affirmative vote of at least five

Council members, but receives a majority vote of Council, the ordinance shall become effective as non-emergency legislation.

## **6.05 PROCEDURE FOR CONSIDERATION OF A ZONING ORDINANCE**

### **(A) *Public Hearing Notice***

In addition to the requirements provided in Section 6.03, as to any zoning ordinance, initiated by an applicant or by Council, the Clerk of Council or designee shall mail written notice of the public hearing to the owners of the property within, 200 feet of the affected parcel or parcels. The failure of delivery of the notice shall not invalidate any zoning ordinance.

### **(B) *Disposition Procedures***

Council, by ordinance, shall establish procedures for the disposition of ordinances establishing, amending, revising, changing, or repealing zoning classifications, districts, uses, or regulations.

## **6.06 ADOPTION OF TECHNICAL CODES**

### **(A) *By Reference***

In conjunction with the procedures provided in Sections 6.03, 6.04, and 6.05 of this Charter, Council may, by ordinance, adopt codes relating to technical matters, construction standards, fire prevention, electric wiring, plumbing, heating, air conditioning, housing, health, safety, and such other matters as Council may determine to be appropriate for adoption by reference.

### **(B) *Publication Not Required***

An ordinance adopting any code shall make reference to the date and source of the code without reproducing it at length in the ordinance. In such cases, publication of the code shall not be required. A copy of each code and a copy of the adopting ordinance shall be authenticated and recorded by the Clerk of Council as provided in Sections 6.08 and 6.09 of this Charter. If the code is amended after its adoption by reference, Council may adopt the amendment or change by incorporation by reference under the same procedure established for the adoption of the original code.

## **6.07 EFFECTIVE DATE OF LEGISLATION**

### **(A) *Effective Immediately***

All resolutions and the following ordinances shall take effect upon adoption, unless a later time is specified by Council:

- (1) appropriations of money;
- (2) annual tax levies for current expenses;
- (3) improvements petitioned for by owners of the requisite majority of the front footage or of the area of the property benefited and to be assessed;
- (4) submissions of any questions to the electorate or a determination to proceed with an election;
- (5) approvals of a revision, codification, recodification, rearrangement, or publication of ordinances; and
- (6) emergency ordinances.

**(B) *Effective After Thirty Days***

Unless otherwise provided in this Charter, all other ordinances shall become effective thirty days after their adoption or at any later date specified by Council.

**6.08 AUTHENTICATION OF LEGISLATION**

Legislation shall be authenticated by the signature of the presiding Mayor, President *pro tempore*, or Acting Mayor and the Clerk of Council. The failure or refusal to sign shall not invalidate otherwise properly enacted legislation.

**6.09 RECORDING AND CERTIFICATION OF LEGISLATION**

Legislation shall be recorded in a book or other record prescribed by Council. The Clerk of Council or designee, upon request of any person and upon the payment of a fee if established by Council, shall certify true copies of any legislation.

**6.10 AMENDMENT OF LEGISLATION**

**(A) *Pending Legislation***

Pending legislation may be amended at any time prior to its adoption by Council, and such amendment shall not require an additional public hearing of the legislation.

**(B) *Existing Legislation.***

Any legislation may be amended by the adoption of subsequent legislation that revises existing section or parts; enacts new or supplemental sections or parts; or repeals existing sections or parts. This Section does not prevent, prohibit, nor preclude repeals by implication.

## 6.11 CODIFICATION

Council shall provide for the preparation of a general codification, a recodification, a revision, or a rearrangement of all ~~City Village~~ ordinances, which shall be adopted by Council by ordinance and shall be published in printed form, together with this Charter. A current service supplementing the ~~City's Village's~~ codified ordinances shall be maintained in the manner prescribed by Council.

## 6.12 PUBLICATION OF LEGISLATION

### (A) *Publish Defined*

Unless otherwise provided by this Charter, legislation shall be published after its adoption. As used in this Section, the term "publish" shall mean to post the legislation or a summary of the legislation in at least three public places as designated by Council for a period of at least fifteen days after its adoption, and to take such other actions as provided by Council. Failure to publish legislation as required by this Section shall not invalidate the legislation, and in such event, the Clerk of Council may authorize the legislation to be published at a later date.

### (B) *Certification*

The Clerk of Council shall make and retain a certificate as to the times and places by which the legislation is published. The certificate shall be prima facie evidence that the legislation was published as required by Section 6.12(A). Failure to make or retain the certificate required by this Section shall not invalidate any legislation.

## ARTICLE VII

### ~~THE MANAGER~~THE ADMINISTRATOR

## 7.01 APPOINTMENT, QUALIFICATIONS, AND COMPENSATION

### (A) *Appointment*

Council shall appoint ~~an Administrator~~ a Manager.

### (B) *Qualifications*

The ~~Administrator-Manager~~ shall be appointed on the basis of executive and administrative qualifications. The ~~Administrator-Manager~~ need not be a resident of ~~the city~~ Franklin or Licking County at the time of appointment, but shall become a resident of

said Counties within six months after appointment, unless Council approves a longer period of time or residence outside ~~the Village of~~ said Counties.

**(C) Compensation**

Council shall determine the compensation of the ~~Administrator~~ Manager.

**7.02 POWERS AND DUTIES**

**(A) General Powers and Duties**

The ~~Administrator~~ Manager shall be the chief administrative and law enforcement officer of the ~~Village~~ City. The ~~Administrator~~ Manager shall be responsible to Council for the administration of all ~~Village~~ City affairs placed in the ~~Administrator~~ Manager's charge by or under this Charter, the legislation of the ~~Village~~ City, and the laws of the State of Ohio.

**(B) Specific Powers and Duties**

Without limitation of the powers and duties stated in Section 7.02(A), the ~~Administrator~~ Manager or designee shall:

- (1) appoint, promote, suspend, remove, or otherwise discipline any ~~Village~~ City employee, except as otherwise provided by or under this Charter, subject to the provisions of Section 8.07 pertaining to Personnel Systems;
- (2) direct and supervise the administration of all departments, offices, and agencies of the ~~Village~~ City, except as otherwise provided by this Charter;
- (3) attend all regular and special Council meetings with the right to participate in discussions but not to vote;
- (4) enforce within the ~~Village~~ City all laws, provisions of this Charter, and legislation of the ~~Village~~ City;
- (5) prepare and submit budgets and capital programs to Council;
- (6) keep Council fully advised as to the financial condition and future needs of the ~~Village~~ City;
- (7) submit to Council and make available to the public complete records of the financial and administrative activities of the ~~Village~~ City;

- (8) make such other reports as Council may require concerning the operation of VillageCity departments, divisions, offices, boards, commissions, bureaus, and agencies;
- (9) provide staff support services for Council and the VillageCity's boards, commissions, and committees;
- (10) execute on behalf of the VillageCity all contracts, leases, deeds, easements, conveyances, and agreements; and
- (11) perform such other powers, duties, and functions as are conferred or required by this Charter or by Council.

### **7.03 ACTING ADMINISTRATORMANAGER**

The AdministratorManager shall designate in written correspondence to Council, by letter, filed with the Clerk of Council, a VillageCity employee to exercise the powers and perform the duties of the AdministratorManager during a temporary absence or disability. If such designation has not been made and the AdministratorManager is unable to perform his or her duties or to make such designation, Council may appoint a VillageCity employee to serve as Acting AdministratorManager until the AdministratorManager resumes his or her duties. Council may revoke any designation at any time and appoint another VillageCity employee to serve as Acting AdministratorManager.

### **7.04 PROCEDURE FOR REMOVAL OF THE ADMINISTRATORMANAGER**

The AdministratorManager may be suspended by resolution of Council, which shall set forth the reasons for suspension and proposed removal. A copy of such resolution shall be served immediately upon the AdministratorManager. The AdministratorManager shall have five days from the date of receipt of service in which to reply in writing and request a public hearing. Upon request, the AdministratorManager shall be afforded a public hearing, which shall occur not earlier than ten days nor later than fifteen days after the public hearing is requested. After the public hearing, if requested, and after full consideration, Council may adopt a final resolution of removal. The decision of Council to suspend or remove the AdministratorManager shall be in the sole discretion of Council. If the AdministratorManager is suspended from duty as provided under this Section, Council shall appoint an Acting AdministratorManager.

## **ARTICLE VIII**

### **ADMINISTRATIVE DEPARTMENTS AND PERSONNEL SYSTEMS**

#### **8.01 CREATION AND ALTERATION**

##### **(A) *Creation***

The ~~VillageCity~~ shall have a Department of Law, a Department of Finance, and such other departments as Council may create.

**(B) *Alteration***

Except for the Department of Law and the Department of Finance, Council may abolish, combine, merge, change, or alter any department of the ~~VillageCity~~. ~~The Village shall have a Department of Law, a Department of Finance, and such other departments as Council may create.~~

**8.02 DUTIES AND FUNCTIONS**

Departments shall have those powers, duties, and functions as provided in this Charter or by Council.

**8.03 DEPARTMENT DIRECTORS**

**(A) *Directors***

Departments shall be under the supervision of directors.

**(B) *Appointment of Directors***

The Director of Law and the Director of Finance shall be appointed and removed by the ~~AdministratorManager~~, subject to the consent and approval of Council. The Director of Law and the Director of Finance shall serve at the pleasure of the ~~AdministratorManager~~ and Council. All other Directors shall be appointed by the ~~AdministratorManager~~ and shall serve at the pleasure of the ~~AdministratorManager~~. With the consent of Council, the ~~AdministratorManager~~ may serve as the director of one or more departments or may appoint one person as the director of two or more departments.

**8.04 DIRECTOR OF LAW**

**(A) *Qualifications***

The Director of Law shall be an attorney-at-law duly authorized and licensed to practice law in the State of Ohio.

**(B) *Duties***

The Director of Law shall be the prosecuting attorney and legal counsel for the ~~VillageCity~~, and subject to the direction of Council, shall represent the ~~VillageCity~~ in all proceedings in Court or before any administrative board or body. The Director of Law shall perform other duties as required by this Charter, by legislation of the ~~VillageCity~~, by Council, or by the ~~AdministratorManager~~. The Director of Law shall not be required

to represent any school district or any other unit of government, other than the ~~VillageCity~~.

## **8.05 DIRECTOR OF FINANCE**

The Director of Finance shall be the chief financial officer of the ~~VillageCity~~; shall exercise the powers, duties, and functions as required by the laws of the State of Ohio, this Charter, legislation of the ~~VillageCity~~, Council, and the ~~AdministratorManager~~; and shall provide full and complete information concerning the financial affairs and financial status of the ~~VillageCity~~ as required by the ~~AdministratorManager~~ or Council.

## **8.06 ADMINISTRATIVE CODE**

Subject to the provisions of this Charter, Council shall adopt and may amend an administrative code which shall provide, in detail, the organization of the Municipal Government; define the powers and duties of each organizational unit; and set forth administrative procedures. Amendments to and revisions of the Administrative Code shall be made by Council. Where the Administrative Code is silent as to a matter, or function, the officers and employees of the ~~VillageCity~~ shall have and may exercise all the powers and duties provided for similar officers and employees under the laws of the State of Ohio. However, provisions of the Administrative Code shall supersede those of the general laws of the State of Ohio in case of conflict to the fullest extent permitted by law.

## **8.07 PERSONNEL SYSTEMS**

### **(A) *Merit Principle***

All appointments and promotions of municipal employees shall be made on the basis of merit and fitness demonstrated through a competitive selection process to the extent practicable and except as otherwise provided by Council.

### **(B) *Classified and Unclassified Service***

Council shall establish a classified and unclassified service for employees of the ~~VillageCity~~. Council shall include as part of the Administrative Code, adopted pursuant to Section 8.06, a Section or Sections to define and govern the classified and unclassified service of the ~~VillageCity~~. All original appointments and promotions to full time positions at or below the level of ~~Chief-Sergeant~~ within the Division of Police and fire shall be within the classified service.

### **(C) *Elected and Appointed Offices***

Appointments to and removal from all elected and appointed offices, including the municipal boards, commissions, and committees, shall be made in accordance with

the specific applicable provisions of this Charter or the specific applicable legislation of the ~~Village~~City, and shall not be subject to Sections 8.07(A) and 8.07(B).

**(D) Retirement System**

The laws of the State of Ohio governing the retirement of employees of municipalities shall be applicable to ~~Village~~City employees under this Charter.

**ARTICLE IX**

**TAXATION, BORROWING, BUDGETING, AND CONTRACTING PROCEDURES**

**9.01 TAXATION, BORROWING, BUDGETING, AND CONTRACTING PROCEDURES**

The laws of the State of Ohio relating generally to budgets, appropriations, taxation, debt, bonds, assessments, deposits and investment of funds and other fiscal matters of the ~~Village~~City shall be applicable, except as otherwise provided in this Charter or by Council.

**9.02 FISCAL YEAR**

The fiscal year for the ~~Village~~City for budgeting, accounting, and all other similar purposes shall be the calendar year.

**9.03 OPERATING BUDGET AND APPROPRIATION ORDINANCE**

In addition to the annual tax budget required by the Ohio Revised Code, the ~~Administrator~~Manager, in consultation with the Director of Finance, shall by the first scheduled Council meeting in November submit to Council a proposed operating budget for the ensuing fiscal year. The ~~Administrator~~Manager shall prepare, revise, and adjust the budget estimates for submission to Council. Council shall adopt a balanced budget.

The proposed operating budget shall contain, or be accompanied by, a recommended appropriation ordinance. Council shall, by December 21<sup>st</sup> of every year, adopt both the operating budget and appropriation ordinance as submitted or amended. Should Council fail to enact the proposed or amended operating budget and appropriation ordinance by December 21<sup>st</sup>, both shall be deemed to have been adopted finally by Council as submitted by the ~~Administrator~~Manager.

**9.04 CONTRACTING PROCEDURES**

**(A) Award and Execution of Contracts**

Consistent with Section 7.02(B)(10) and except as otherwise provided in this Section, the ~~Administrator~~Manager or designee shall award and execute all contracts on behalf of the ~~Village~~City.

**(B) *Competitive Bidding***

Council, by ordinance, shall establish a threshold amount, notice provisions, and other procedures for competitive bidding. When any contract for the construction of a public improvement or the purchase of equipment, supplies, or materials is estimated to exceed the threshold established by Council, the contract shall be competitively bid. Council shall award a contract to the lowest and best bidder, provided that Council may reject any and all bids in whole or by items. No contract shall be divided to avoid the requirements of competitive bidding.

**(C) *Waiver of Competitive Bidding***

By a vote of no less than five members, Council may waive the competitive bidding requirement if the statutory or common law of the State of Ohio does not require competitive bidding; if Council determines that an item is available and can be acquired only from a single source; or if Council determines that a waiver of the competitive bidding requirement is in the best interest of the ~~Village~~City.

**(D) *Professional Services***

Contracts for professional services shall not be subject to the competitive bidding requirements of this Section and shall not require authorization by Council if the current operating budget provides sufficient funding for the scope of services in any such contract.

**(E) *Alteration or Modification of Contracts***

Council shall establish procedures for alterations or modification of contracts. Alterations or modifications of contracts shall not require competitive bidding.

**(F) *Certification of Funds***

Except as otherwise provided by Council, no contract involving the expenditure of money shall be entered into or authorized by the ~~Administrator~~Manager unless the Director of Finance or designee shall first certify that:

- (1) Funds required for the contract are in the ~~Village's~~City's treasury or in the process of collection; and
- (2) Funds have been appropriated by Council for the specified purpose and remain unencumbered.

The Director of Finance shall file and record the certification of availability and appropriation of funds in the accounting records of the ~~Village~~City and shall furnish a copy to the vendor or contractor. Without the certification, a contractual obligation shall be void and unenforceable against the ~~Village~~City unless recognized by Council as a moral obligation.

## ARTICLE X

### BOARDS AND COMMISSIONS

#### 10.01 CREATION AND GENERAL RULES

##### *(A) Creation of Boards and Commissions*

The ~~Village~~City shall have a Planning Commission, a Board of Zoning Appeals, a Personnel Appeals Board, and such other boards and commissions as may be created by Council.

##### *(B) General Rules for Boards and Commissions*

The following general rules shall govern Boards and Commissions:

- (1) Each board or commission created by Council shall consist of at least three (3) members;
- (2) ~~Compensation~~, Terms, appointments, and removals shall be determined by Council unless otherwise provided in this Charter;
- (3) Each member of a board or commission shall be and shall remain an elector of the ~~Village~~City during the term of appointment, unless otherwise provided by Council;
- (4) A vacancy occurring during the term of any member of a board or commission shall be filled for the unexpired term in the same manner as the original appointment;
- (5) Each vacancy shall be filled with sixty (60) days;
- (6) Each board and commission shall establish its own rules of order to be approved by Council. If no unique Rules are established, the board or commission shall operate according to the Standard Rules of Procedure for New Albany Boards and Commissions;

(7) Members of boards and commissions shall serve without compensation unless otherwise provided by Council; and

(8) All meetings of boards and commissions shall be open to the public, except as allowed by the laws of the State of Ohio and/or this Charter.

## **10.02 PLANNING COMMISSION**

### **(A) *Composition and Terms***

The Planning Commission shall consist of six (6) members. Five (5) of these members shall be voting members and shall serve overlapping three (3) year terms. The sixth shall be a Council member appointed by the Council. This Council member shall be a non-voting member of the Planning Commission. Three voting members shall constitute a quorum.

### **(B) *Powers and Duties***

The Planning Commission shall have the power and duty to hear applications for land use, zoning classifications, or districts and, as merited, to submit written recommendations for legislative action or to render final determinations for administrative action; to initiate, review, and recommend legislation, rules, and regulations on all matters of ~~Village~~City planning, land use, and zoning classification; and to exercise such other powers, duties, and functions as provided by Council.

## **10.03 BOARD OF ZONING APPEALS**

### **(A) *Composition and Terms***

The Board of Zoning Appeals shall consist of five (5) voting members. Four (4) of these members shall serve overlapping three (3) year terms and the fifth member shall be a Planning Commission member designated annually by the Planning Commission.

### **(B) *Powers and Duties***

The Board of Zoning Appeals shall have the power and duty to hear and decide appeals regarding legislative measures and administrative determinations relating to zoning and land use. The Board of Zoning Appeals may make advisory recommendations to Council and the Planning Commission concerning zoning matters; and shall exercise such other powers, duties, and functions as provided by Council. The Board of Zoning Appeals shall also have the power and duty to hear variances from zoning area regulations and general development standards.

## **10.04 PERSONNEL APPEALS BOARD**

**(A) *Composition and Terms.***

The Personnel Board of Appeals shall consist of three (3) members who shall serve overlapping three (3) year terms.

**(B) *Powers and Duties***

The Personnel Board of Appeals shall have the power and duty to hear appeals from administrative determinations made pursuant to the Administrative Code, and such other powers, duties, and functions as provided by Council.

**ARTICLE XI**

**ELECTIONS, RECALL, INITIATIVE, AND REFERENDUM**

**11.01 ELECTIONS**

**(A) *Regular Elections***

Regular municipal elections shall be held on the dates and times fixed by the election laws of the State of Ohio.

**(B) *Special Elections***

Council may, at any time, order a special election by legislation which shall set forth the date and purpose of the election, including but not limited to the referral of pending legislation to the electors for their approval or rejection. Special elections may be held on any date.

**(C) *Conduct of Election***

All regular and special elections shall be conducted by the election officials of the State of Ohio. Elections shall be held in conformity with the provisions of this Charter or as otherwise provided by Council. Where not addressed by this Charter or by Council, the provisions of the election laws of the State of Ohio shall be followed.

**(D) *Public Information Expenditure***

Council shall have the power to appropriate and expend public funds to pay the cost of providing information to the public in connection with tax, bond, and other non-partisan public issues, but not in connection with the election of any candidate for public office.

**11.02 RECALL**

**(A) *Power to Recall***

The electors shall have the power to remove from office by a recall election any elected official of the ~~Village~~City in the manner provided in this Section.

**(B) Recall Petition Prerequisites**

As to any elected official who has served at least six (6) months of a term of office, an elector or electors of the ~~Village~~City may serve written notice upon the Clerk of Council of their intent to circulate petitions for the recall of the elected official. Petitions for the recall of the elected official may not be circulated until the written notice of intent is served upon the Clerk of Council.

**(C) Recall Petition Form**

The petition shall contain a verified statement of not more than one hundred words setting forth specific grounds upon which the removal of the elected official is sought. The petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain the name of the elected official whose removal is sought. Separate petitions are necessary for each elected official whose removal is sought. The petition shall be signed by at least that number of electors equal to twenty-five percent (25%) of the electors voting at the last preceding regular municipal election.

**(D) Filing, Examination, and Amendment of Petition**

No later than thirty (30) days after service of the notice of intent on the Clerk of Council, the petition demanding the removal of an elected official shall be filed with the Clerk of Council. Within twenty (20) days after the day on which the petition is filed, the Clerk of Council shall determine, subject to verification from the Board of Elections, whether or not it meets the requirements of this Section. If the Clerk finds the petition insufficient, the Clerk shall promptly certify the particulars in which the petition is insufficient, deliver a copy of the certificate to the person who filed the petition, and make a record of delivery. The petition may be amended within ten (10) days after the date of the delivery. The Clerk shall, within five (5) days after such an amendment has been filed, reexamine the petition, and if still insufficient, the petition shall be rejected and no further action taken thereon.

**(E) Recall Election**

Unless the elected official whose removal is sought resigns within five days after delivery of the Clerk's certificate, Council shall fix a day for holding a recall election, to be placed on the ballot at the succeeding general or primary election occurring not less than ninety (90) days after the date of the Clerk's certification of sufficiency to Council, and shall cause notice of the recall election to be published on the same day of each week for two consecutive weeks in a newspaper of general circulation in the ~~Village~~City. At the recall election, this question shall be placed upon the ballot: "Shall (name of elected official whose removal is sought) be allowed to continue as (elected official's position)?" with the provisions on the ballot for voting affirmatively or negatively. If a majority of the vote is negative, the elected official shall be removed, the office shall be vacant, and the vacancy shall be filled as provided in Section 5.04. If the elected official is not removed at such recall election, no further recall petitions shall be filed against the elected official for a period of one year following the recall election.

**11.03 INITIATIVE AND REFERENDUM**

Legislation, issues, and other measures may be proposed by initiative petition and adopted by election as provided by the Constitution and laws of the State of Ohio. Legislation adopted by Council shall be subject to referendum, as provided by the Constitution and laws of the State of Ohio, except that legislation calling for elections under this Charter shall not be subject to referendum and as otherwise provided in Section 4.05.

## **ARTICLE XII**

### **GENERAL PROVISIONS**

#### **12.01 CONFLICTS OF INTEREST, ETHICS, AND CAMPAIGN FINANCING**

Unless otherwise provided in this Charter or by Council, the laws of the State of Ohio pertaining to conflict of interest, criminal misbehavior, ethics, and financial disclosure by municipal officials and employees, campaign financing and other election practices of candidates for municipal office shall apply under this Charter.

#### **12.02 EFFECT OF PARTIAL INVALIDITY**

A determination that any provision of this Charter is invalid shall not invalidate or impair the force and effect of any other provision, except to the extent that the other provision is wholly dependent for its operation upon the provision declared invalid.

#### **12.03 AMENDMENTS OF CHARTER**

This Charter may be amended or revised by the electors as provided by this Charter or the Constitution and laws of the State of Ohio.

## **ARTICLE XIII**

### **CHARTER REVIEW COMMISSION**

#### **13.01 COMPOSITION AND TERM**

During the month of July 2008 and each ten (10) years thereafter, the Council shall appoint seven (7) electors of the ~~VillageCity~~, holding no other office or employment with the ~~VillageCity~~, as members of a Charter Review Commission to serve until their duties as provided herein are completed. The members shall serve without compensation.

## 13.02 DUTIES

The Charter Review Commission shall review this Charter and no later than twelve (12) months after appointment report the Commission's findings and conclusions to Council. This report shall transmit recommended amendments, if any.

## ARTICLE XIV

### TRANSITIONAL PROVISIONS

## 14.01 EFFECTIVE DATE OF REVISED CHARTER

This Updated #Revised Charter was approved by the voters in November adopted on July 12, 19992019, became effective on March 1, 2000, and was subsequently amended and became effective 4/4/10January 1, 2020.

## 14.02 SUCCESSION

~~The municipal corporation existing as the Village of New Albany under the laws of the State of Ohio and the Charter approved by the electorate on November 3, 1992 and effective on January 1, 1993, shall continue to be a body politic and corporate under the same name under this Charter or until such time as it becomes a City in the manner provided by the Constitution and laws of the State of Ohio. At such time, it shall then be known as the "City of New Albany", unless otherwise provided by Council.~~

~~Upon becoming a City, the position name of "Village Administrator" shall become "City Manager". The City Manager shall have all the powers conferred upon the Village Administrator contained within this Charter, by the Constitution and laws of the State of Ohio, and as provided by Council.~~

~~Upon advancing to City status, the provisions of this Charter shall apply.~~

The municipal corporation existing as the Village of New Albany under the laws of the State of Ohio and the Charter and subsequent updates, approved by the electorate effective on January 1, 1993, March 1, 2000, January 1, 2010, and January 1, 2020 respectively, and which advanced to city status on April 29, 2011, shall continue to be a body politic and corporate now known as the City of New Albany.



Prepared: 06/06/2019  
Introduced: 06/15/2019  
Revised:  
Adopted: 06/18/2019  
Effective: 06/18/2019

## RESOLUTION R-31-2019

### A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT AN INFRASTRUCTURE GRANT AND LOAN FROM THE OHIO PUBLIC WORKS COMMISSION (OPWC); TO ADVERTISE FOR BIDS, TO AWARD A CONTRACT TO THE LOWEST AND BEST BIDDER, AND TO EXECUTE ALL RELATED CONTRACTS FOR THE US62 / SR161 INTERCHANGE IMPROVEMENT PROJECT

**WHEREAS**, The City of New Albany has been successful in its efforts to obtain a grant of Ohio Public Works Commission (OPWC) funds for the improvement of the US62 / SR161 Interchange; and

**WHEREAS**, the interchange improvements will include the installation of a traffic signal at the intersection of US62 and Theisen Road; the improvement of the entrance and exit ramps at the US62 / SR161 Interchange; and the construction of a landscaped median, bicycle lanes, and sidewalks along US62 between Smith's Mill Road and the interchange; and

**WHEREAS**, the City will be asked to commit to its acceptance of the OPWC grant and loan after July 1, 2019; and

**WHEREAS**, it is expected that the engineering/construction plans for the project will be completed and ready for bid during the fourth quarter of 2019; and

**WHEREAS**, it is anticipated that the project will be awarded to the lowest and best bidder by December 31, 2019.

**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 to accept the award of an infrastructure grant of \$479,000 and a loan of \$1,519,000 from the Ohio Public Works Commission.

**Section 2:** The city manager is hereby authorized to advertise for bids for the U.S.62 / SR161 Interchange Improvement Project.

**Section 3:** The city manager is hereby authorized to award a construction contract to the lowest and best project bidder and execute all contracts related to the construction of the U.S. 62 / SR161 Interchange Improvement Project.

**Section 4:** It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this resolution were adopted in an open meeting of this council, and that all deliberations of this council and any of its committees that resulted in such formal actions were in meetings

open to the public and in compliance with all legal requirements, including Section 121.22 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 18 day of June, 2019.

**Attest:**

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

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

**Approved as to form:**

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



Prepared: 06/07/2019  
Introduced: 06/18/2019  
Revised:  
Adopted: 06/18/2019  
Effective: 06/18/2019

## **RESOLUTION R-32-2019**

### **A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ADVERTISE, AWARD BIDS, AND EXECUTE A CONTRACT FOR THE EXPANSION OF THE PUBLIC SERVICE FACILITY GARAGE**

**WHEREAS**, the city's existing Public Service Facility is located at 7800 Bevelhymer Road, and

**WHEREAS**, the Public Service Facility was constructed in 2006 and sized appropriately for the needs of the service department to support the services provided to the growing New Albany community, and

**WHEREAS**, due to the city's rapid growth from 2007 to 2017, the roadway lane miles increased with corresponding infrastructure maintenance and snow removal services, and

**WHEREAS**, to maintain the same level of services for the growth areas of the community, the city has hired additional service department staff, trucks and equipment, and

**WHEREAS**, to accommodate the needs to park and store the additional trucks and equipment within the existing Public Service Facility an expansion of the garage space is necessary, and

**WHEREAS**, storing trucks and equipment outside and uncovered is detrimental to the longevity of these city assets and increases maintenance and repairs costs, and

**WHEREAS**, funding for the expansion of the Public Service Facility Garage was provided for in the Annual Appropriations Ordinance (Ord. O-25-2018), and

**WHEREAS**, the city will advertise for and award bids, in accordance with the Codified Ordinances of New Albany and the Ohio Revised Code, for these improvements, and

**WHEREAS**, the city manager will review the proposals to certify they are in order.

**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 to proceed with advertisement, acceptance and the execution of a contract for the expansion of the Public Service Facility Garage.

**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 VI, Section 6.07(a) 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 18 day of June, 2019.

**Attest:**

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

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

**Approved as to form:**

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



Prepared: 04/08/2019  
Introduced: 04/16/2019  
Revised:  
Adopted: 05/07/2019  
Effective: 06/07/2019

## ORDINANCE O-12-2019

### AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1 ANNEXATION OF 484.8 +/- 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 January 31, 2019, and

**WHEREAS**, the foregoing Resolution #98-174 of the Licking County Commissioners granting the petition was delivered to the City of New Albany on February 8, 2019, and more than sixty (60) days have lapsed since the Resolution of the Board of County Commissioners was transmitted to the City of New Albany, and

**WHEREAS**, pursuant to Resolution R-48-2018 and R-49-2018 of the City of New Albany, the New Albany City Manager was authorized to enter into two Roadway Maintenance Agreements 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 484.8+/- 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 484.8+/-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 7<sup>th</sup> day of May, 2019.

Attest:

  
Sloan T. Spalding  
Mayor

  
Jennifer H. Mason  
Clerk of Council

Approved as to form:

  
Mitchell H. Banchevsky  
Law Director

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

I certify that copies of Ordinance **O-12-2019** were posted in accordance with Section 6.12 of the Charter, for 30 days starting on May 8, 2019.

  
Jennifer Mason, Clerk of Council

6/18/19  
Date

EXHIBIT A - O-12-2019

**PROPOSED ANNEXATION  
484.8± ACRES**

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED	CONDITIONAL
<input checked="checked" type="checkbox"/>	<input type="checkbox"/>
APPROVED BY:	<i>[Signature]</i>
DATE:	1/17/19

**TO: VILLAGE OF NEW ALBANY**

**FROM: JERSEY TOWNSHIP**

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Farm Lots 19, 20, 28, 29 and 30, Quarter Township 2, Township 2, Range 15, United States Military Lands, and being all of that 125.774 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 201901080000387, all of that 10.01 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 201901070000273, all of those 27.014 and 4.659 acre tracts conveyed to MJB Holdings, LLC by deed of record in Instrument Number 201811280025169, all of that 33.1900 acre tract conveyed to Denise R. Daniels by deed of record in Instrument Number 200602160004641 and Denise R. Daniels, Trustee of the R. Mitchell Daniels Trust dated 01-12-2006 by deed of record in Instrument Number 201809040018372, all of that 150.000 acre tract conveyed to Denise R. Daniels by deed of record in Instrument Number 200602160004642 and Denise R. Daniels, Trustee of the R. Mitchell Daniels Trust dated 01-12-2006 by deed of record in Instrument Number 201809040018371, all of that 1.101 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 201901070000271, all of that 11.868 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 201901070000276, all of that 2.05 acre tract conveyed to 3304 Beech Road LTD by deed of record in Instrument Number 201601110000508, all of that 10.936 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 201901070000272, all of that 4.447 acre tract conveyed to S. Todd Dodderer and Rhonda L. Dodderer by deed of record in Instrument Number 200109140033401, all of that 4.855 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 201811140024161, all of that 42.336 acre tract conveyed to Kathleen Marie Shaw by deed of record in Official Record 180, Page 708, all of that 1 acre tract conveyed to Steven Todd Dodderer and Rhonda L. Dodderer by deed of record in Official Record 770, Page 166, all of that 49 acre tract conveyed to Steven Todd Dodderer and Rhonda L. Dodderer by deed of record in Official Record 636, Page 697, all of that 1.0 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 201810160021659, all of that 1.366 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 201901160000963, and all of that 1.171 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 201901160000962, (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

BEGINNING, at the centerline intersection of Jug Street Road and Beech Road, being the southwesterly corner of said 47.899 acre tract, being an angle point in the City of New Albany Corporation Line established in Ordinance Number O-33-2010 and of record in Instrument Number 201011040022449;

Thence North 03° 18' 15" East, with said centerline of Beech Road, a distance of 2302.49 feet to a point in the corner common of said 10.936 acre tract and that 1.171 acre tract conveyed to Kristen M. Kropat and Susan E. Kropat by deed of record in Official Record 71, Page 852;

Thence South 86° 13' 05" East, with a line common to said 10.936 and 1.171 acre tracts, a distance of 340.00 feet to a point at the southeasterly corner of said 1.171 acre tract;

Thence North 03° 18' 15" East, continuing with said common line, a distance of 150.00 feet to a point at a common corner of said 1.171 acre (MJB Holdings) tract and said 1.171 acre (Kropat) tract;

Thence North 86° 14' 47" West, with the line common to said 1.171 acre tracts, a distance of 340.00 feet to a point in the centerline of said Beech Road;

Thence North 03° 18' 15" East, with said centerline of Beech Road, a distance of 1826.77 feet to a point at the common corner of said 49 acre tract and that 50 acre tract conveyed to Hendren One, LLC by deed of record in Instrument Number 201304180009917;

**PROPOSED ANNEXATION  
484.8± ACRES**

-2-

Thence South 85° 58' 34" East, with the line common to said 49 and 50 acre tracts, a distance of 2758.36 feet to a point at a common corner of said 49 and 50 acre tracts, in the westerly line that 53.979 acre tract conveyed to Henry S. Cook and Joyce A. Cook, Co-Trustees of the "Cook Family Trust No. 2", dated May 11th, 2012 by deed of record in Instrument Number 201212310031018;

Thence South 03° 19' 30" West, with the line common to said 49 and 53.979 acre tract, a distance of 804.68 feet to the corner common of said 49, 53.979, 27.014 and 42.336 acre tracts;

Thence South 86° 32' 09" East, with the northerly line of said 27.014, 33.1900, 150.000 acre tracts, the southerly line of said 53.979 acre tract, that 53.979 acre tract conveyed to Mary L. Cook, Trustee of "The Mary L. Cook Trust No. 2", dated 11th day of May, 2012, by deed of record in Instrument Number 201212310031017, and that subdivision entitled "Wagoner Farms Section 2", of record in Plat Book 16, Pages 146-150, a distance of 2721.28 feet to the common corner of said 150.000 acre tract and said "Wagoner Farms Section 2", in the westerly line of that 128.851 acre tract conveyed to Robert A. Carr and Deborah B. Carr by deed of record in Instrument Number 201004060006281;


Thence South 03° 26' 09" West, with the easterly line of said 150.000 acre tract, the westerly line of said 128.851 acre tract, that 31.878 acre tract conveyed to Paul J. Roehrenbeck and Angela M. Roehrenbeck by deed of record in Instrument Number 199812290050206 and that 5.00 acre tract conveyed to Richard Lee Bando and Gwendolyn J. Bando by deed of record in Official Record 767, Page 293, a distance of 3461.70 feet to a point in the centerline of said Jug Street Road;

Thence North 86° 23' 12" West, with said centerline, partially with said existing City of New Albany Corporation Line, a distance of 5471.25 feet to the POINT OF BEGINNING, containing 484.8 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

1/17/19

Date

# PROPOSED ANNEXATION OF 484.8± ACRES TO THE CITY OF NEW ALBANY FROM JERSEY TOWNSHIP

FARM LOTS 19, 20, 28, 29 & 30, QUARTER TOWNSHIP 2, TOWNSHIP 2, RANGE 15

UNITED STATES MILITARY LANDS

TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

AREA TO BE ANNEXED  
PROPOSED VILLAGE OF NEW ALBANY  
CORPORATION LINE  
EXISTING VILLAGE OF NEW ALBANY  
CORPORATION LINE

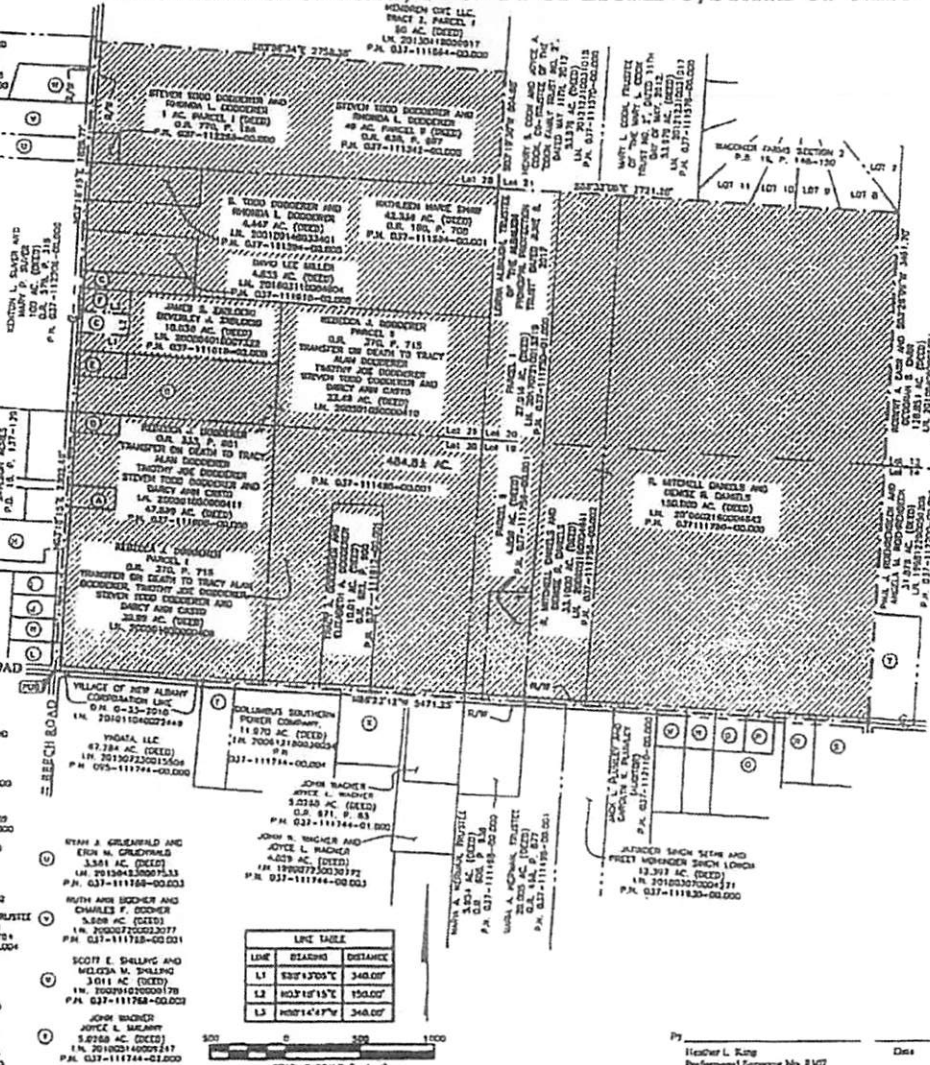
## Company Name:

Total percentage of annexation area is 10195.40 ac, of which 992.31  
ac is contiguous with the Village of New Albany by Ordinance  
Number 03-33-2010, giving 4.974 percentage contiguity

## Note:

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

- (A) TRACY A. GOSCHEN  
1,101 AC. (DEED)  
LN. 200101104022448  
P.N. 037-111608-00.001
- (B) THOMAS M. COOK AND  
WIFE A. COOK, CO-TRUSTEES  
OF THOMAS M. COOK TRUST  
DATED SEPTEMBER 12, 2000  
AND OF WIFE A. COOK  
TRUST DATED SEPTEMBER 12,  
2000 (1/2 INT EACH TRUST)  
11,840 AC. (DEED)  
LN. 200101104022448  
P.N. 037-111610-01.000
- (C) 3304 GOSCHEN ROAD LOT  
2.80 AC. (DEED)  
LN. 200101104022448  
P.N. 037-111608-00.000
- (D) PAUL M. MCNEEL AND  
SUSAN M. MCNEEL  
1.0 AC. (DEED)  
LN. 200101104022448  
P.N. 037-111608-00.000
- (E) JOHN MCNEEL  
1.38 AC. (DEED)  
LN. 200101104022448  
P.N. 037-111608-00.000
- (F) JOHN MCNEEL AND  
WIFE MCNEEL  
1.37 AC. (DEED)  
LN. 200101104022448  
P.N. 037-111608-00.000
- (G) KRISTEN V. MCNEEL AND  
SUSAN E. MCNEEL  
1.37 AC. (DEED)  
LN. 200101104022448  
P.N. 037-111608-00.000
- (H) ERIN MCNEEL, TRUSTEE  
3.00 AC. (DEED)  
LN. 200101104022448  
P.N. 037-111608-00.000
- (I) JOHN J. WHITE AND  
DEBRA A. WHITE  
1.15 AC. (DEED)  
LN. 200101104022448  
P.N. 037-111608-00.000
- (J) DEBRA A. WHITE  
1.15 AC. (DEED)  
LN. 200101104022448  
P.N. 037-111608-00.000
- (K) MICHAEL E. ANDERSON AND  
WIFE L. ANDERSON  
1.15 AC. (DEED)  
LN. 200101104022448  
P.N. 037-111608-00.000
- (L) MICHAEL E. ANDERSON AND  
WIFE L. ANDERSON  
1.15 AC. (DEED)  
LN. 200101104022448  
P.N. 037-111608-00.000
- (M) SCOTT P. CLUMPER  
1.0 AC. (DEED)  
LN. 200101104022448  
P.N. 037-111608-00.000
- (N) GARY A. MILLER (AUTOTR)  
1.15 AC. (DEED)  
LN. 200101104022448  
P.N. 037-111608-00.000
- (O) MICHAEL E. DUNFEE AND  
LENA L. DUNFEE  
1.0 AC. (DEED)  
LN. 200101104022448  
P.N. 037-111608-00.000
- (P) MICHAEL E. DUNFEE AND  
LENA L. DUNFEE  
1.0 AC. (DEED)  
LN. 200101104022448  
P.N. 037-111608-00.000
- (Q) MICHAEL E. DUNFEE AND  
LENA L. DUNFEE  
1.0 AC. (DEED)  
LN. 200101104022448  
P.N. 037-111608-00.000
- (R) MICHAEL E. DUNFEE AND  
LENA L. DUNFEE  
1.0 AC. (DEED)  
LN. 200101104022448  
P.N. 037-111608-00.000
- (S) MICHAEL E. DUNFEE AND  
LENA L. DUNFEE  
1.0 AC. (DEED)  
LN. 200101104022448  
P.N. 037-111608-00.000
- (T) MICHAEL E. DUNFEE AND  
LENA L. DUNFEE  
1.0 AC. (DEED)  
LN. 200101104022448  
P.N. 037-111608-00.000
- (U) MICHAEL E. DUNFEE AND  
LENA L. DUNFEE  
1.0 AC. (DEED)  
LN. 200101104022448  
P.N. 037-111608-00.000
- (V) MICHAEL E. DUNFEE AND  
LENA L. DUNFEE  
1.0 AC. (DEED)  
LN. 200101104022448  
P.N. 037-111608-00.000
- (W) MICHAEL E. DUNFEE AND  
LENA L. DUNFEE  
1.0 AC. (DEED)  
LN. 200101104022448  
P.N. 037-111608-00.000
- (X) MICHAEL E. DUNFEE AND  
LENA L. DUNFEE  
1.0 AC. (DEED)  
LN. 200101104022448  
P.N. 037-111608-00.000
- (Y) MICHAEL E. DUNFEE AND  
LENA L. DUNFEE  
1.0 AC. (DEED)  
LN. 200101104022448  
P.N. 037-111608-00.000
- (Z) MICHAEL E. DUNFEE AND  
LENA L. DUNFEE  
1.0 AC. (DEED)  
LN. 200101104022448  
P.N. 037-111608-00.000



LOCATION MAP AND BACKGROUND CHART  
1" = 500'

Proposed Annexation  
of 484.8± 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  
7/7/18, under Chapter 709 of the Ohio Revised Code, is submitted as an annex map of  
the territory in said petition described under the requirements of said Chapter 709 of the  
Ohio Revised Code.

Attest 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 pass the same:

Board of Licking County Commissioners

Petition Received \_\_\_\_\_, 20\_\_\_\_

Petition Approved \_\_\_\_\_, 20\_\_\_\_

Transferred from \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon the expiration of the office

Continued \_\_\_\_\_, 20\_\_\_\_

Transferred to \_\_\_\_\_, Licking County Public

Received for Record \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ (AM-PM) and recorded

20\_\_\_\_, in plain envelope, pages, etc. in Flat Book Volume \_\_\_\_\_, Page \_\_\_\_\_

Filed for \_\_\_\_\_, Licking County Recorder

Granted for the City of New Albany, Ohio, by ordinance \_\_\_\_\_, passed \_\_\_\_\_, 20\_\_\_\_, and approved by the mayor on \_\_\_\_\_, 20\_\_\_\_, did annex the territory  
shown hereon for annexation to the City of New Albany, Ohio, a municipal corporation

Attest \_\_\_\_\_, Clerk, City of New Albany

E.M.H.T.		
Survey, Measurement, Mapping & Utility, Inc.		
Engineers • Surveyors • Planners • Architects		
200 New Albany Road, Columbus, OH 43204		
Phone (614) 750-0000 Fax (614) 750-0001		
e-mail: info@emht.com		
Date:	June 7, 2016	
Scale:	1" = 500'	
Job No:	2016-0223	
Sheet:	1 of 1	
REVISIONS		
DATE	BY	DESCRIPTION
7/7/18	EMH	Revised to remove Grandview and Union Twp
8/27/18	EMH	Revised to include Grandview and Union Twp

Heather L. King  
Professional Surveyor No. 8307



Prepared: 05/10/2019  
Introduced: 05/21/2019  
Revised: 06/03/2019  
Adopted: 06/04/2019  
Effective: 07/05/2019

## ORDINANCE O-15-2019

**AN ORDINANCE TO ACCEPT TWO LEISURE PATH EASEMENTS OF 0.014 ACRES AND 0.046 ACRES, A SANITARY EASEMENT OF 0.020 ACRES, A DRAINAGE EASEMENT OF 1.460 ACRES, AND RIGHT OF WAY DEDICATION OF 0.184 ACRES AS REQUESTED BY CANINE COMPANIONS FOR INDEPENDENCE, INC.**

**WHEREAS**, the developer, Canine Companions for Independence Inc. is required to grant leisure path easements, a drainage easement, sanitary sewer easement, and right of way dedication to the city as a condition of the development plan approval; and

**WHEREAS**, the City of New Albany will be the recipient (grantee) of the leisure path easements totaling 0.014 acres and 0.046, a sanitary easement of 0.020 acres, a drainage easement of 1.460 acres, and 0.184 of right of way; and

**WHEREAS**, the city engineer has reviewed the easements and right of way dedication and has commented this dedication is appropriate; and

**WHEREAS**, the city will benefit from this dedication of right of way and easements.

**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 accept leisure path easements totaling 0.014 acres and 0.046, a sanitary easement of 0.020 acres, a drainage easement of 1.460 acres, and 0.184 of right of way as depicted on Exhibit A.

**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(B) of the New Albany Charter, this ordinance shall become effective thirty (30) days after adoption.

CERTIFIED AS ADOPTED this 4<sup>th</sup> day of June, 2019.

**Attest:**

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

**Approved as to form:**


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

Exhibit A

---

Portion above reserved for County Recorder, Engineer and Auditor's Offices Use

**GRANT OF PERMANENT 1.460 ACRE DRAINAGE EASEMENT**

KNOW ALL MEN BY THESE PRESENTS: That Canine Companions for Independence, Inc. a California company, hereinafter called "Grantor", whose tax mailing address is PO Box 446, Santa Rosa California, for good and valuable consideration paid, grants with general warranty covenants, to the CITY OF NEW ALBANY, an Ohio charter municipal corporation ("Grantee"), whose mailing address is 99 West Main Street, New Albany, Ohio 43054, and to its successors and assigns forever, a non-exclusive perpetual drainage easement in, over and under across and through its real property as set forth on the attached **Exhibit "A" and Exhibit "B"** (the "Drainage Easement Area") for the purposes of creating, improving, operating, maintaining, repairing and replacing a storm water drainage facility, storm water piping, and associated improvements. The Drainage Easement Area burdens that certain parcel of real property (Franklin County Parcel No: 222-001944-00) which was conveyed to Grantor by and through that certain deed which is of record with the Office of the Recorder of Franklin County, Ohio as **Instrument Number 201509170131078**. Grantor hereby covenants to the said Grantee, its successors and assigns, that it is the true and lawful owner of said premises, and lawfully seized of the same in fee simple, and has good right and full power to grant, bargain, sell, convey and release the same in the manner aforesaid.

Grantor, on behalf of itself and its successors and assigns, hereby releases the Grantee from any further claims for compensation or claims for damages resulting from this grant, except that Grantee shall not be released from liability for damage caused by its negligence or that of its employees, agents or contractors. Grantee agrees that it shall restore any real property that is damaged by the exercise of any rights being provided in its favor hereunder. Such restoration shall occur within a reasonable amount of time after such damage occurs and shall be undertaken so as to return the damaged real property to the same or substantially similar condition as existed prior to the occurrence of the damage.

Grantee agrees to hold Grantor harmless up to the extent of its liability insurance coverage in the event the Grantee is found to be liable relative to the installation and/or operation of this drainage easement.

This Drainage Easement shall run with the land and be binding upon and inure to the benefit of the respective personal representatives, successors, transferees, and assigns of the Grantor and the Grantee.

**DRAINAGE EASEMENT  
1.460 ACRE**

Situated in the State of Ohio, County of Franklin, City of New Albany, lying in Lot 16, Section 8, Quarter Township 1, Township 2, Range 16, United States Military Lands, and being on, over, and across that 5.001 acre tract conveyed to Canine Companions for Independence, Inc. by deed of record in Instrument Number 201509170131078 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of New Albany – Condit Road, at the southwesterly corner of that 1.148 acre tract conveyed to Mary Ann Counts by deed of record in Instrument Number 201403120029959, the northwesterly corner of that 1.470 acre tract conveyed as Parcel 17WD to State of Ohio by deed of record in Instrument Number 200504010059337;

Thence South 85° 56' 17" East, with the southerly line of said 1.148 acre tract, the northerly line of said 1.470 acre tract and that 6.774 acre tract conveyed to Pharmaforce, Inc. by deed of record in Instrument Number 200812030173783, a distance of 249.84 to the southerly common corner of said 1.148 and 5.001 acre tracts, the TRUE POINT OF BEGINNING;

Thence North 03° 11' 33" East, with the line common to said 5.001 and 1.148 acre tracts, a distance of 200.00 feet to a point;

Thence across said 5.001 acre tract, the following courses and distances:

South 85° 56' 17" East, a distance of 155.00 feet to a point;

North 74° 02' 46" East, a distance of 44.00 feet to a point;

South 75° 51' 35" East, a distance of 17.00 feet to a point on the arc of a curve;


With the arc of a curve to the left, having a central angle of 43° 18' 30", a radius of 333.00 feet, an arc length of 251.71 feet, a chord bearing of South 45° 17' 52" East and chord distance of 245.76 feet to a point; and

South 03° 11' 33" West, a distance of 52.01 feet to a point in the southerly line of said 5.001 acre tract, the northerly line of that 10.466 acre tract conveyed to Pharmaforce, Inc. by deed of record in Instrument Number 200812030173783;

Thence North 85° 56' 17" West, with the southerly line of said 5.001 acre tract, the northerly line of said 10.466 acre and 6.774 acre tracts, a distance of 397.32 feet to the TRUE POINT OF BEGINNING, containing 1.460 acres, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

  
Heather L. King  
Professional Surveyor No. 8307

3/16/18

Date



Evans, Mechwart, Hambleton & Tilton, Inc.  
Engineers • Surveyors • Planners • Scientists  
5500 New Albany Road, Columbus, OH 43054  
Phone: 614.775.4500 Toll Free: 888.775.3648  
emht.com

## DRAINAGE EASEMENT

LOT 16, SECTION 8, QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 16  
UNITED STATES MILITARY LANDS  
CITY OF NEW ALBANY, COUNTY OF FRANKLIN, STATE OF OHIO

Date: March 1, 2018

Scale: 1" = 100'

Job No: 2017-0308

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N74°02'46"E	44.00'
L2	S75°51'35"E	17.00'
L3	S03°11'33"W	52.01'

CANINE COMPANIONS FOR  
INDEPENDENCE, INC.  
11.838 AC. (DEED)  
I.N. 201509170131123

CANINE COMPANIONS FOR  
INDEPENDENCE, INC.  
5.001 AC. (DEED)  
I.N. 201509170131078

Δ=43°18'30"  
R=333.00'  
Arc=251.77'  
Ch=545.17'±  
C/D=245.76'

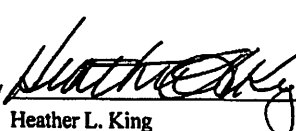
1.460 AC.

MARY ANN COUNTS  
1.148 AC. (DEED)  
I.N. 201403120029959

PHARMAFORCE, INC.  
6.774 AC. (DEED)  
I.N. 200812030173783

STATE OF OHIO  
PARCEL 17WD  
1.470 AC. (DEED)  
I.N. 200504010059337

PHARMAFORCE, INC.  
10.446 AC. (DEED)  
I.N. 200812030173783

By   
Heather L. King  
Professional Surveyor No. 8307

3/16/18  
Date



100 0 100 200

GRAPHIC SCALE (in feet)

J:\20170308\DWG\04SHEETS\EASEMENTS\20170308-VS-ESMT-DRAN-01.DWG plotted by KING, HEATHER on 3/16/2018 1:26:04 PM last saved by JSCHROEDER on 3/9/2018 4:48:48 PM

**SANITARY SEWER EASEMENT  
0.020 ACRE**

Situated in the State of Ohio, County of Franklin, City of New Albany, in Lot 16, Section 8, Quarter Township 1, Township 2, Range 16, United States Military Lands, being on, over, and across that 4.947 acre tract of land conveyed to Canine Companions for Independence, Inc. by deed of record in Instrument Number 201509170131078 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, in the easterly right-of-way line of New Albany - Condit Road, the southwesterly corner of said 4.947 acre tract, in the northerly line of that 1.148 acre tract conveyed to Mary Ann Counts by deed of record in Instrument Number 201403120029959;

Thence South 85° 56' 17" East, with said northerly line, a distance of 10.00 feet to the TRUE POINT OF BEGINNING for this description;

Thence North 03° 11' 33" East, crossing said 4.947 acre tract, a distance of 60.08 feet to a point in the southerly line of that 0.643 acre tract conveyed to Walter P. Meade Jr. and Tracie L. Meade by deed of record in Instrument Number 199810070257106;

Thence South 85° 56' 17" East, with said southerly line, a distance of 12.96 feet to a point;

Thence crossing said 4.947 acre tract the following courses and distances:

South 03° 11' 33" West, a distance of 31.93 feet to a point;

South 85° 56' 17" East, a distance of 6.19 feet to a point;

South 03° 11' 33" West, a distance of 20.00 feet to a point;

North 85° 56' 17" West, a distance of 10.30 feet to a point; and

South 03° 11' 33" West, a distance of 8.15 feet to a point in the northerly line of said 1.148 acre tract;

Thence North 85° 56' 17" West, with said northerly line, a distance of 8.85 feet to the TRUE POINT OF BEGINNING, containing 0.020 acre of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

*Matthew A. Kirk*

3 May 18

Matthew A. Kirk  
Professional Surveyor No. 7865

Date

MAK: jps  
0\_020 ac 20170038-VS-ESMT-SSWR-02.doc





Evans, Mechwart, Hordleson & Tros, Inc.  
Engineers • Surveyors • Planners • Architects  
8800 New Albany Road, Columbus, OH 43234  
Phone: 614.778.4300 Fax: 614.778.3646  
emht.com

# SANITARY SEWER EASEMENT

LOT 16, SECTION 8, QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 16  
UNITED STATES MILITARY LANDS  
CITY OF NEW ALBANY, COUNTY OF FRANKLIN, STATE OF OHIO

Date: May 3, 2018

Job No: 2017-0038

Scale: 1" = 30'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S85°56'17"E	10.00'
L2	S85°56'17"E	6.19'
L3	N85°56'17"W	10.30'
L4	S03°11'33"W	8.15'
L5	N85°56'17"W	8.85'

STATE OF OHIO,  
DEPARTMENT OF TRANSPORTATION  
0.054 AC. PARCEL 19WD  
I.N. 200411050255258

WALTER P. MEADE JR.  
AND TRACIE L. MEADE  
0.643 AC. (DEED)  
I.N. 199810070257106

S85°56'17"E  
12.96'

N03°11'33"E 60.08'  
0.020 AC.  
L1  
L2  
L3  
L4  
L5  
TPOB  
RPOB

CANINE COMPANIONS FOR  
INDEPENDENCE, INC.  
4.947 AC. (DEED)  
I.N. 201509170131078

MARY ANN COUNTS  
1.148 AC. (DEED)  
I.N. 201403120029959



GRAPHIC SCALE (in feet)

By Matthew A. Kirk  
Matthew A. Kirk  
Professional Surveyor No. 7865

3 MAY 18  
Date

U:\20170038\DWG\ASSETS\EASEMENTS\20170038-VS-ESMT-SNVR-02.DWG plotted by KIRK, MATTHEW on 5/3/2018 7:26:53 AM  
Date:

**LEISURE PATH EASEMENT**

KNOW ALL PERSONS BY THESE PRESENTS THAT **CANINE COMPANIONS FOR INDEPENDENCE** ("GRANTOR"), a California corporation, whose tax mailing address is PO Box 446, Santa Rosa California, for good and valuable consideration, which receipt and sufficiency are acknowledged, given by the **CITY OF NEW ALBANY, OHIO** ("GRANTEE"), an Ohio home rule charter municipal corporation, whose tax mailing address is 99 West Main Street, New Albany, Ohio 43054, does hereby grant to Grantee, its successors and assigns, forever, a nonexclusive public access leisure path easement in, over, under, across, and through the following described real property for walking, hiking, bicycling, riding, recreational purposes, and for other purposes consistent therewith, including the right to construct, install, reconstruct, replace, remove, repair, and maintain paved the leisure path (the "Leisure Path") within the easement areas:

**0.014 ACRE AND 0.046 ACRE**

(SEE LEGAL DESCRIPTIONS ATTACHED AS EXHIBIT "A" AND "C", DEPICTION ATTACHED AS EXHIBIT "B", AND MADE A PART OF THIS INSTRUMENT)

**PART OF FRANKLIN COUNTY PARCEL NO.: 222-001944-00**

**INSTRUMENT REFERENCES:** 201509170131123 AND 201509170131078  
RECORDER'S OFFICE; FRANKLIN COUNTY, OHIO

Grantee agrees to restore all areas of Grantor's real property that are adjacent to and/or near the Leisure Trail Easement Area which are damaged by Grantee's entry (or by the entry of anyone acting pursuant to a right given to the Grantee hereunder) to a condition that is substantially similar to that which existed prior to such entry.

Grantee has and shall maintain general liability insurance on the Leisure Trail Easement Area insuring against loss of property and injuries to persons, with such insurance to have the same terms and limits of liability as Grantee maintains for public parkland owned by Grantee. It is the intent of this Leisure Trail Easement that Grantor shall have no liability for any claims, losses, damages or injuries that result from Grantee's enjoyment of the rights granted hereunder and not the result of Grantor's negligence.

IN WITNESS WHEREOF, Grantor, Canine Companions for Independence, a California corporation, by its duly authorized representative, voluntarily caused this instrument's execution on this \_\_\_\_ day of \_\_\_\_\_, 2019.

*{SIGNATURES AND ACKNOWLEDGEMENTS ON THE FOLLOWING PAGE}*



Evans, Mechwart, Hamilton & Tilton, Inc.  
Engineers • Surveyors • Planners • Scientists  
8300 New Albany Road, Columbus, OH 43254  
Phone: 614.775.4300 Toll Free: 888.775.3448  
emhit.com

# LEISURE TRAIL EASEMENTS

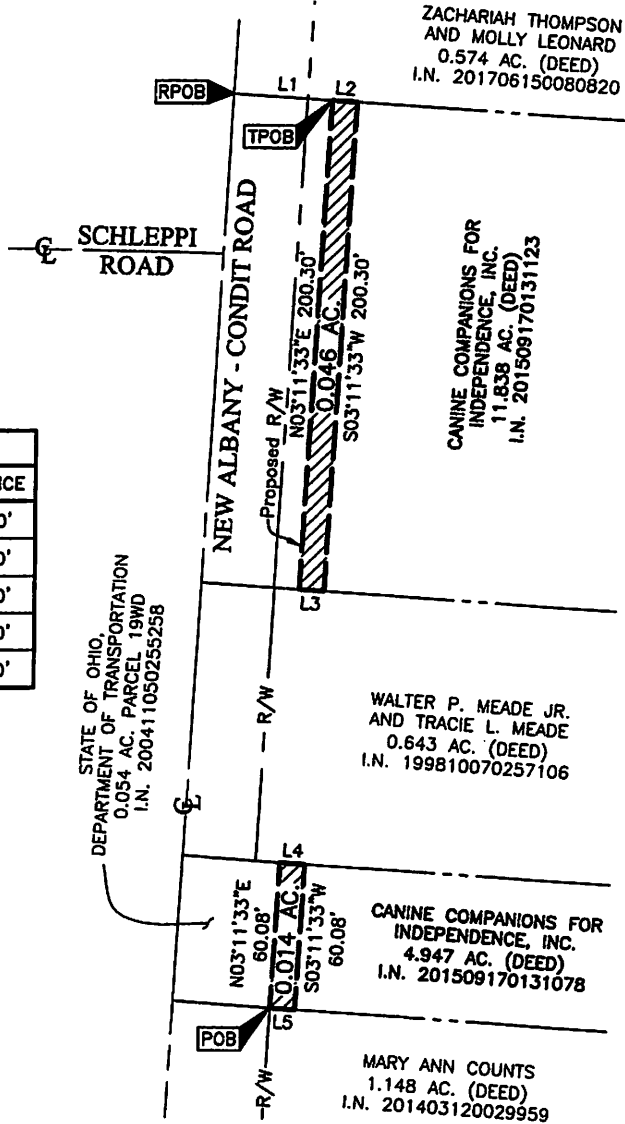
LOT 16, SECTION 8, QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 16  
UNITED STATES MILITARY LANDS  
CITY OF NEW ALBANY, COUNTY OF FRANKLIN, STATE OF OHIO

Date: November 15, 2017

Job No: 2017-0308

Scale: 1" = 60'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S85°56'17"E	40.00'
L2	S85°56'17"E	10.00'
L3	N85°56'17"W	10.00'
L4	S85°56'17"E	10.00'
L5	N85°56'17"W	10.00'



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

11/21/17  
Date



J:\2017\0308\LEISURE TRAIL EASEMENTS\20170308-03-ESMT-TRAIL-01.DWG plotted by WDBS, TACUE on 11/16/2017 2:32:47 PM  
Date:

**LEISURE TRAIL EASEMENT  
0.014 ACRE**

Situated in the State of Ohio, County of Franklin, City of New Albany, lying in Lot 16, Section 8, Quarter Township 1, Township 2, Range 16, United States Military Lands, and being a 10 foot strip of land on, over, and across that 4.947 acre tract conveyed to Canine Companions for Independence, Inc. by deed of record in Instrument Number 201509170131078, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

BEGINNING in the easterly right-of-way line of New Albany-Condit Road, at the southerly common corner of said 4.947 acre tract and that 0.054 acre tract conveyed as Parcel 19WD to State of Ohio, Department of Transportation by deed of record in Instrument Number 200411050255258, in the northerly line of that 1.148 acre tract conveyed to Mary Ann Counts by deed of record in Instrument Number 201403120029959;

Thence North 03° 11' 33" East, with the line common to said 4.947 and 0.054 acre tracts, said easterly right-of-way line, a distance of 60.08 feet to a point in the southerly line of that 0.643 acre tract conveyed to Walter P. Meade Jr. and Tracie L. Meade by deed of record in Instrument Number 199810070257106;

Thence South 85° 56' 17" East, with the line common to said 4.947 and 0.643 acre tracts, a distance of 10.00 feet to a point;

Thence South 03° 11' 33" West, across said 4.947 acre tract, a distance of 60.08 feet to a point in the line common to said 4.947 and 1.148 acre tracts;

Thence North 85° 56' 17" West, with said common line, a distance of 10.00 feet to the POINT OF BEGINNING, containing 0.014 acre, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

*Heather L. King* 11/21/17  
Heather L. King Date  
Professional Surveyor No. 8307

**LEISURE TRAIL EASEMENT  
0.046 ACRE**

Situated in the State of Ohio, County of Franklin, City of New Albany, lying in Lot 16, Section 8, Quarter Township 1, Township 2, Range 16, United States Military Lands, and being a 10 foot strip of land on, over, and across that 11.838 acre tract conveyed to Canine Companions for Independence, Inc. by deed of record in Instrument Number 201509170131123, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of New Albany Condit Road, at the westerly common corner of said 11.838 acre tract and that 0.574 acre tract conveyed to Zachariah Thompson and Molly Leonard by deed of record in Instrument Number 201706150080820;

Thence South 85° 56' 17" East, with the line common to said 11.838 and 0.574 acre tracts, a distance of 40.00 feet to the TRUE POINT OF BEGINNING;

Thence South 85° 56' 17" East, continuing with said common line, a distance of 10.00 feet to a point;

Thence South 03° 11' 33" West, across said 11.838 acre tract, a distance of 200.30 feet to a point in the line common to said 11.838 acre tract and that 0.643 acre tract conveyed to Walter P. Meade Jr. and Tracie L. Meade by deed of record in Instrument Number 199810070257106;

Thence North 85° 56' 17" West, with said common line, a distance of 10.00 feet to a point;

Thence North 03° 11' 33" East, across said 11.838 acre tract, with a proposed easterly right-of-way line, a distance of 200.30 feet to the TRUE POINT OF BEGINNING, containing 0.046 acre, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Heather L. King  
Professional Surveyor No. 8307

Date

**GENERAL WARRANTY DEED**

KNOW ALL MEN BY THESE PRESENTS: That Canine Companions for Independence, Inc. a California company, hereinafter called "Grantor", whose tax mailing address is PO Box 446, Santa Rosa California, for good and valuable consideration paid, grants with general warranty covenants, to the City of New Albany, an Ohio home rule charter municipal corporation, hereinafter called "Grantee," whose tax mailing address is 99 West Main Street, New Albany, Ohio 43054, the following described real property:

Situated in the State of Ohio, County of Franklin, and City of New Albany, being a 0.184 acre parcel legally described on Exhibit "A" and depicted on Exhibit "B", each of which is attached to this deed (the "Property").

**Prior Reference:** Official Instrument Number 201509170131123 in the Recorder's Office, Franklin County, Ohio

Parcel Number: 222-001944-00

Said Grantor, for itself and its successors and assigns, hereby covenants with the said Grantee, its successor and assigns, that it is the true and lawful owner of the Property, and lawfully seized of the same in fee simple and that it has good and right and full power to grant, bargain, sell, convey and release the same in the manner aforesaid.

The grant of the Property is subject to easements, conditions, covenants, restrictions and reservations of record, zoning ordinances and legal highways, and real estate taxes and assessments not yet due and payable.

**THE REAL PROPERTY LEGALLY DESCRIBED ON EXHIBIT "A" AND "EXHIBIT B" IS INTENDED BY GRANTEE TO BE HELD FOR USE AS PUBLIC RIGHT-OF-WAY.**

IN WITNESS WHEREOF, the said Grantor has hereunto set its hands this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

*{SIGNATURE AND ACKNOWLEDGEMENT ON THE FOLLOWING PAGE}*

**0.184 ACRE**

Situated in the State of Ohio, County of Franklin, Township of Plain and City of New Albany, lying in Lot 16, Section 8, Quarter Township 1, Township 2, Range 16, United States Military Lands, and being part of that 11.838 acre tract conveyed to Canine Companions for Independence, Inc. by deed of record in Instrument Number 201509170131123, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a railroad spike found at the centerline intersection of Old Schleppi Road, as dedicated in Road Record 5, Page 209, and New Albany-Condit Road (State Route 605), as shown on the plan for FRA 605-1.665(1.03);

Thence North 03° 35' 05" East, with the centerline of said New Albany-Condit Road, a distance of 63.50 feet to a point;

Thence North 03° 11' 33" East, continuing with said centerline, a distance of 372.08 feet to a magnetic nail set at the westerly common corner of said 11.838 acre tract and that 0.643 acre tract conveyed to Walter P. Meade Jr. and Tracie L. Meade by deed of record in Instrument Number 199810070257106, the TRUE POINT OF BEGINNING;

Thence North 03° 11' 33" East, continuing with said centerline, the westerly line of said 11.838 acre tract, a distance of 200.30 feet to a railroad spike found at the westerly common corner of said 11.838 acre tract and that 0.574 acre tract conveyed to Zachariah Thompson and Molly Leonard by deed of record in Instrument Number 201706150080820;

Thence South 85° 56' 17" East, with the line common to said 11.838 and 0.574 acre tracts, (passing a 3/4 inch rebar found at a distance of 30.26 feet) a total distance of 40.00 feet to an iron pin set;

Thence South 03° 11' 33" West, across said 11.838 acre tract, a distance of 200.30 feet to an iron pin set in the line common to said 11.838 and 0.643 acre tracts;

Thence North 85° 56' 17" West, with said common line, (passing a 3/4 inch iron pin found at a distance of 10.21 feet) a total distance of 40.00 feet to the TRUE POINT OF BEGINNING, containing 0.184 acre, more or less, of which 0.138 acre lies within the existing right-of-way of New Albany-Condit Road.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings herein are based on North 03° 35' 05" East, for a portion of the centerline of New Albany Condit Road (State Route 605) as shown on the plat for "New Albany Road East" of record in Plat Book 86, Page 78.

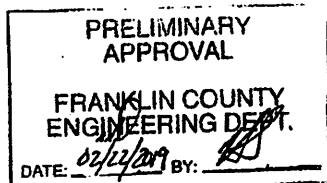
This description is based on an actual field survey performed by or under the direct supervision of Heather L. King, Professional Surveyor Number 8307 in April of 2015.



HLK: tnw  
0\_184 ac 20170308-NS-BNDY-01.doc

EVANS, MECHWART, HAMBLETON & TILTON, INC.

*Heather L. King* 11/21/17  
Heather L. King Date  
Professional Surveyor No. 8307





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Engineers • Surveyors • Planners • Scientists  
5500 New Albany Road, Columbus, OH 43054  
Phone: 614.773.4300 Toll Free: 800.773.3448  
emht.com

# SURVEY OF ACREAGE PARCEL

LOT 16, SECTION 8, QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 16  
UNITED STATES MILITARY LANDS  
CITY OF NEW ALBANY & TOWNSHIP OF PLAIN  
COUNTY OF FRANKLIN, STATE OF OHIO

Date: November 16, 2017

Job No: 2017-0308

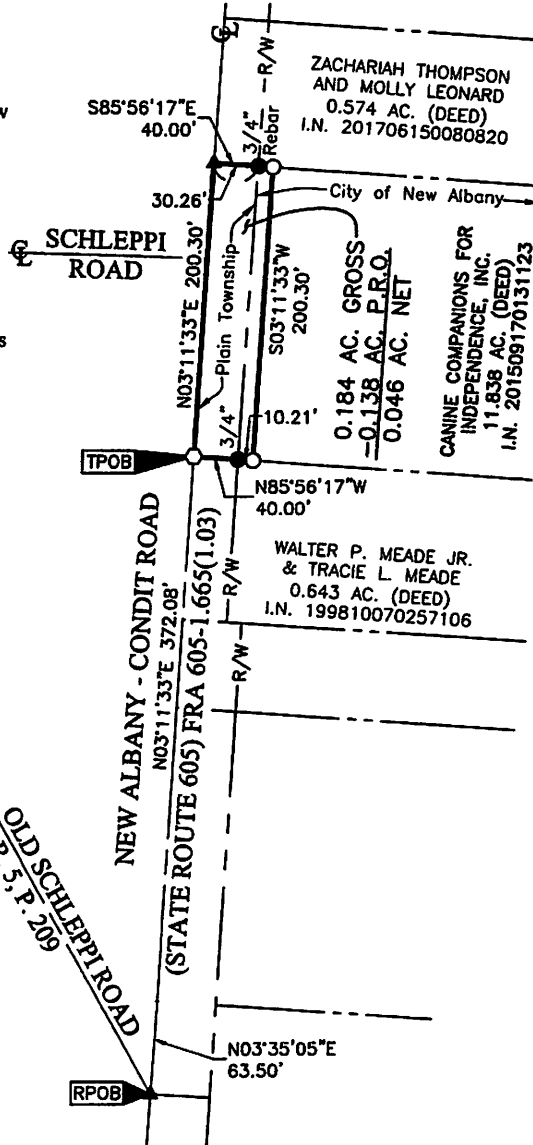
Scale: 1" = 100'

## BASIS OF BEARINGS:

Bearings are based on North 03° 35' 05" East, for a portion of the centerline of New Albany Condit Road (State Route 605) as shown on the plat for "New Albany Road East" of record in Plat Book 86, P. 78.

## SURVEY NOTE:

This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey.



- = I.P. FND.
- = I.P. SET
- = MAG. NAIL SET
- ▲ = R.R. SPK. FND.

I.P. Set are 13/16" I.D. iron pipes 30" long with cap inscribed EMHT INC.



By Heather L. King 4/21/17  
Heather L. King  
Professional Surveyor No. 8307



A:\20170308\DWG\04SHEETS\BOUNDARY\20170308-VS-8NDY-01.DWG plotted by WEEB, TEACHE on 11/21/2017 11:01:27 AM