



Prepared: 08/09/2019
Introduced: 08/20/2019
Revised:
Adopted: 09/03/2019
Effective: 10/04/2019

ORDINANCE O-29-2019

**AN ORDINANCE TO ACCEPT A 3.730 ACRE TRACT OF LAND ALONG JUG STREET
AND 4.932 ACRE TRACT OF LAND ALONG BEECH ROAD FROM MBJ HOLDINGS
LLC FOR THE PURPOSE OF PUBLIC RIGHT OF WAY**

WHEREAS, the tracts of land are located along the east side of Beech Road and north side of Jug Street;
and

WHEREAS, the land parcels currently extend to the centerline of both Beech Road and Jug Street and
have historically been served by way of a highway easement. The property owner requests to dedicate the
highway easement area to the city as public right-of-way; and

WHEREAS, the city engineer has reviewed the newly created lot and commented this dedication is
appropriate; and

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

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 a 3.730 acre tract of land along Jug
Street and a 4.932 acre tract of land along Beech Road from MBJ Holdings LLC for the purpose of public
right of way as described and depicted in 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 3 day of Sept, 2019.

Attest:

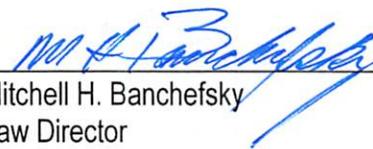


Sloan T. Spalding
Mayor



Jennifer H. Masbn
Clerk of Council

Approved as to form:



Mitchell H. Banchefsky
Law Director

EXHIBIT A - O-29-2019

Exhibit A

**LIMITED WARRANTY DEED
(O.R.C. 5302.07 - 5302.08)**

KNOW ALL MEN BY THESE PRESENTS that **MBJ HOLDINGS, LLC** a Delaware limited liability company (the “**Grantor**”), for good and valuable consideration paid, grants, with limited warranty covenants, to **THE CITY OF NEW ALBANY, OHIO**, an Ohio municipal corporation (the “**Grantee**”), whose tax-mailing address is 99 West Main Street, New Albany, Ohio 43054, the real property more particularly described as follows:

Property: Those certain 4.932± and 3.730± acre tracts situated in the City of New Albany, County of Licking, and State of Ohio and being more particularly described on Exhibit A and Exhibit A-1 (the “**Property**”) and depicted on Exhibit B and Exhibit B-1, all of which are attached hereto and made a part hereof.

Tax Parcel Numbers: Portions of 037-111756-00.002; 037-111756-00.000; 037-111756-00.001; 037-111750-01.000; 037-111606-00.000; 037-111612-00.001; 095-111606-00.000; 095-111606-00.001; 095-111606-00.000; 095-112326-00.000; 095-111618-01.000; 095-111618-03.000; 095-111618-02.000; 095-111618-04.000; 095-111618-05.000; 095-112644-00.000; 095-111594-00.002; 095-111594-00.001; 095-111594-00.000; 095-112266-00.000; and 095-111342-00.000.

Prior Instrument References: Instrument Numbers 201811280025169, 201901080000387, 201901070000273, 201901070000271, 201810160021659, 201901070000276, 201901160000963, 201901070000272, 201904010005879, 201901160000962, 201902080002506, 201811140024161, 201902080002507, 201902130002729, 201902130002729, 201902130002729, 201908020015818 and 201908020015819, all of the Recorder’s Office, Licking County, Ohio.

THE PROPERTY IS INTENDED BY GRANTEE TO BE HELD FOR USE AS PUBLIC RIGHT-OF-WAY.

The conveyance made hereunder is subject to all covenants, conditions, easements, restrictions, reservations, and other matters of record in the Office of the Recorder, Licking County, Ohio.

[SIGNATURE AND ACKNOWLEDGMENT ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF, Grantor has caused this Limited Warranty Deed to be executed by its duly authorized signatory to be effective as of the _____ day of _____, 2019.

GRANTOR:

MBJ HOLDINGS, LLC,
a Delaware limited liability company

By: _____
Printed Name: _____
Title: _____

STATE OF OHIO)
) SS:
COUNTY OF FRANKLIN)

The foregoing instrument was acknowledged before me this ____ day of _____, 2019, by _____, the _____ of MBJ HOLDINGS, LLC, a Delaware limited liability company, on behalf of the limited liability company.

[SEAL]

NOTARY PUBLIC

My Commission Expires: _____

This instrument prepared by
and after recording return to:
MBJ Holdings, LLC
8000 Walton Parkway, Suite 120
New Albany, Ohio 43054
(614) 939-8000

4.932 ACRES

Situated in the State of Ohio, County of Licking, City of New Albany, lying in Farm Lots 28, 29, and 30, Quarter Township 2, Township 2, Range 15, United States Military Lands, and being part of that 125.774 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 20190108000387, that 1.101 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201901070000271, that 1 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201810160021659, that 11.868 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201901070000276, that 1.366 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201901160000963, that 10.936 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201901070000272, that 1.171 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201904010005879, that 1.171 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201901160000962, that 2.05 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201902080002506, that 4.855 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201811140024161, that 42.336 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201902080002507, and those 4.447, One, and 49 acre tracts conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201902130002729, (all references are to the records of the Recorder's Office, Licking County, Ohio) being more particularly described as follows:

BEGINNING at a 5/8 inch rebar found 8 inches deep at the centerline intersection of Beech Road with the easterly extension of Jug Street Road, being the southwest corner of said 125.774 acre tract and the common corner of said Farm Lot 30 and Farm Lot 31 of said Quarter Township 2, Township 2, Range 15, being in the easterly line of Farm Lot 34 of said Quarter Township 2, Township 2, Range 15;

Thence North 02° 57' 02" East, with the centerline of said Beech Road, the westerly line of said Farm Lot 30, the easterly line of said Farm Lot 34 and 35, the westerly line of said 125.774 acre tract, (passing the easterly terminus of the westerly extension of said Jug Street Road at 2.82 feet) a total distance of 1008.61 feet to a magnetic nail set;

Thence North 03° 04' 58" East, continuing with said centerline, the line common to said Farm Lots 30 and 35, the westerly line of said 125.774, 1.101, and 1 acre tracts, a distance of 740.08 feet to a magnetic nail set at the common corner of said 1 and 11.868 acre tracts, being the common corner of said Farm Lots 29, 30, and 35, and Farm Lot 36 of said Quarter Township 2, Township 2, Range 15;

Thence North 03° 19' 37" East, continuing with said centerline, the line common to said Farm Lots 29 and 36, the westerly line of said 11.868, 1.366, 10.936, 1.171, 1.171, 2.05, 4.855, 42.336, and 4.447 acre tracts, a distance of 1694.21 feet to a magnetic nail set at the common corner of said 4.447 and One acre tracts, being the common corner of said Farm Lots 28, 29, and 36, and Farm Lot 37 of said Quarter Township 2, Township 2, Range 15;

Thence North 03° 30' 21" East, continuing with said centerline, the line common to said Farm Lots 28 and 37, the westerly line of said One and 49 acre tracts, a distance of 854.10 feet to a magnetic nail set at the westerly common corner of said 49 acre tract and that 50.000 acre tract conveyed as Tract 3, Parcel 1 to Hendren One, LLC by deed of record in Instrument Number 201304180009917;

Thence South 86° 28' 35" East, across Beech Road and with the line common to said 49 and 50.000 acre tracts, a distance of 50.00 feet to an iron pin set;

Thence across said 49, One, 4.447, 42.336, 4.855, 2.05, 1.171, 1.171, 10.936, 1.366, 11.868, 1, 125.774 and 1.101 acre tracts and Jug Street Road, and with the proposed easterly right-of-way line of said Beech Road, the following courses and distances:

South 03° 30' 21" West, a distance of 853.97 feet to an iron pin set;

4.932 ACRES

- 2 -

South 03° 19' 36" West, a distance of 1694.24 feet to an iron pin set;

South 03° 04' 58" West, a distance of 739.72 feet to an iron pin set; and

South 02° 57' 02" West, a distance of 1009.06 feet to a magnetic nail set in the centerline of said Jug Street Road, being the line common to Farm Lots 30 and 31;

Thence North 86° 29' 19" West, with the centerline of said Jug Street Road, said common Farm Lot line, a distance of 50.00 feet to the POINT OF BEGINNING, containing 4.932 acres, more or less, of which 2.959 acres are within the present right-of-way of said Beech Road, and 0.014 acre is within the present right-of-way of said Jug Street Road. Of said 4.932 acres, 1.679 acres is out of said 125.774 acre tract (A.P.N. 095-111606-00.00), 0.172 acre is out of said 1.101 acre tract (A.P.N. 095-111606-00.001), 0.155 acre is out of said 1 acre tract (A.P.N. 095-112326-00.000), 0.286 acre is out of said 11.868 acre tract (A.P.N. 095-111618-01.000), 0.201 acre is out of said 1.366 acre tract (A.P.N. 095-111618-03.000), 0.142 acre is out of said 10.936 acre tract (A.P.N. 095-111618-02.000), 0.172 acre is out of said 1.171 acre tract (A.P.N. 095-111618-04.000), 0.172 acre is out of said 1.171 acre tract (A.P.N. 095-111618-05.000), 0.133 acre is out of said 2.05 acre tract (A.P.N. 095-112644-00.000), 0.316 acre is out of 4.855 acre tract (A.P.N. 095-111594-00.002), 0.236 acre is out of said 42.336 acre tract (A.P.N. 095-111594-00.001), 0.287 acre is out of said 4.447 acre tract (A.P.N. 095-111594-00.000), 0.240 acre is out of said One acre tract (A.P.N. 095-112266-00.000), 0.980 acre is out said 49 acre tract (A.P.N. 095-111342-00.000).

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 the Ohio State Plane Coordinate System South Zone as per NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of Franklin County Engineering monuments Frank 80 and Frank 180. The portion of the centerline of Beech Road, having a bearing of North 02° 57' 02" East, is designated the "basis of bearings" for this description.

This description is based on an actual field survey performed by or under the direct supervision of Heather L. King, Registered Surveyor Number 8307, in July 2018.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

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

7/19/19
Date

HLK: ap
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PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED	CONDITIONAL
<input checked="" type="checkbox"/>	<input type="checkbox"/>
APPROVED BY:	<i>[Signature]</i>
DATE:	<i>7/19/19</i>

3.730 ACRES

Situated in the State of Ohio, County of Licking, City of New Albany, lying in Farm Lots 19 and 30, Quarter Township 2, Township 2, Range 15, United States Military Lands, and being part of that 125.774 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201901080000387, that 10.01 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201901070000273, that 27.014 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201811280025169, that 4.659 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201811280025169, and those 33.1900 acre and 150.00 acre tracts conveyed to MBJ Holdings, LLC by deed of record in Instrument Numbers ~~201903020015819~~ ^{201903020016818 and 201903020015819}, (all references are to the records of the Recorder's Office, Licking County, Ohio) being more particularly described as follows:

BEGINNING at a 5/8 inch rebar found at the centerline intersection of Jug Street Road with Harrison Road, being the common corner of said 150.00 acre tract 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, and being common corner of said Farm Lot 19 and Farm Lots 14, 15 and 18 of said Quarter Township 2, Township 2, Range 15;

Thence North 86° 21' 46" West, with the centerline of said Jug Street Road, the southerly line of said 150.0000, 33.1900, 4.659, 27.014, and 125.774 acre tracts, the southerly line of said Farm Lots 19 and 30, and the northerly line of Farm Lot 18, (passing a magnetic nail found at a distance of 818.05 feet, and a 1 inch solid iron pin found at distances of 1713.77 (0.66' South) and 2041.19 feet (0.50' South)) a total distance of 2707.64 feet a 5/8 inch rebar found at the common corner of said Farm Lots 18 and 31;

Thence North 86° 29' 19" West, the centerline of said Jug Street Road, the southerly line of said 125.774 and 10.01 acre tracts, and the line common to said Farm Lots 30 and 31, (passing a magnetic nail found at a distance of 820.93 feet and a PK nail found at a distance of 1833.14 feet) a total distance of 2708.49 feet to a magnetic nail set at the common corner of the remainder of said 125.774 acre tract and that 4.932 acre tract conveyed to the City of New Albany, Ohio by deed of record in Instrument Number _____;

Thence North 02° 57' 02" East, across Jug Street Road, with the line common to the remainder of said 125.774 acre tract and said 4.932 acre tract, a distance of 30.00 feet to an iron pin set in the northerly right-of-way line of said Jug Street Road;

Thence South 86° 29' 19" East, with the northerly right-of-way line of Jug Street Road, across said 125.774 and 10.01 acre tracts, (passing a 5/8 inch rebar found at a distance of 1731.60) a total distance of 2708.81 feet to an iron pin set;

Thence South 86° 21' 46" East, with the northerly right-of-way line of said Jug Street Road, across said 125.774, 27.014, 4.659, 33.1900 and 150.00 acre tracts, (passing a 5/8 rebar found at a distance of 2.73 and 122.66 feet) a total distance of 2707.48 feet to an iron pin set in the line common to said 150.00 and 5.00 acre tracts;

Thence South 03° 16' 35" West, across said Jug Street Road, with the line common to said 150.00 and 5.00 acre tracts, (passing a pinch iron pipe found at a distance of 3.55 feet) a total distance of 30.00 feet to the POINT OF BEGINNING, containing 3.730 acres, more or less, of which 3.730 acres are within the present right-of-way of Jug Street Road. Of said 3.730 acre tract, 1.299 acre is part of said 150.00 acre tract (A.P.N. 095-111756-00.000), 0.288 acre is part of said 33.190 acre tract (A.P.N. 095-111756-00.002); 0.193 acre is part of said 4.659 acre tract (A.P.N. 095-111756-00.001), 0.083 acre is part of said 27.014 acre tract (A.P.N. 095-111750-01.000), 1.629 acre is part of said 125.774 acre tract (A.P.N. 095-111606-00.000), and 0.238 acre is part of said 10.01 acre tract (A.P.N. 095-111612-00.001).

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

3.730 ACRES

- 2 -

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 the Ohio State Plane Coordinate System South Zone as per NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of Franklin County Engineering monuments Frank 80 and Frank 180. The portion of the centerline of Beech Road, having a bearing of North 02° 57' 02" East, is designated the "basis of bearings" for this description.

This description is based on an actual field survey performed by or under the direct supervision of Heather L. King, Registered Surveyor Number 8307, in June 2019.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

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

7/19/19
Date

HLK: ap
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PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED	CONDITIONAL
<input checked="" type="checkbox"/>	<input type="checkbox"/>
APPROVED BY:	<i>[Signature]</i>
DATE:	7/19/19



Evans, Mechwart, Hamilton & Tison, Inc.
 Engineers - Surveyors - Planners - Scientists
 5800 New Albany Road, Columbus, OH 43254
 Phone: 614.778.4300 Fax: 614.778.2448
 emht.com

SURVEY OF ACREAGE PARCEL
 FARM LOTS 28, 29 & 30, QUARTER TOWNSHIP 2, TOWNSHIP 2, RANGE 15
 UNITED STATES MILITARY DISTRICT
 CITY OF NEW ALBANY, COUNTY OF LICKING, STATE OF OHIO

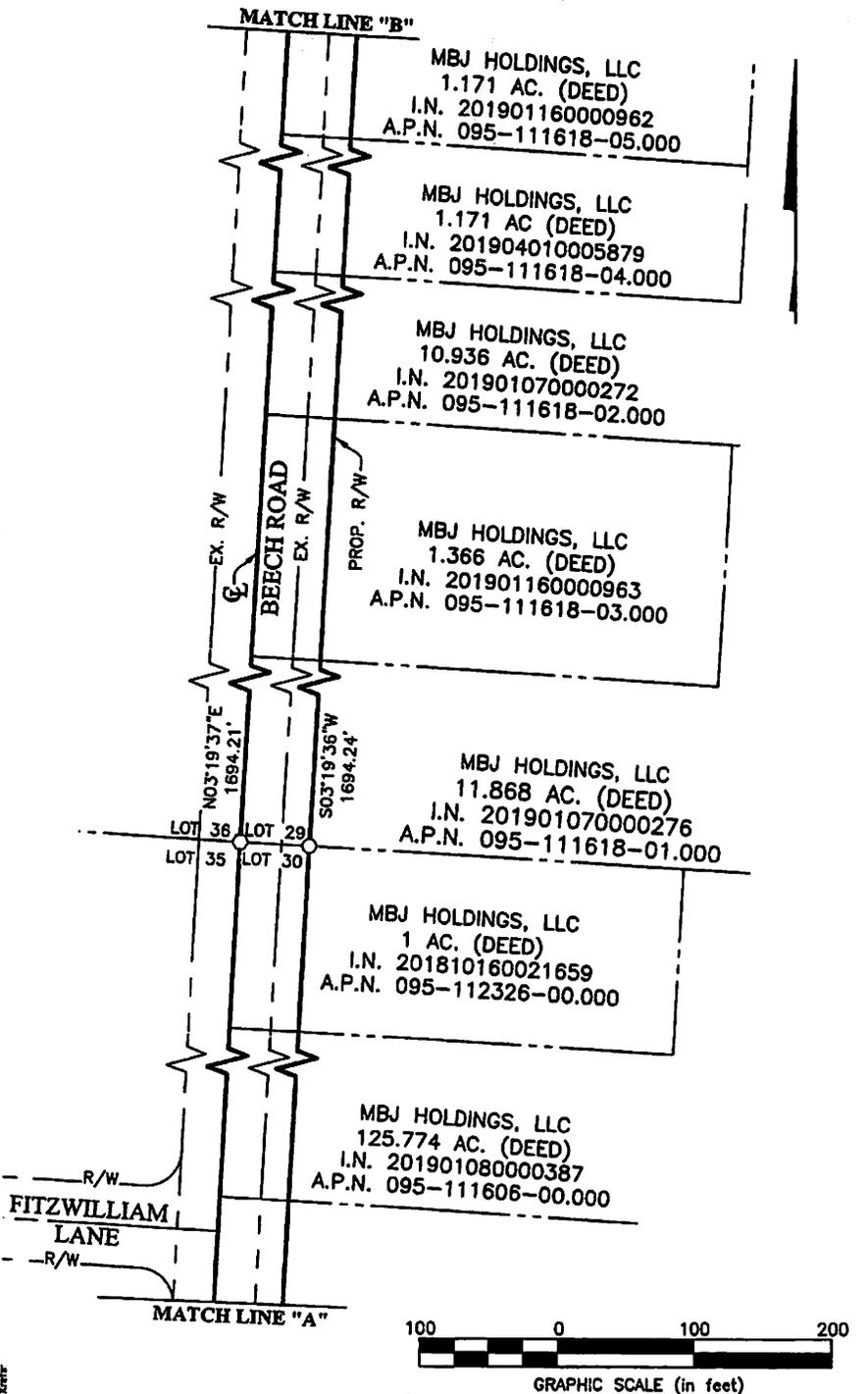
Date: June 19, 2019

Job No: 2019-0001

Scale: 1" = 100'

PAGE 2 OF 4

\A:\20190001\DWG\CAD\SURVEYS\BOUNDARY\20190001-05-8007-01.DWG plotted by NAME, HEATHER on 7/10/2019 05:53:50 AM last saved by APPJPART on 7/2/2019 10:57:14 AM





Evans, Mechwart, Nambleson & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 5209 New Albany Road, Columbus, OH 43254
 Phone: 614.778.4520 Toll Free: 888.773.5468
 emht.com

SURVEY OF ACREAGE PARCEL
FARM LOTS 28, 29 & 30, QUARTER TOWNSHIP 2, TOWNSHIP 2, RANGE 15
UNITED STATES MILITARY DISTRICT
CITY OF NEW ALBANY, COUNTY OF LICKING, STATE OF OHIO

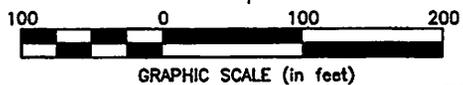
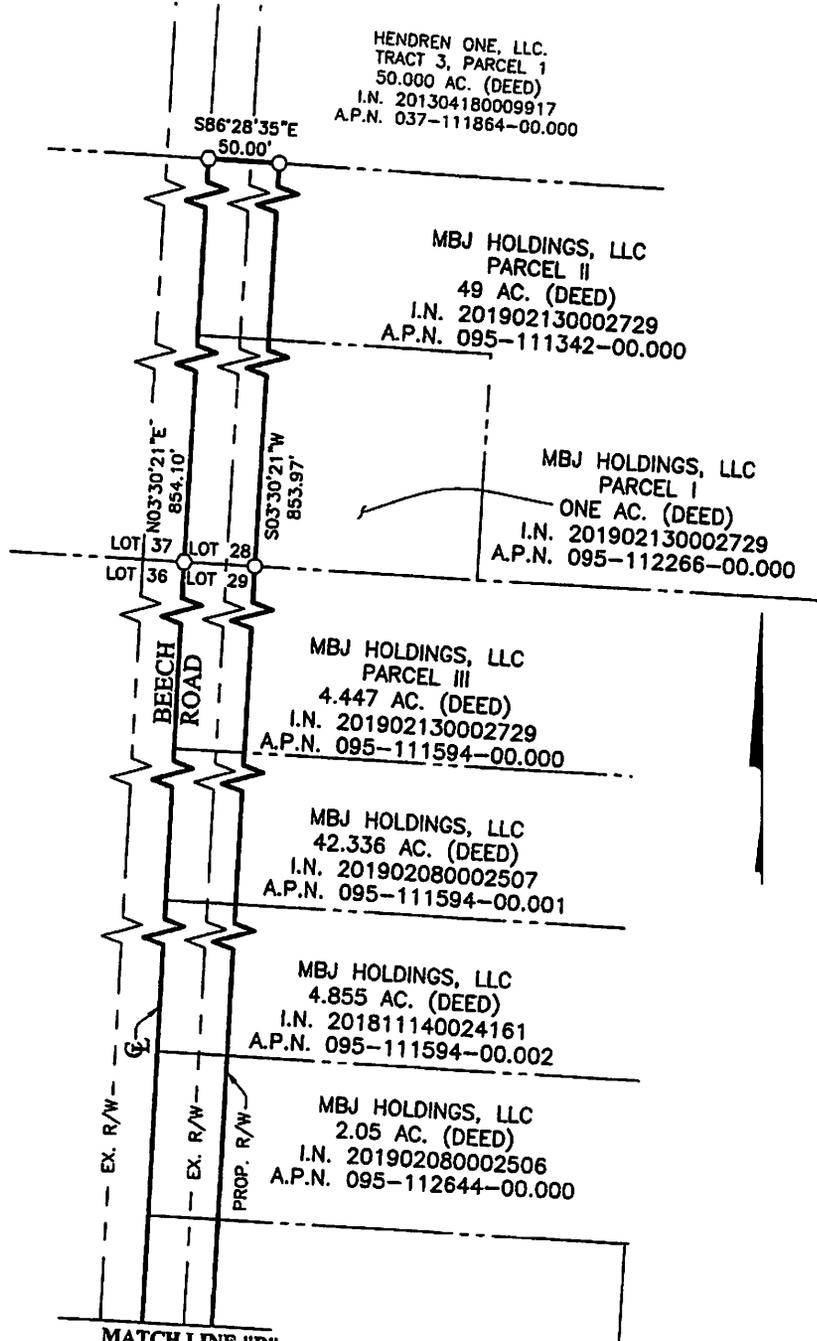
Date: June 19, 2019

Job No: 2019-0001

Scale: 1" = 100'

PAGE 3 OF 4

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 Xref:



Parcel Number	P.R.O.	Gross
095-111606-00.000	1.009 AC.	1.679 AC.
095-111606-00.001	0.103 AC.	0.172 AC.
095-112326-00.000	0.093 AC.	0.155 AC.
095-111618-01.000	0.171 AC.	0.286 AC.
095-111618-03.000	0.121 AC.	0.201 AC.
095-111618-02.000	0.085 AC.	0.142 AC.
095-111618-04.000	0.103 AC.	0.172 AC.
095-111618-05.000	0.103 AC.	0.172 AC.
095-112644-00.000	0.080 AC.	0.133 AC.
095-111594-00.002	0.189 AC.	0.316 AC.
095-111594-00.001	0.141 AC.	0.236 AC.
095-111594-00.000	0.172 AC.	0.287 AC.
095-112266-00.000	0.144 AC.	0.240 AC.
095-111342-00.000	0.445 AC.	0.741 AC.
TOTAL ACREAGES	2.959 AC.	4.932 AC.

Date: June 19, 2019 Job No: 2019-0001 Scale: 1" = 100'

SURVEY OF ACREAGE PARCEL
 FARM LOTS 28, 29 & 30, QUARTER TOWNSHIP 2, TOWNSHIP 2, RANGE 15
 UNITED STATES MILITARY DISTRICT
 CITY OF NEW ALBANY, COUNTY OF LACKING, STATE OF OHIO



ENGINEERS & ARCHITECTS
 1500 New Albany Road, Columbus, OH 43212
 Phone: 614.778.4300 Fax: 614.778.4300



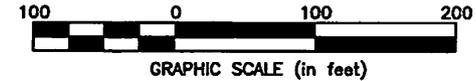
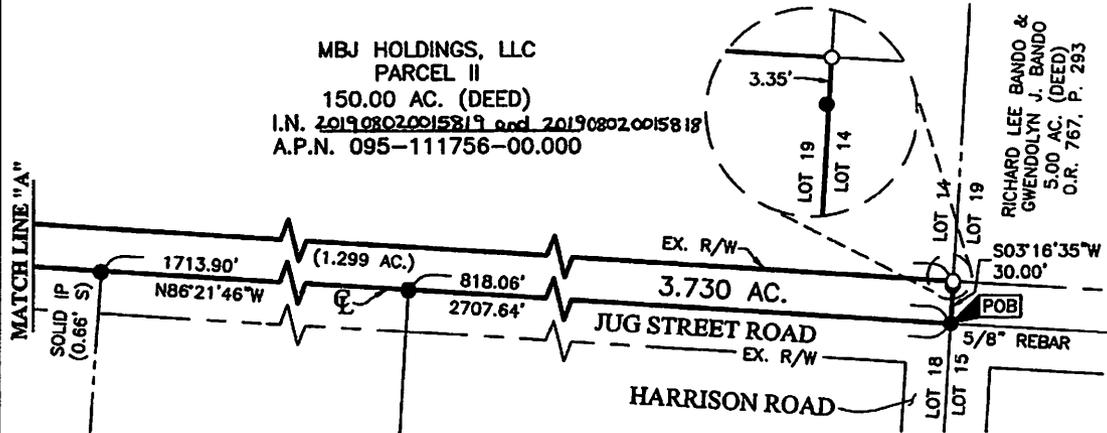
Evans, Mechwart, Hambleton & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4500 Toll free: 855.775.3648
 emht.com

SURVEY OF ACREAGE PARCEL

FARM LOTS 19 & 30, QUARTER TOWNSHIP 2, TOWNSHIP 2, RANGE 15
UNITED STATES MILITARY DISTRICT
CITY OF NEW ALBANY, COUNTY OF LICKING, STATE OF OHIO

Date: June 27, 2019
 Scale: 1" = 100'
 Job No: 2019-0001

SHEET 1 OF 3



BASIS OF BEARINGS:

The Bearings shown hereon are based on the Ohio State Plane Coordinate System South Zone as per NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of Franklin County Engineering monuments Frank 80 and Frank 180. The portion of the centerline of Beech Road, having a bearing of North 02° 57' 02" East, is designated the "basis of bearings" for this survey.

SURVEY NOTE:

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



By Heather L. King Date 7/19/19
 Heather L. King
 Professional Surveyor No. 8307



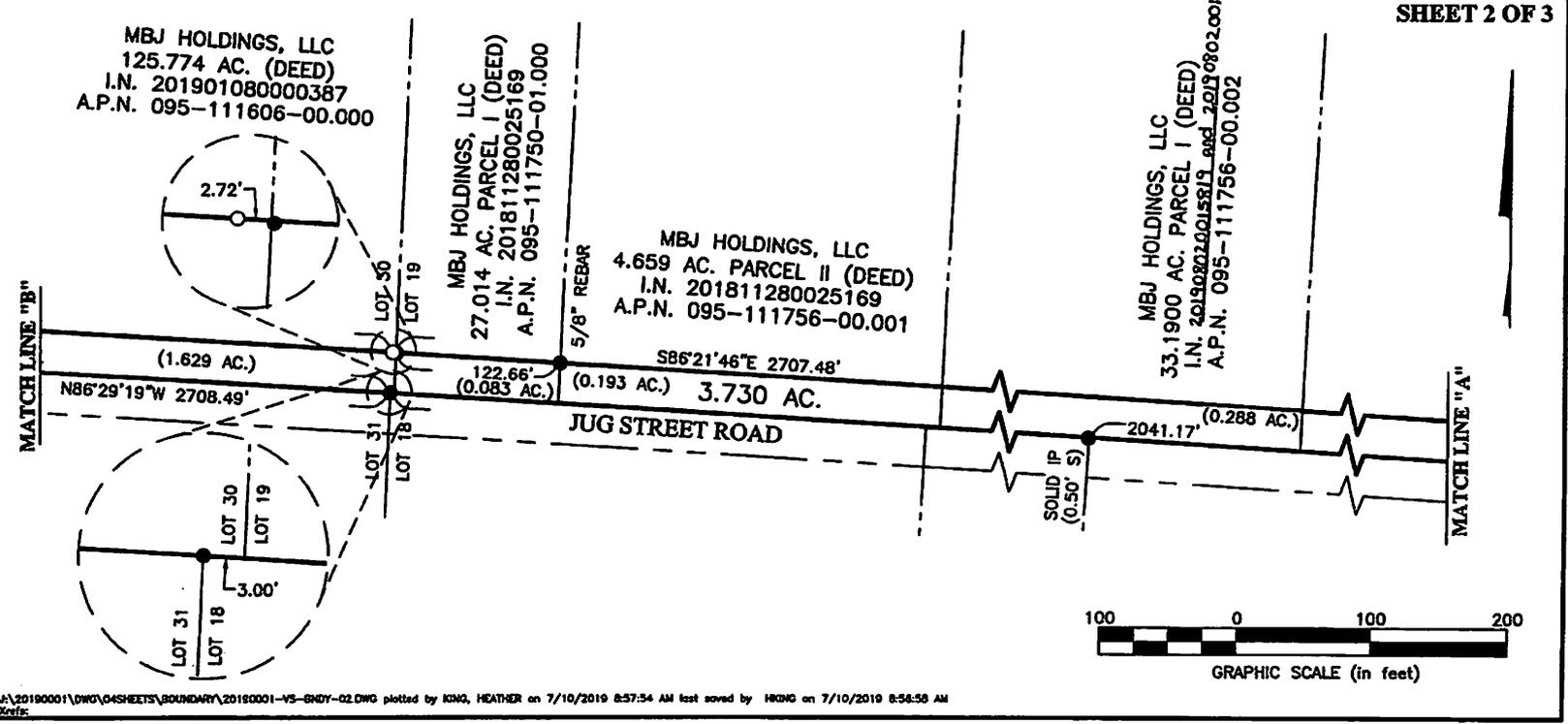
Evans, Mechwart, Hambleton & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4500 Toll Free: 888.775.3446
 emht.com

SURVEY OF ACREAGE PARCEL

FARM LOTS 19 & 30, QUARTER TOWNSHIP 2, TOWNSHIP 2, RANGE 15
UNITED STATES MILITARY DISTRICT
CITY OF NEW ALBANY, COUNTY OF LICKING, STATE OF OHIO

Date:	June 27, 2019
Scale:	1" = 100'
Job No:	2019-0001

SHEET 2 OF 3



J:\20190001\DWG\04SHEETS\BOUNDARY\20190001-V5-BNDY-02.DWG plotted by KNO, HEATHER on 7/10/2019 8:57:54 AM last saved by HONG on 7/10/2019 8:56:58 AM
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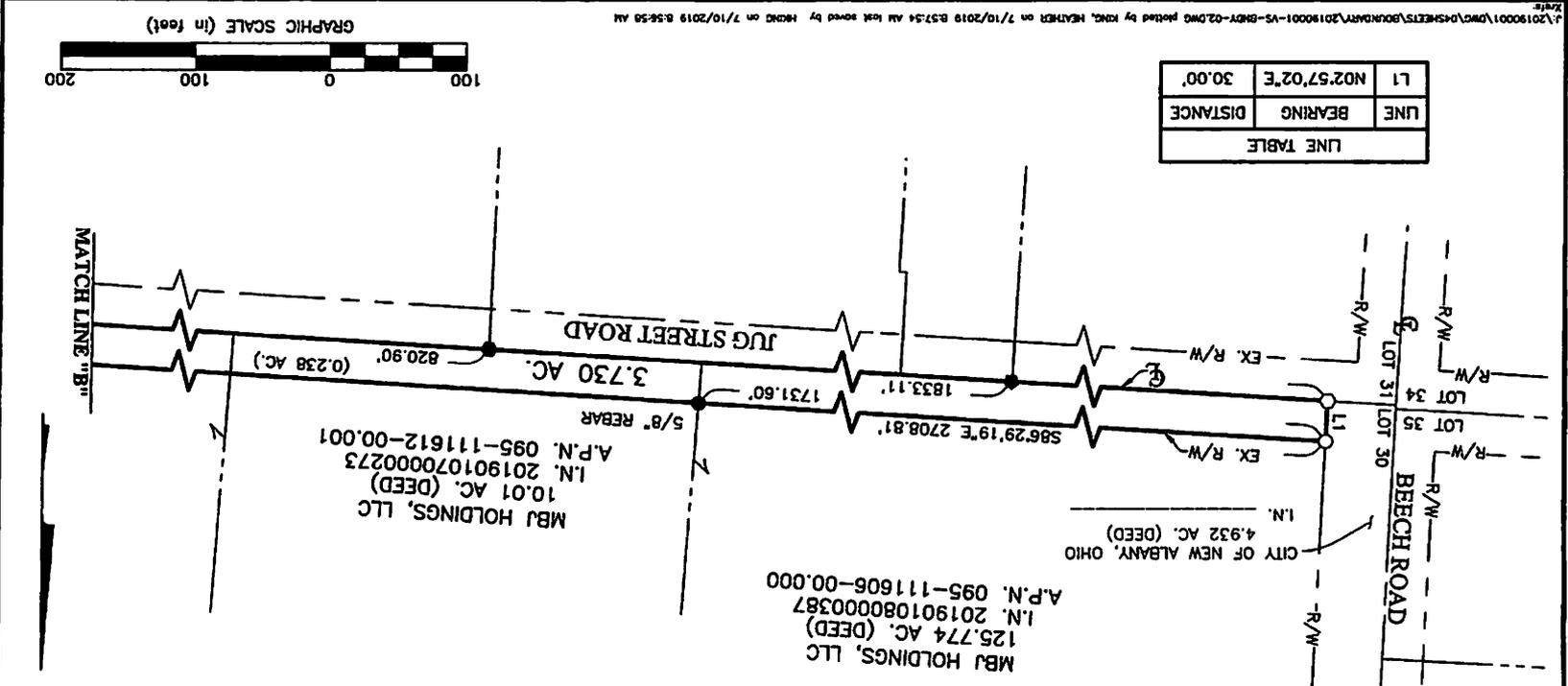


Evans, Mechtworf, Hornbaker & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4500
 emht.com
 Toll Free: 888.775.3449

SURVEY OF ACREAGE PARCEL
FARM LOTS 19 & 30, QUARTER TOWNSHIP 2, RANGE 15
UNITED STATES MILITARY DISTRICT
CITY OF NEW ALBANY, COUNTY OF LICKING, STATE OF OHIO

Date: June 27, 2019
 Scale: 1" = 100'
 Job No.: 2019-0001

SHEET 3 OF 3



J:\20190001\DWG\DESIGN\BORDER\20190001-VS-BMDT-02.DWG plotted by KING, HEATHER on 7/10/2019 8:37:54 AM lot saved by KING on 7/10/2019 8:58:58 AM



Prepared: 08/08/2019
Introduced: 08/20/2019
Revised:
Adopted: 09/03/2019
Effective: 10/04/2019

ORDINANCE O-30-2019

AN ORDINANCE TO ACCEPT UTILITY AND STREETScape EASEMENTS OF 4.898 ACRES ALONG BEECH ROAD AND 4.312 ACRES ALONG JUG STREET AS REQUESTED BY MBJ HOLDINGS, LLC

WHEREAS, the developer, MBJ Holdings, LLC is required to grant utility and streetscape easements to accommodate future development within the area; and

WHEREAS, the City of New Albany will be the recipient (grantee) of the utility and streetscape easements totaling 4.898 acres along Beech Road and 4.312 acres along Jug Street; and

WHEREAS, the city engineer has reviewed the easements and determined this dedication is appropriate for the accommodation of construction and maintenance for leisure trails, street trees, stormwater drainage, and private utilities; and

WHEREAS, the city will benefit from this dedication of 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 the utility and streetscapes easements of 4.898 acres and 4.312 acres 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.

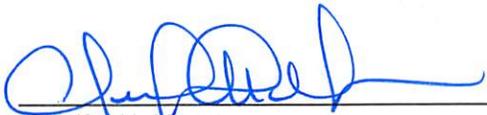
CERTIFIED AS ADOPTED this 3 day of Sept, 2019.

02/24/2019
12:47:10

Attest:

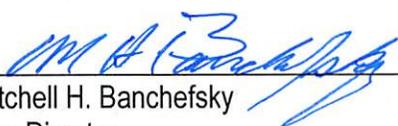


Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Mitchell H. Banchefsky
Law Director

EXHIBIT A - O-30-2019

Exhibit A

Portion above reserved for State of Ohio Auditor, Engineer and Recorder's Offices use

UTILITY AND STREETScape EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that **MBJ HOLDINGS, LLC**, a Delaware limited liability company ("Grantor"), for good and valuable consideration received from **THE CITY OF NEW ALBANY, OHIO**, an Ohio municipal corporation with its address at 99 W. Main Street, New Albany, Ohio 43054 ("Grantee"), the receipt and sufficiency of which is hereby acknowledged, does hereby grant to Grantee and its successors and assigns forever, all right, title, and interest in and to a perpetual, non-exclusive easement in, over, under, across, and through the following described tracts of real property (collectively, the "Easement Area"), for the purposes of constructing, installing, operating, maintaining, repairing, and replacing (i) sanitary sewer lines and related appurtenances, (ii) water lines and related appurtenances, (iii) underground electrical lines, fiber optic or other communication lines, or empty ducts and conduits in which electric, fiber optic and other communication lines may be installed, (iv) gas lines, (v) storm drainage lines, structures, ditches, and swales, (vi) bicycle and pedestrian trails and pathways for use by the general public, (vii) landscaping, and (viii) such above-ground cabinets, boxes, pull stations, valves, switches, controls, pads, signage, and other ground-mounted equipment reasonably necessary to operate any of the foregoing (collectively, the "Improvements"):

See description and depiction of Easement Area in Exhibit A, Exhibit B and Exhibit C attached hereto and incorporated herein by reference.

The Easement Area burdens a portion of the real property (the "Property") identified as follows:

Licking County Auditor
Parcel Numbers:

Portions of 037-111756-00.002; 037-111756-00.000; 037-111756-00.001; 037-111750-01.000; 037-111606-00.000; 037-111612-00.001; 095-111606-00.000; 095-111606-00.001; 095-111606-00.000; 095-112326-00.000; 095-111618-01.000; 095-111618-03.000; 095-111618-02.000; 095-111618-04.000; 095-111618-05.000; 095-112644-

00.000; 095-111594-00.002; 095-111594-00.001;
095-111594-00.000; 095-112266-00.000; and 095-
111342-00.000.

Prior Instrument References:

Instrument Numbers 201811280025169,
201901080000387, 201901070000273,
201901070000271, 201810160021659,
201901070000276, 201901160000963,
201901070000272, 201904010005879,
201901160000962, 201902080002506,
201811140024161, 201902080002507,
201902130002729, 201902130002729,
201902130002729, 201908020015818 and
201908020015819, all of the Recorder's Office,
Licking County, Ohio.

Grantee and its agents, contractors, and assigns, at no cost or expense to Grantor, shall be permitted to install and construct the Improvements within the Easement Area. Grantee shall be permitted to assign any portion of the rights granted under this Utility and Streetscape Easement (each assignment being a "Subsequent Easement") to relevant utility service providers to allow it or them (in addition to Grantee) to install, operate, maintain, repair and replace any Improvement(s) without further consent by Grantor or its successors and assigns, provided, however, that any Subsequent Easement shall be (i) set forth in a written instrument which is recorded and a copy of which is provided to Grantor, and (ii) specifically subject to the terms of this Utility and Streetscape Easement. The Improvements shall be designed in accordance with appropriate engineering standards and practices and shall be installed in accordance with plans and specifications approved by Grantee. The Improvements shall be installed and constructed in accordance with all applicable legal requirements and specifications of the City of New Albany, Ohio, and any other applicable local, state, or federal government requirements and specifications. Grantee shall be solely responsible, at Grantee's cost and expense, for obtaining any wetlands permits or environmental permits required to install the Improvements. Once installed and constructed, the Improvements shall be the property of Grantee or Grantee's assignee under any Subsequent Easement.

Grantee shall be solely responsible for operating, maintaining, repairing, and replacing the Improvements from time-to-time as Grantee deems necessary in its sole discretion, with the costs of such operation, maintenance, repair, and replacement also to be the sole responsibility of Grantee. Grantee agrees that it shall restore any real property that is damaged by the exercise of any rights being provided in its favor under this Easement. 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 shall be required to obtain, and keep in full force and effect during all times while this Utility and Streetscape Easement is effective, liability insurance covering all acts and omissions of Grantee or those acting for or through Grantee in amounts that

are customary for Grantee to obtain and retain for other similar easement rights that Grantee enjoys. Grantee agrees to hold Grantor harmless up to the extent of Grantee's liability insurance coverage in the event that Grantee and/or its employees, agents or contractors are found to be liable in connection with their acts or omissions under this Utility and Streetscape Easement. It is expressly acknowledged by Grantor that Grantee is not pledging any funds other than available insurance proceeds with respect to the indemnification provided hereunder. All references to "Grantee" in this paragraph shall include each assignee of Grantee under any Subsequent Easement and each such assignee shall be deemed to have made to Grantor the same commitments, covenants, agreements, and obligations with respect to its easement rights under as Subsequent Easement as Grantee has made to Grantor under this paragraph.

The easement granted hereunder shall run with and be appurtenant to the real property to which it applies and shall be binding upon Grantor and Grantee and their respective successors and assigns in interest. Grantor reserves the right to utilize the Easement Area for any and all purposes that do not unreasonably interfere with the rights granted to Grantee hereunder, as determined by Grantee in its reasonable discretion; provided, however, that no structures shall be constructed within the Easement Area. Such rights of Grantor shall include, but not be limited to, the right to install fencing and landscaping and the right to grant easements for the installation of other private or public utilities within the Easement Area, including but not limited to electric, gas, fiber optics, telephone, telecommunications, and cable. The location of any fencing, landscaping or utility easements shall be reasonably agreed upon between Grantor and Grantee. During all times in which this Utility and Streetscape Easement is effective, Grantor shall maintain liability insurance, or reasonable evidence of adequate self-insurance, covering all acts and omissions of Grantor or those acting for or through Grantor in connection with this Utility and Streetscape Easement.

Grantor hereby covenants with Grantee that Grantor is the true and lawful owner of the Easement Area and that Grantor has the good, right, and full power to grant the easement described herein as it relates to such real property. This Easement shall not be modified or amended except in a writing signed by both parties hereto.

[Signature pages follow]

IN WITNESS WHEREOF, Grantor, by its duly authorized signatory, has caused this Utility and Streetscape Easement to be executed this ____ day of _____, 2019.

GRANTOR:

MBJ HOLDINGS, LLC,
a Delaware limited liability company

By: _____

Print Name: _____

Title: _____

STATE OF OHIO)
COUNTY OF FRANKLIN) SS:

BE IT REMEMBERED, that on this ____ day of _____, 2019, before me, the subscriber, a Notary Public in and for said county and state, personally came _____, the _____ of MBJ HOLDINGS, LLC, a Delaware limited liability company, who acknowledged the signing thereof to be his free act and deed for and on behalf of the limited liability company.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

Notary Public

IN WITNESS WHEREOF, Grantee, by its duly authorized signatory, has caused this Utility and Streetscape Easement to be executed this ____ day of _____, 2019.

GRANTEE:

THE CITY OF NEW ALBANY, OHIO
an Ohio municipal corporation

By: _____

Print Name: _____

Title: _____

Approved as to Form:

By: _____

Mitchell Banchefsky, Law Director

STATE OF OHIO)
COUNTY OF FRANKLIN) SS:

BE IT REMEMBERED, that on this ____ day of _____, 2019, before me, the subscriber, a Notary Public in and for said county and state, personally came _____, the _____ of The City of New Albany, Ohio, an Ohio municipal corporation, who acknowledged the signing thereof to be his free act and deed for and on behalf of the municipal corporation.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

Notary Public

This instrument prepared by
and after recording return to:
MBJ Holdings, LLC
8000 Walton Parkway, Suite 120
New Albany, Ohio 43054
(614) 939-8000

**EASEMENT
4.312 ACRES**

Situated in the State of Ohio, County of Licking, City of New Albany, lying in Farm Lots 19 and 30, Quarter Township 2, Township 2, Range 15, United States Military Lands, and being on, over, and across the remainder of that 125.774 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 201901080000387, that 10.01 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 201901070000273, that 27.014 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 201811280025169, that 4.659 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 201811280025169, that 33.1900 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Numbers ~~201908020015818~~ 201908020015819 and that 150.00 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Numbers ~~201908020015818~~ 201908020015819, (all references are to the records of the Recorder's Office, Licking County, Ohio) being more particularly described as follows:

Beginning, for reference, at the centerline intersection of Jug Street Road with Harrison Road, the common corner of that 5.00 acre tract conveyed to Richard Lee Bando and Gwendolyn J. Bando by deed of record in Official Record 767, Page 293 and that 3.730 acre tract conveyed to the City of New Albany, Ohio by deed of record in Instrument Number _____, being the common corner of said Farm Lot 19 and Farm Lots 14, 15 and 18 of said Quarter Township 2, Township 2, Range 15;

Thence North 03° 16' 35" East, across said Jug Street Road and with the line common to said 3.730 and 5.00 acre tracts, a distance of 30.00 feet to the common corner of the remainder of said 150.00 acre tract and said 3.730 acre tract, in the northerly right-of-way line of said Jug Street Road, being the TRUE POINT OF BEGINNING;

Thence North 86° 21' 46" West, with the northerly right-of-way line of said Jug Street Road, the northerly line of said 3.730 acre tract and the southerly line of the remainder of said 150.00, 33.1900, 4.659, 27.014 and 125.774 acre tracts and said 3.730 acre tract, a distance of 2707.48 feet to a point;

Thence North 86° 29' 19" West, with the northerly right-of-way line of said Jug Street Road, the northerly line of said 3.730 acre tract and the southerly line of the remainder of said 125.774 and 10.01 acre tracts and said 3.730 acre tract, a distance of 2658.81 feet to a point at the southeasterly corner of that 50 foot utility easement of record in Instrument Number _____;

Thence across the remainder of said 125.774, 10.01, 27.014, 4.6595, 33.1900 and 150.00 acre tracts, the following courses and distances:

North 02° 57' 02" East, with the easterly line of said utility easement, a distance of 35.00 feet to a point;

South 86° 29' 19" East, a distance of 2659.19 feet to a point; and

South 86° 21' 46" East, a distance of 2707.30 feet to a point in the line common to the remainder of said 150.00 acre tract and said 5.00 acre tract, being the line common to said Farm Lots 14 and 19;

Thence South 03° 16' 35" West, with said common lines, a distance of 35.00 feet to the TRUE POINT OF BEGINNING, containing 4.312 acres, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

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

7/19/19
Date

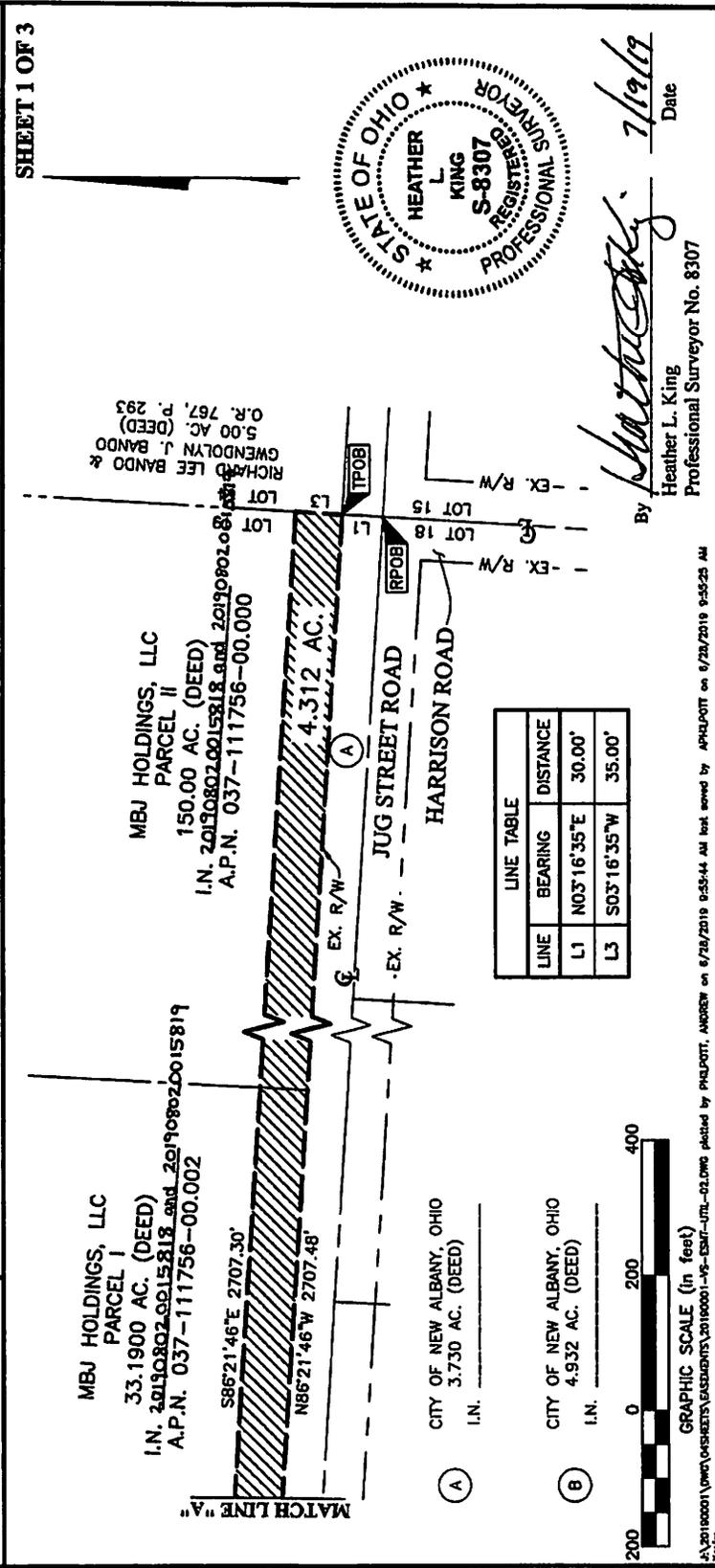
Date: June 28, 2019
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 Job No.: 2019-0001

EASEMENT

**FARM LOTS 19 & 30, QUARTER TOWNSHIP 2, TOWNSHIP 2, RANGE 15
 UNITED STATES MILITARY DISTRICT
 CITY OF NEW ALBANY, COUNTY OF LICKING, STATE OF OHIO**



EMHT
 Everts, Meschwart, Hombelton & Thon, Inc.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4500 Tel Fax: 688.775.3448
 emht.com



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Evans, Mechwart, Hambleton & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43254
 Phone: 614.775.4500 Toll Free: 888.775.3646
 emht.com

EASEMENT

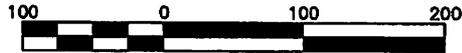
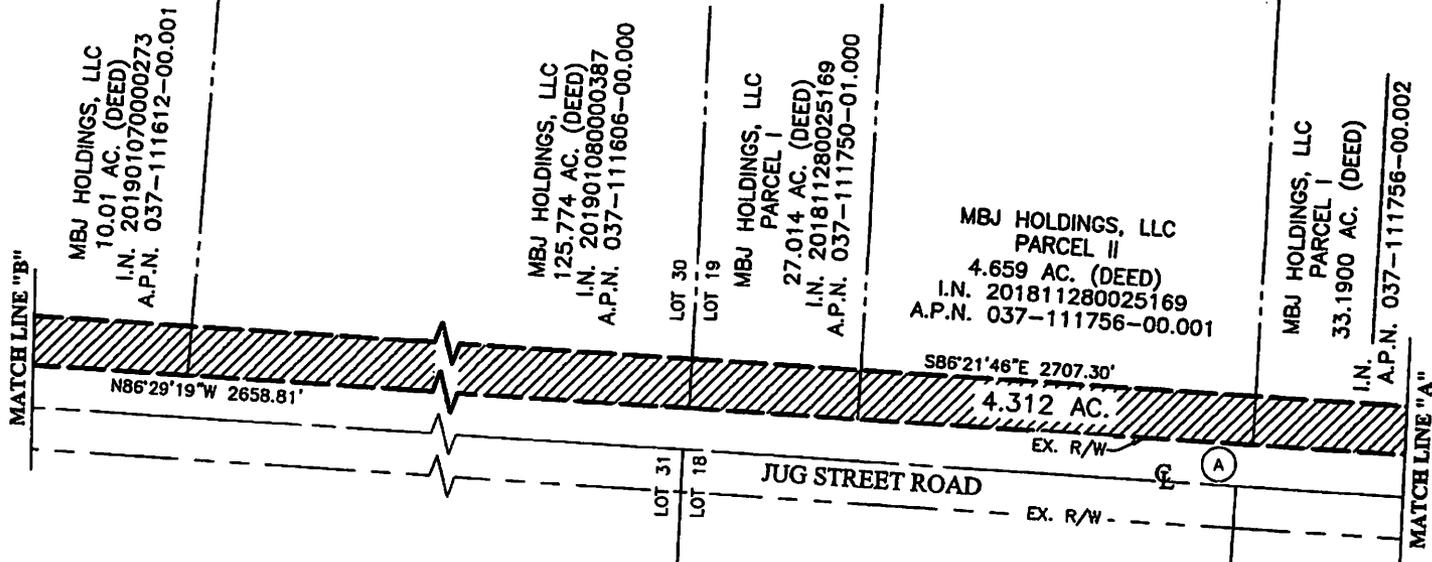
FARM LOTS 19 & 30, QUARTER TOWNSHIP 2, TOWNSHIP 2, RANGE 15
 UNITED STATES MILITARY DISTRICT
 CITY OF NEW ALBANY, COUNTY OF LICKING, STATE OF OHIO

Date: June 28, 2019

Scale: 1" = 100'

Job No: 2019-0001

SHEET 2 OF 3



GRAPHIC SCALE (in feet)

**EASEMENT
4.898 ACRES**

Situated in the State of Ohio, County of Licking, City of New Albany, lying in Farm Lots 28, 29, and 30, Quarter Township 2, Township 2, Range 15, United States Military Lands, and being part of that 125.774 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201901080000387, that 1.101 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201901070000271, that 1 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201810160021659, that 11.868 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201901070000276, that 1.366 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201901160000963, that 10.936 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201901070000272, that 1.171 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201904010005879, that 1.171 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201901160000962, that 2.05 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201902080002506, that 4.855 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201811140024161, that 42.336 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201902080002507, and those 4.447, One, and 49 acre tracts conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201902130002729, (all references are to the records of the Recorder's Office, Licking County, Ohio) being more particularly described as follows:

BEGINNING at the centerline intersection of Beech Road with the easterly extension of Jug Street Road, being the southwest corner of that 4.932 acre tract conveyed to the City of New Albany, Ohio by deed of record in Instrument Number _____ and the common corner of said Farm Lot 30 and Farm Lot 31 of said Quarter Township 2, Township 2, Range 15, being in the easterly line of Farm Lot 34 of said Quarter Township 2, Township 2, Range 15;

Thence South 86° 29' 19" East, with the centerline of said Jug Street Road, the southerly line of said 4.932 acre tract and the line common to said Farm Lots 30 and 31, a distance of 50.00 feet to a point at the southwesterly corner of that 3.730 acre tract conveyed to the City of New Albany, Ohio by deed of record in Instrument Number _____;

Thence North 02° 57' 02" East, across said Jug Street Road, with the line common to said 4.932 and 3.730 acre tracts, a distance of 30.00 feet to the intersection of the easterly right-of-way line of Beech Road with the northerly right-of-way line of said Jug Street Road, being the TRUE POINT OF BEGINNING;

Thence with the easterly right-of-way line of Beech Road, the easterly line of said 4.932 acre tract and the westerly line of said the remainder of said 125.774, 1.101, 1, 11.868, 1.366, 10.936, 1.171, 1.171, 2.05, 4.855, 42.336, 4.447, One and 49 acre tracts, the following courses and distances:

North 02° 57' 02" East, a distance of 979.05 feet to a point;

North 03° 04' 58" East, a distance of 739.72 feet to a point in the line common to said Farm Lots 29 and 30;

North 03° 19' 36" East, a distance of 1694.24 feet to a point in the line common to said Farm Lots 28 and 39; and

North 03° 30' 21" East, a distance of 853.97 feet to the corner common of said 4.932 acre tract and the remainder of said 49 acre tract, in the southerly line of that 50.00 acre tract conveyed to Hendren One, LLC by deed of record in Instrument Number 201304180009917;

Thence South 86° 28' 35" East, with the line common to the remainder of said 49 acre tract and said 50.00 acre tract, a distance of 50.00 feet to a point;

**EASEMENT
4.898 ACRES**

- 2 -

Thence across the remainder of said 49, One, 4.447, 42.336, 4.855, 2.05, 1.171, 1.171, 10.936, 1.366, 11.868, 1, 125.774 and 1.101 acre tracts, the following courses and distances:

South 03° 30' 21" West, a distance of 853.90 feet to a point;

South 03° 19' 36" West, a distance of 1694.06 feet to a point;

South 03° 04' 58" West, a distance of 739.56 feet to a point; and

South 02° 57' 02" West, a distance of 979.47 feet to a point in the southerly line of the remainder of said 125.774 acre tract and the northerly right-of-way line of said Jug Street Road;

Thence North 86° 29' 19" West, with the northerly right-of-way line of Jug Street Road and the southerly line of the remainder of said 125.774 acre tract, a distance of 50.00 feet the TRUE POINT OF BEGINNING, containing 4.898 acres, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

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

7/19/19
Date



Evans, Mechwart, Hambleton & Tiboni, Inc.
 Engineers • Surveyors • Planners • Scientists
 4800 New Albany Road, Columbus, OH 43234
 Phone: 614.778.4500 Fax: 614.778.4548
 emht.com

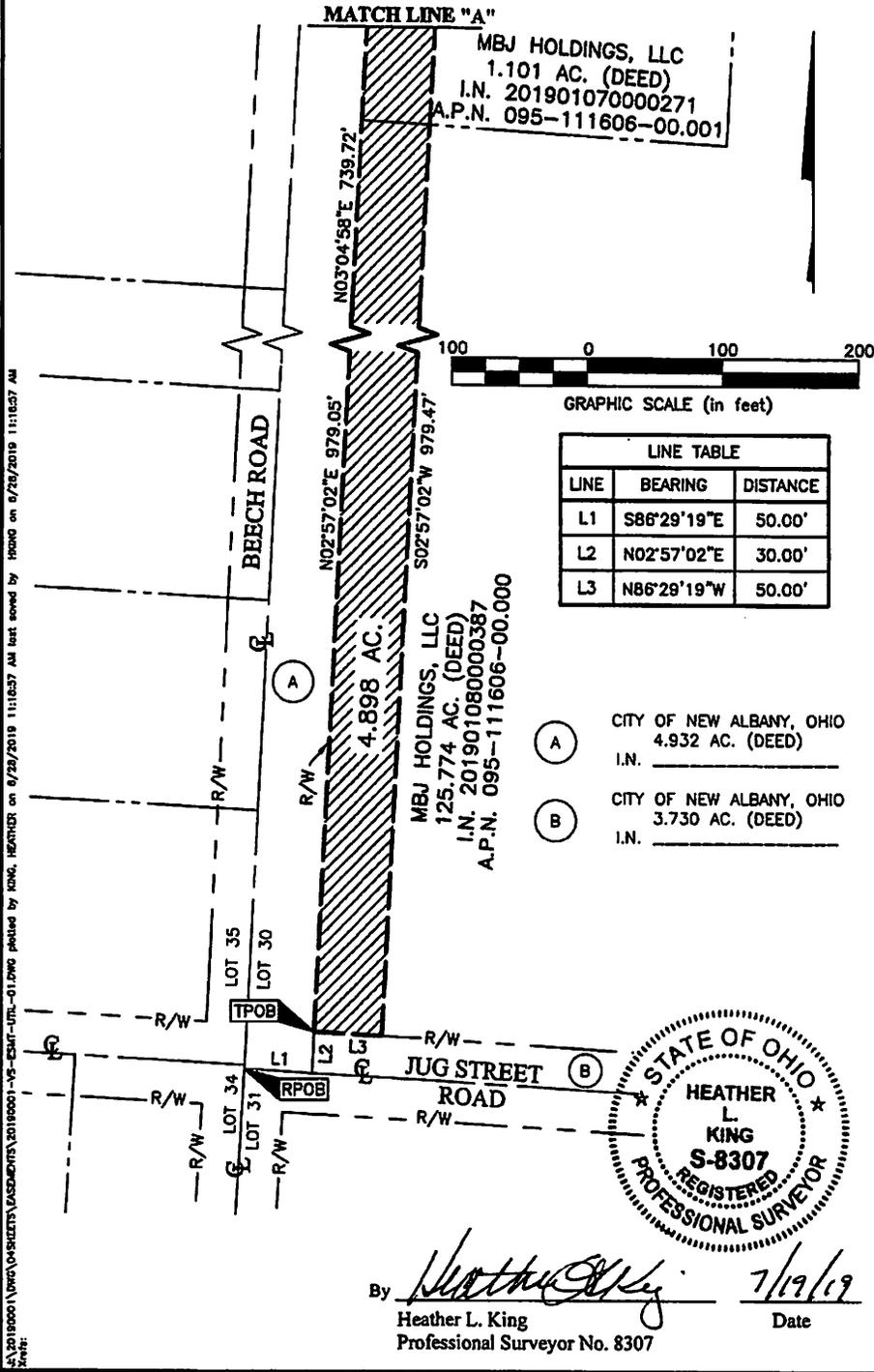
EASEMENT
 FARM LOTS 28, 29 & 30, QUARTER TOWNSHIP 2, TOWNSHIP 2, RANGE 15
 UNITED STATES MILITARY DISTRICT
 CITY OF NEW ALBANY, COUNTY OF LICKING, STATE OF OHIO

Date: June 28, 2019

Job No: 2019-0001

Scale: 1" = 100'

PAGE 1 OF 3



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EMHT
 Evans, Mechwart, Hornblower & Iron, Inc.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43254
 Phone: 614.778.4322 Fax: 614.778.3444
 emht.com

EASEMENT

FARM LOTS 28, 29 & 30, QUARTER TOWNSHIP 2, TOWNSHIP 2, RANGE 15
 UNITED STATES MILITARY DISTRICT
 CITY OF NEW ALBANY, COUNTY OF LICKING, STATE OF OHIO

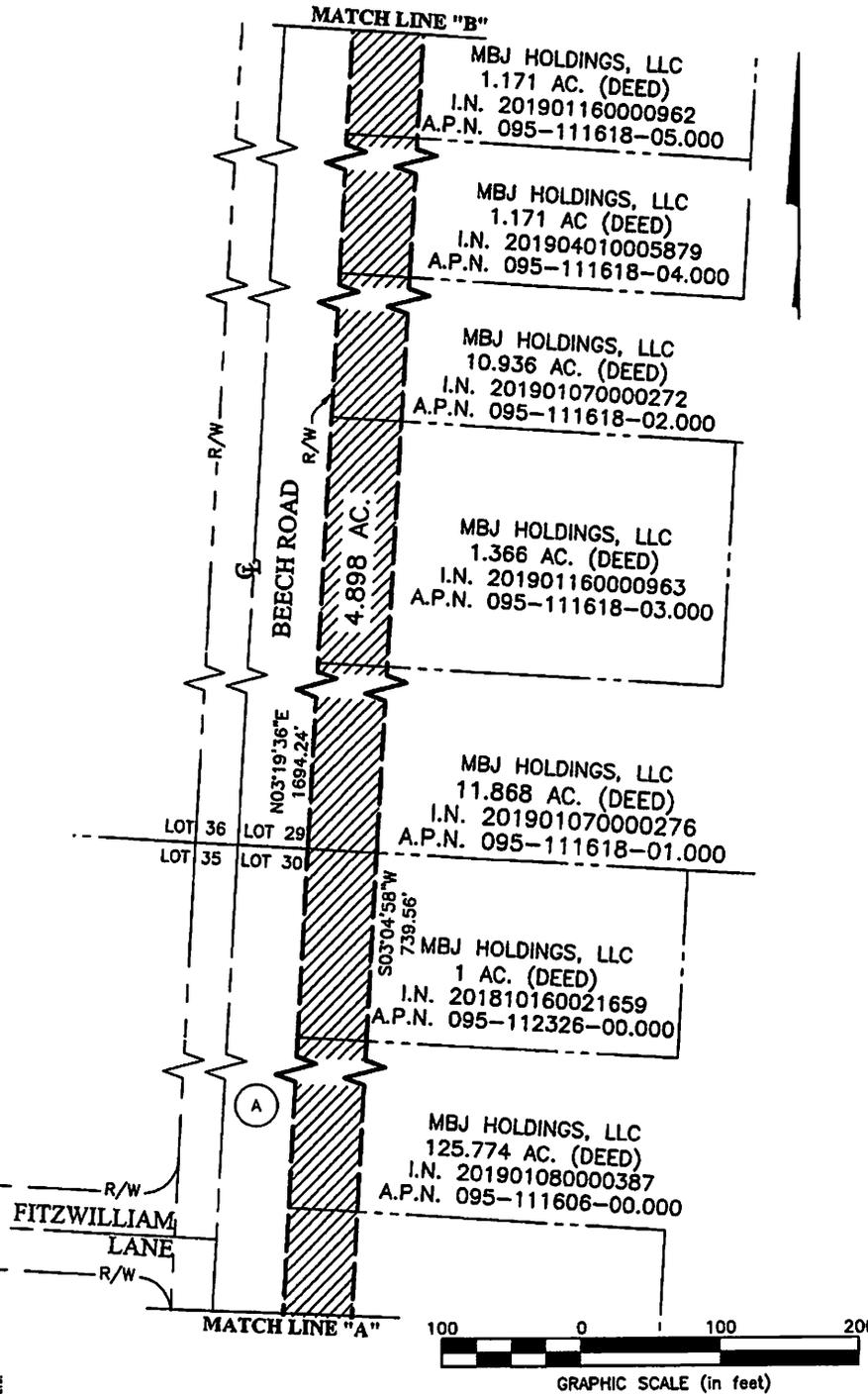
Date: June 28, 2019

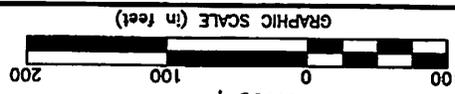
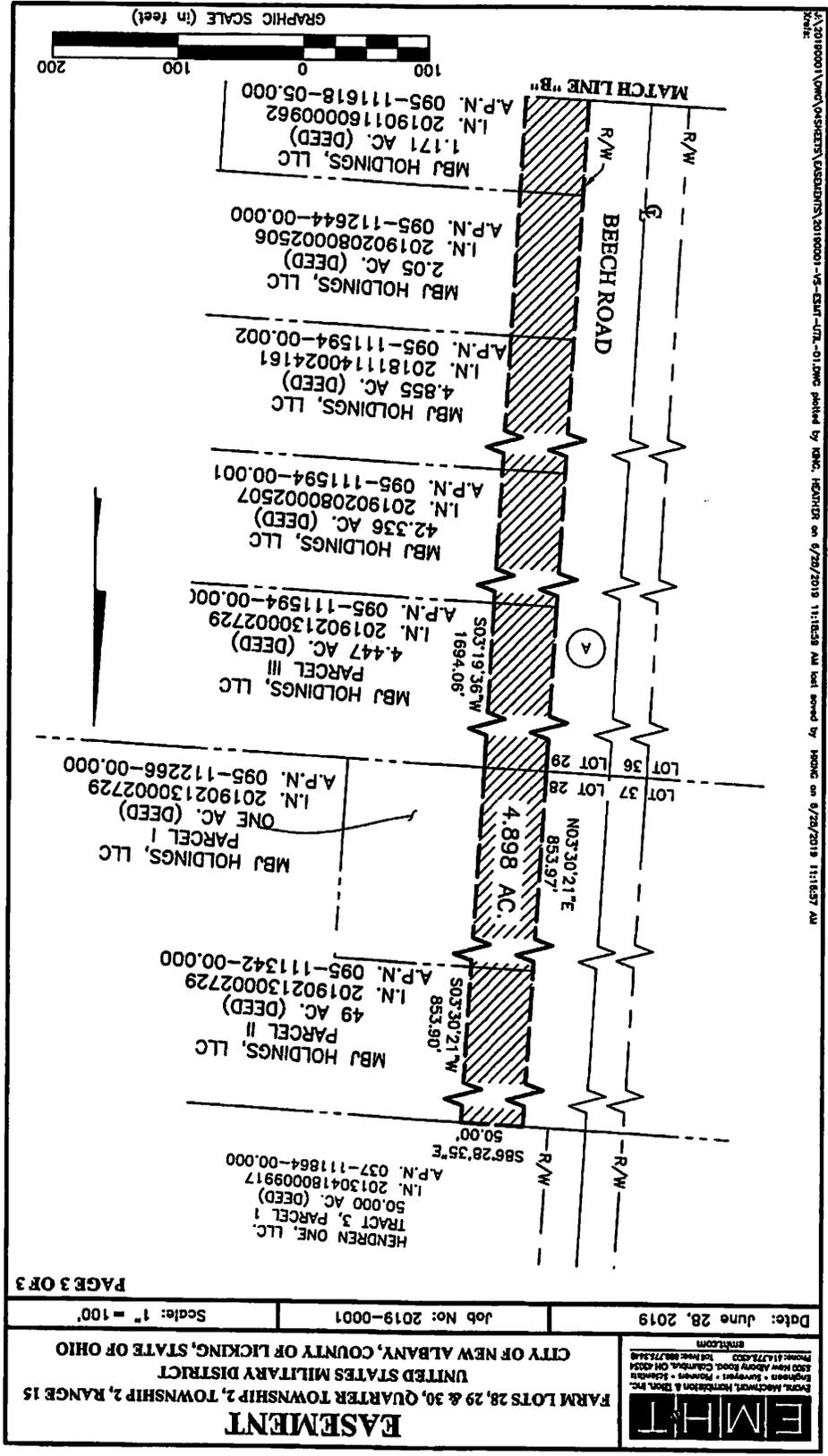
Job No: 2019-0001

Scale: 1" = 100'

PAGE 2 OF 3

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EASEMENT FARM LOTS 28, 29 & 30, QUARTER TOWNSHIP 2, TOWNSHIP 2, RANGE 15 UNITED STATES MILITARY DISTRICT CITY OF NEW ALBANY, COUNTY OF LICKING, STATE OF OHIO		E.M.H.T. ENGINEERS & SURVEYORS 4500 New Albany Road, Columbus, OH 43234 Phone: (614) 773-4500 Fax: (614) 773-4500 EMT.COM
Date: June 28, 2019	Job No: 2019-0001	Scale: 1" = 100'
PAGE 3 OF 3		



Prepared: 08/07/2019
Introduced: 08/20/2019
Revised:
Adopted: 09/03/2019
Effective: 10/04/2019

ORDINANCE O-31-2019

AN ORDINANCE TO ACCEPT WATER LINE, SANITARY SEWER, STREET AND STORM SEWER IMPROVEMENTS AND APPURTENANCES THERETO FOR THE COURTYARDS AT NEW ALBANY, PHASE 1B, AS REQUESTED BY EPCON COMMUNITIES

WHEREAS, in accordance with New Albany Ordinance 77-91 as amended, and pursuant to written certification by the city engineer that the improvements and appurtenances thereto for The Courtyards at New Albany, Phase 1B, have been completed to the standards set by Ordinance 77-97 as amended; and

WHEREAS, a two-year maintenance bond in the amount of \$199,510 an engineering inspection fee deposit in the amount of \$3,491, and a five-year settlement bond of \$44,000 will be provided by the applicant prior to second reading. Any infrastructure items that cannot be completed due to weather conditions will be identified and a performance bond or escrow amount will be submitted in an amount deemed acceptable to the city as required by codified ordinance.

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 improvements and appurtenances thereto are hereby accepted. Any weather-related items, street trees and landscaping covered under performance bonds must be installed as outlined in such performance bonds by September 30, 2019.

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 3 day of Sept., 2019.

Attest:



Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Mitchell H. Banchefsky
Law Director