



Prepared: 12/05/16  
Introduced: 02/07/17  
Revised:  
Adopted:  
Effective:

## ORDINANCE O-03-2017

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

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

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

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

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

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

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

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

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

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

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

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

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

this Section and the payment obligation established pursuant to Section 2 are subject and subordinate to any real property tax exemption granted pursuant to Sections 3735.65 to 3735.70 or Sections 5709.61 to 5709.69 of the Ohio Revised Code.

**Section 2. Service Payments and Property Tax Rollback Payments.** Pursuant to Section 5709.42 of the Ohio Revised Code, council hereby directs and requires the Owner of each Parcel to make annual service payments in lieu of taxes with respect to the Improvement allocable thereto to the Treasurer of Licking County, Ohio (the "*County Treasurer*") on or before the final dates for payment of real property taxes. The service payment in lieu of taxes for each Parcel, including any penalties and interest at the then current rate established under Sections 323.121(B)(1) and 5703.47 of the Ohio Revised Code, as the same may be amended or supplemented from time to time, or any other applicable provisions of the Ohio Revised Code (collectively, the "*Service Payments*"), shall be charged to each Parcel and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the Improvement to that Parcel if it were not exempt from taxation pursuant to Section 1 of this ordinance, all in accordance with Section 5709.42 of the Ohio Revised Code. The Service Payments, and any other payments with respect to the Improvement that are received by the County Treasurer in connection with the reduction required by Sections 319.302, 321.24, 323.152 and 323.156 of the Ohio Revised Code, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time, or any other applicable provisions of the Ohio Revised Code (collectively, the "*Property Tax Rollback Payments*"), shall be allocated and distributed in accordance with Section 4 of this ordinance.

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

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

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

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

amounts, and all amounts owed by the City or Authority to any third party for the construction of Public Infrastructure Improvements, including interest payable on those amounts.

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

**Section 6. Tax Increment Financing Agreement.** The form of TIF Agreement presently on file with the Fiscal Officer is hereby approved and authorized with changes therein and amendments thereto not inconsistent with this ordinance and not substantially adverse to the City and which shall be approved by the city manager. The city manager, for and in the name of the City, is hereby authorized to execute and deliver one or more TIF Agreements with one or more owners of a Parcel or Parcels in substantially that form along with any changes therein and amendments thereto, provided that the approval of such changes and amendments by the city manager, and the character of those changes and amendments as not being substantially adverse to the City or inconsistent with this ordinance, shall be evidenced conclusively by the city manager's execution thereof.

**Section 7. Further Authorizations.** Council hereby authorizes and directs the city manager, the city solicitor, the fiscal officer or other appropriate officers of the City to make such arrangements as are necessary and proper for collection of the Service Payments from the Owners, including the preparation and filing of any necessary exemption applications. Council further hereby authorizes and directs the city manager, the city solicitor, the fiscal officer or other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions as may be appropriate to implement this ordinance.

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

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

**Section 10. Open Meetings.** Council finds and determines that all formal actions of council and any of its committees concerning and relating to the passage of this ordinance were taken in an open meeting of council or its committees, and that all deliberations of council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Section 121.22 of the Ohio Revised Code.

**Section 11. Effective Date.** Pursuant to Article 6.07(b) of the New Albany Charter, this ordinance shall become effective thirty (30) days after adoption.

**CERTIFIED AS ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**Attest:**

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

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

**Approved as to form:**

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

## EXHIBIT A

### PARCELS

The colored areas on the attached map specifically identify and depict the Parcels and constitutes part of this Exhibit A. The Parcels include, without limitation, the following tax parcels:

<u>Parcel Number</u>	<u>Owner Name</u>
093-107400-07.000	Mink Corner Holdings
037-112422-00.000	MBJ Holdings
095-112074-00.003	MBJ Holdings
095-112074-00.001	MBJ Holdings
095-112074-00.004	MBJ Holdings
037-112050-00.002	MBJ Holdings
037-112050-00.003	MBJ Holdings
037-112050-00.006	MBJ Holdings
093-107478-00.000	MBJ Holdings
095-112626-00.000	MBJ Holdings
095-112632-00.000	MBJ Holdings
093-107478-00.002	MBJ Holdings
095-112080-02.001	MBJ Holdings
037-112056-00.000	MBJ Holdings
093-107478-00.000	MBJ Holdings
093-107490-00.000	MBJ Holdings
093-107490-00.000	MBJ Holdings
093-106422-00.000	MBJ Holdings
093-106422-00.000	MBJ Holdings
037-112056-00.000	MBJ Holdings
037-112056-00.002	MBJ Holdings

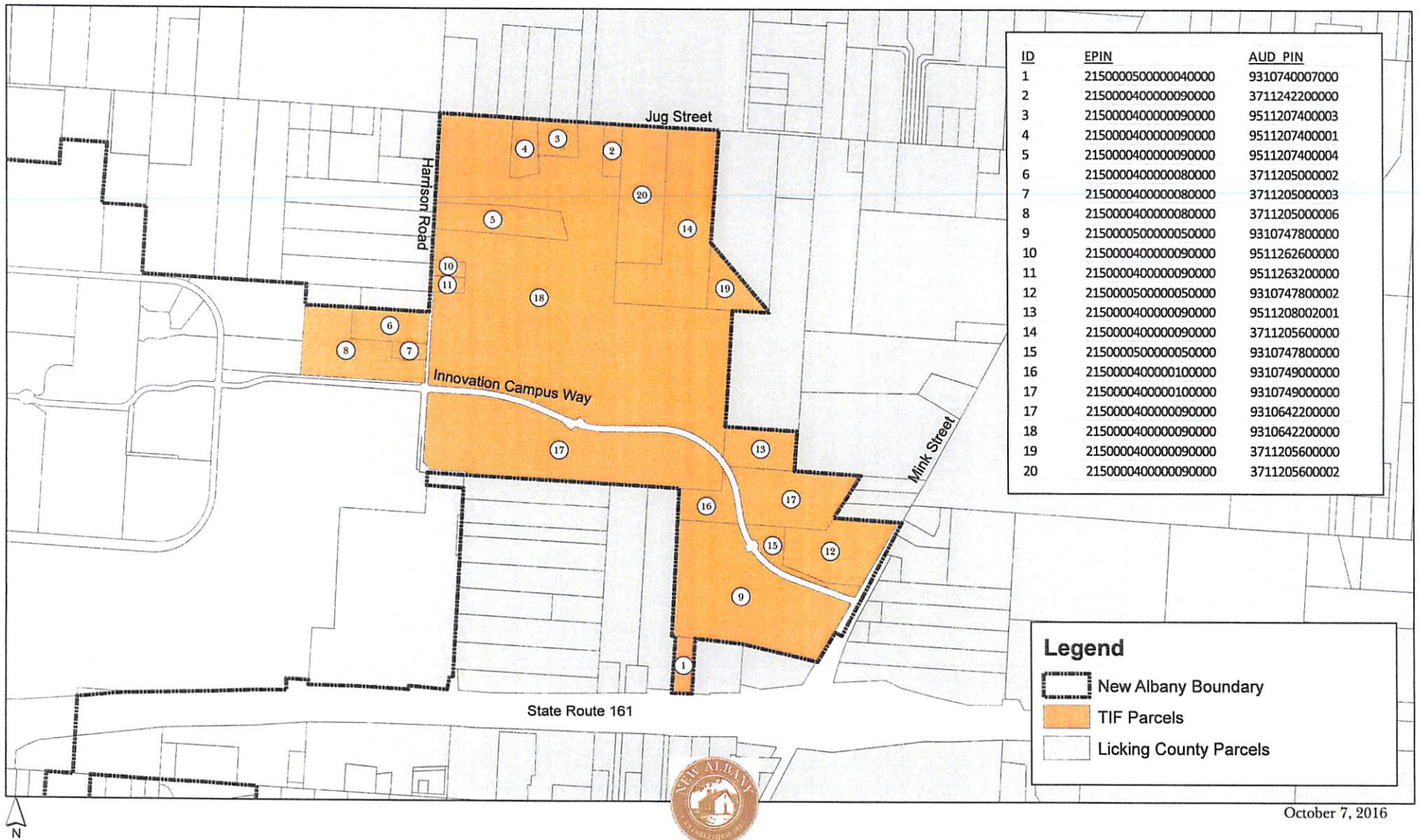
## EXHIBIT B

### PUBLIC INFRASTRUCTURE IMPROVEMENTS

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

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





October 7, 2016

New Albany TIF Parcels - Innovation Campus Way Extension  
City of New Albany, Ohio

Exhibit A - O-03-2017





Prepared: 01/24/2017  
Introduced: 02/07/2017  
Revised: 02/13/2017  
Adopted:  
Effective:

## ORDINANCE O-04-2017

**AN ORDINANCE TO VACATE A RECORDED SIX FOOT ACCESS EASEMENT AND FORTY FOOT GENERAL WATERLINE EASEMENT AND TO ACCEPT THE DEDICATION OF RE-ESTABLISHED AND RELOCATED TWENTY FIVE FOOT ACCESS EASEMENT AND TWENTY FIVE FOOT WATERLINE EASEMENT FOR THE DEVELOPMENT KNOWN AS THE ESTATE AT NEW ALBANY LOCATED AT 5216 FOREST DRIVE, AS REQUESTED BY SMITH MILL VENTURES AND THE NEW ALBANY COMPANY, AND TO DECLARE AN EMERGENCY AND WAIVE THE 30 DAYS**

**WHEREAS**, a request has been made by Smith Mill Ventures and The New Albany Company, the property owners, on behalf of the Brookshire group, developer of the property, to vacate a recorded six foot wide access easement and forty foot wide general waterline easement at 5216 Forest Drive within the Canini Trust Corps; and

**WHEREAS**, the existing leisure trail and waterline easement were recorded on the Forest Drive Dedication and Easement Section 2 Phase 1 plat to accommodate a project known as the Forest Drive Office Park which is no longer in existence and the removal of the easements are necessary to conform to a new site layout;

**WHEREAS**, the New Albany Planning Commission approved a final development plan for this development, then known as the Brookshire Banquet Facility, now known as the Estate at New Albany, which is being developed where the Forest Drive Office Park was previously approved; and,

**WHEREAS**, the New Albany Planning Commission conditioned the approval of the final development plan that the developer and land owner vacate the existing easements and dedicate new easements; and,

**WHEREAS**, council is satisfied that there is good cause for such easement vacations and dedications, and that it will not be detrimental to the general interests and shall be approved; and

**WHEREAS**, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city and for the further reason that this ordinance is required to be immediately effective in order to foster economic development.

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

**Section 1.** The easements as shown on the Forest Drive Dedication and Easement Section 2 Phase 1 plat, illustrated on the site plan attached and marked Exhibit A, are hereby vacated and removed.

**Section 2.** The leisure trail easement dedication as illustrated on the site plan attached and marked Exhibit B, is hereby accepted.

**Section 3.** The waterline easement dedication as illustrated on the site plan attached and marked Exhibit C, is hereby accepted.

**Section 4.** 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 5.** By reason of the emergency set forth in the preamble hereto, and pursuant to Article 6.07(b) of the New Albany Charter, the thirty day waiting period is waived and this ordinance shall become effective immediately upon adoption.

CERTIFIED AS ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Attest:

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

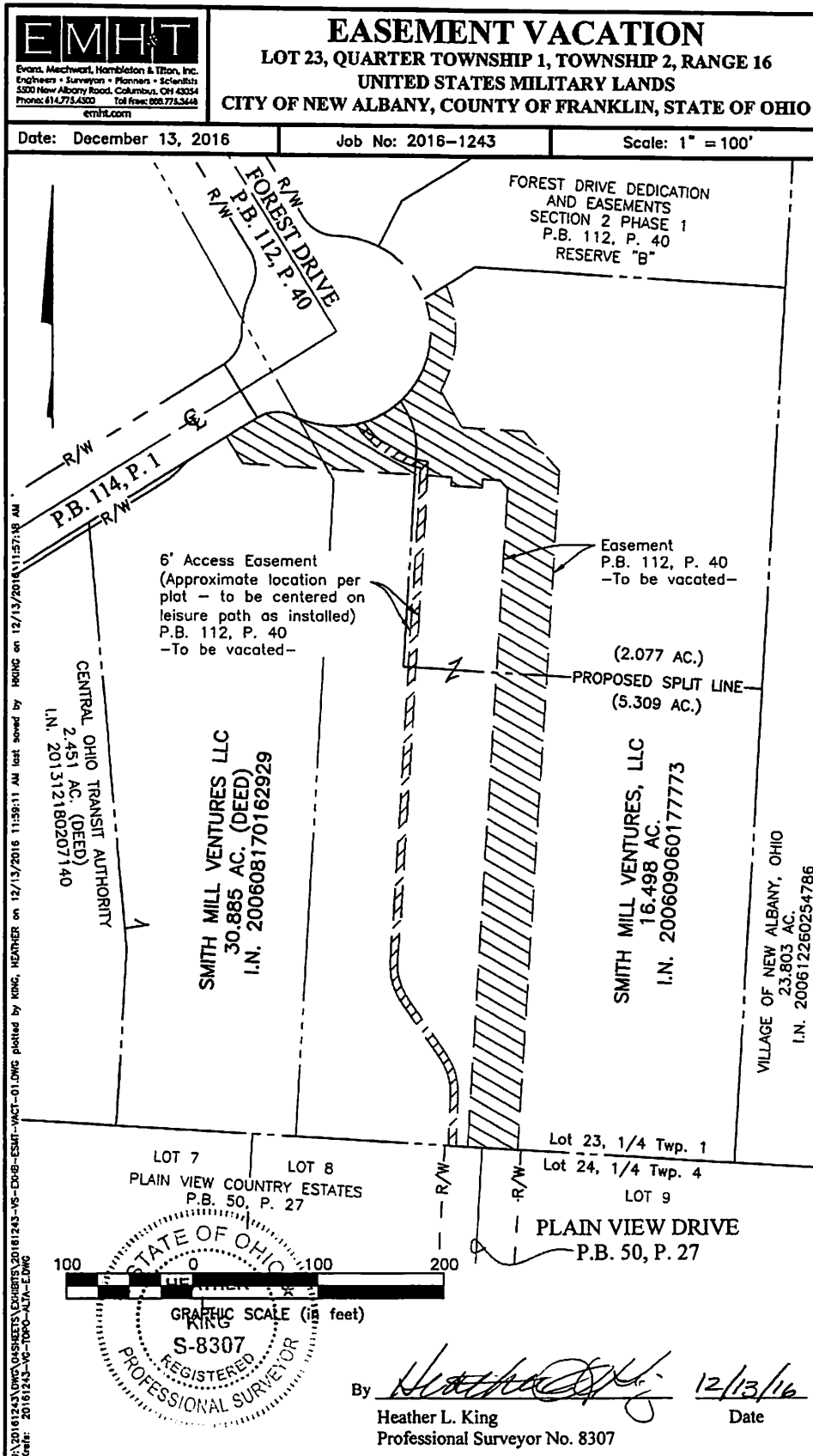
\_\_\_\_\_  
Jennifer H. Mason  
Clerk of Council

Approved as to form:

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

# EXHIBIT A - O-04-2017

Page 1 of 1





Evans, Mochwart, 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

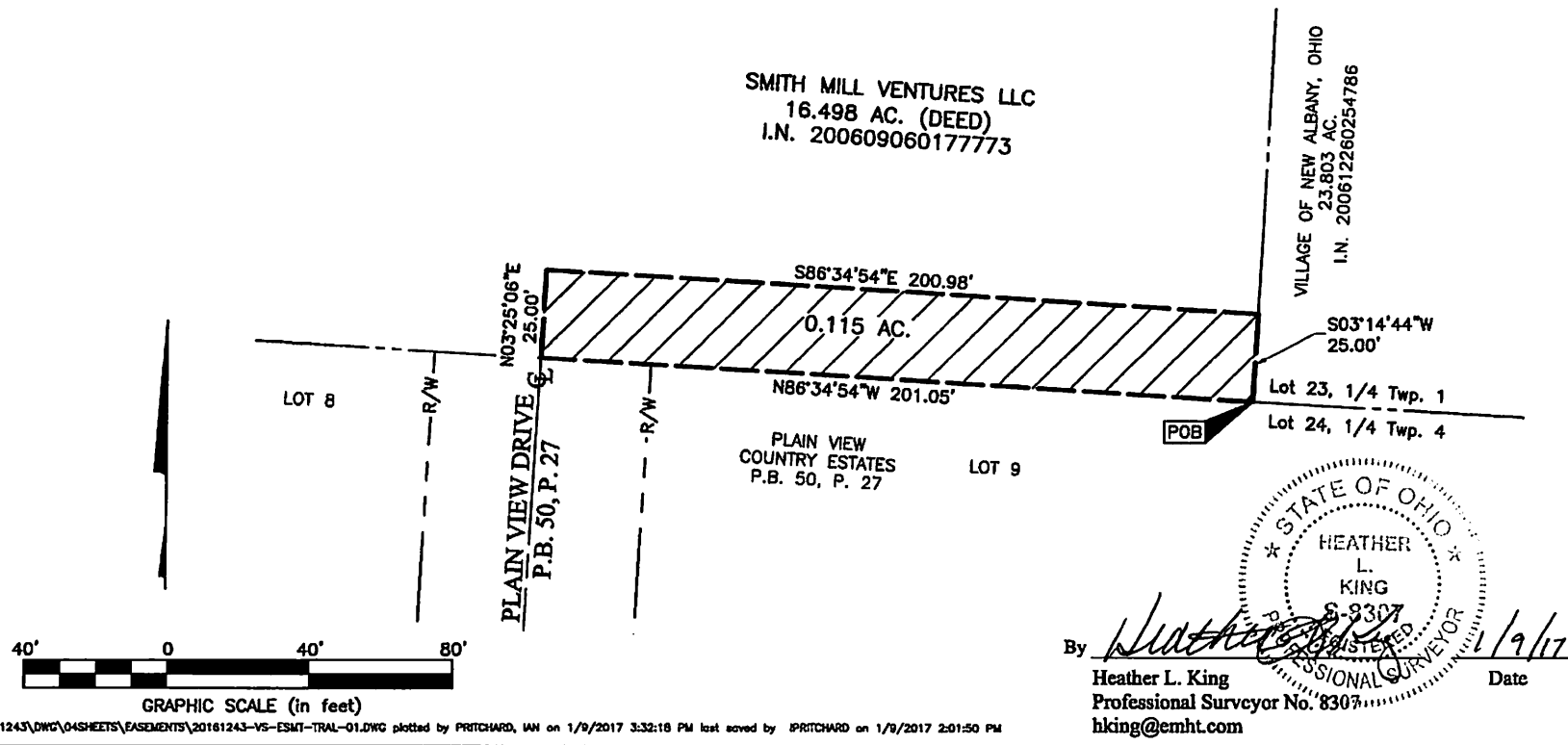
# LEISURE TRAIL EASEMENT

LOT 23, QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 16  
UNITED STATES MILITARY LANDS  
CITY OF NEW ALBANY, COUNTY OF FRANKLIN, STATE OF OHIO

Date: January 9, 2017

Scale: 1" = 40'

Job No: 2016-1243



# EXHIBIT B

Page 2 of 2

## LEISURE TRAIL EASEMENT 0.115 ACRES

Situated in the State of Ohio, County of Franklin, City of New Albany, lying in Lot 23, Quarter Township 1, Township 2, Range 16, United States Military Lands, being on, over, and across that 16.498 acre tract of land conveyed to Smith Mill Ventures LLC by deed of record in Instrument Number 200609060177773 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

BEGINNING at the corner common of said 16.498 acre tract and that 23.803 acre tract conveyed to Village of New Albany, Ohio by deed of record in Instrument Number 200612260254786, being in the northerly line of Lot 9 of that subdivision entitled "Plain View Country Estates", of record in Plat Book 50, Page 27;

Thence North  $86^{\circ} 34' 54''$  West, with the line common to said 16.498 acre tract and said Lot 9, a distance of 201.05 feet to the northerly terminus of the centerline of Plain View Drive, of record in Plat Book 50, Page 27;

Thence across said 16.498 acre tract, the following courses and distances:

North  $03^{\circ} 25' 06''$  East, a distance of 25.00 feet to a point; and

South  $86^{\circ} 34' 54''$  East, a distance of 200.98 feet to a point in the line common to said 16.498 and 23.803 acre tracts;

Thence South  $03^{\circ} 14' 44''$  West, with said common line, a distance of 25.00 feet to the POINT OF BEGINNING, containing 0.115 acre, more or less.

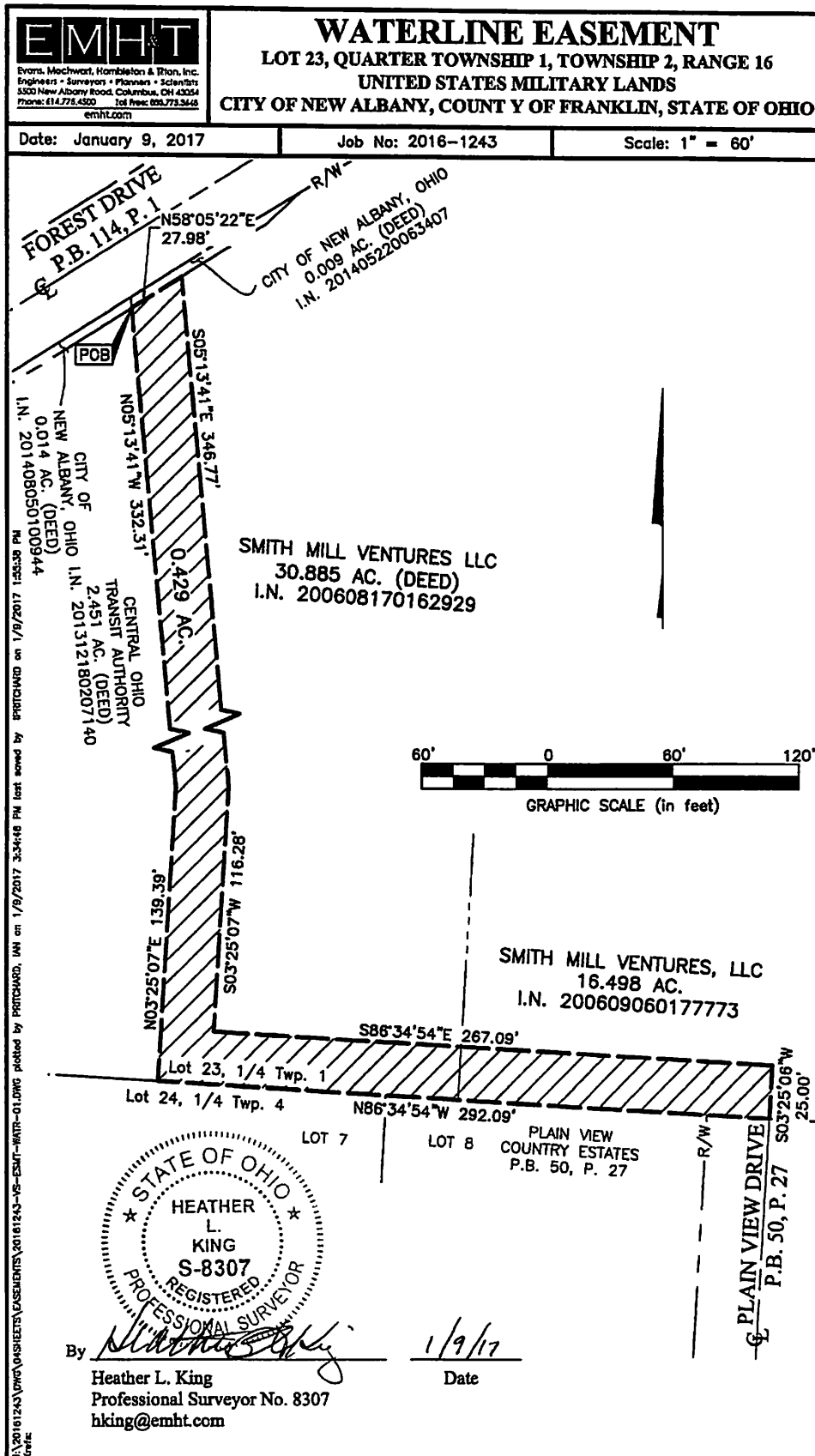


EVANS, MECHWART, HAMBLETON & TILTON, INC.

*Heather L. King* 1/9/17  
Heather L. King  
Professional Surveyor No. 8307

# EXHIBIT C - 0-04-2017

Page 1 of 2





# EXHIBIT C

Page 2 of 2

## WATERLINE EASEMENT 0.429 ACRES

Situated in the State of Ohio, County of Franklin, City of New Albany, lying in Lot 23, Quarter Township 1, Township 2, Range 16, United States Military Lands, being on, over, and across part of that 30.885 acre tract of land conveyed to Smith Mill Ventures LLC by deed of record in Instrument Number 200608170162929 and part of that 16.498 acre tract conveyed to Smith Mill Ventures LLC by deed of record in Instrument Number 200609060177773 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

BEGINNING at the common corner of a remainder of said 30.885 acre tract, the remainder of that 2.451 acre tract conveyed to Central Ohio Transit Authority by deed of record in Instrument Number 201312180207140, that 0.014 acre tract conveyed to City of New Albany, Ohio by deed of record in Instrument Number 201408050100944 and that 0.009 acre tract conveyed to City of New Albany, Ohio by deed of record in Instrument Number 2014052200653407;

Thence North 58° 05' 22" East, with the line common to a remainder of said 30.885 acre tract and said 0.009 acre tract, a distance of 27.98 feet to a point;

Thence across said 30.885 and 16.498 acre tracts, the following courses and distances:

South 05° 13' 41" East, a distance of 346.77 feet to a point;

South 03° 25' 07" West, a distance of 116.28 feet to a point;

South 86° 34' 54" East, a distance of 267.09 feet to a point; and

South 03° 25' 06" West, a distance of 25.00 feet to the northerly terminus of the centerline of Plain View Drive, of record in Plat Book 50, Page 27, being in the line common to said 16.498 acre tract and that subdivision entitled "Plain View Country Estates", of record in Plat Book 50, Page 27;

Thence North 86° 34' 54" West, with the southerly line of said 16.498 and 30.885 acre tracts, the northerly line of said "Plain View Country Estates", a distance of 292.09 feet to a point, being the southerly common corner of a remainder of said 30.885 acre tract and said 2.451 acre tract;

Thence North 03° 25' 07" East, with the line common to a remainder of said 30.885 acre tract and said 2.451 acre tract, a distance of 139.39 feet to a point;

Thence North 05° 13' 41" West, continuing with said common line, a distance of 332.31 feet to the POINT OF BEGINNING, containing 0.429 acre, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

*Heather L. King* 1/9/17  
Heather L. King  
Professional Surveyor No. 8307



Prepared: 01/27/2017  
Introduced: 02/07/2016  
Revised:  
Adopted:  
Effective:

## ORDINANCE O-05-2017

### AN ORDINANCE TO ACCEPT WATER LINE, SANITARY SEWER, STREET AND STORM SEWER IMPROVEMENTS AND APPURTENANCES THERETO FOR MILLBROOK FARM AT SUGAR RUN, PHASE 2, AS REQUESTED BY PULTE HOMES

**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 Millbrook Farm at Sugar Run, Phase 1, have been completed to the standards set by Ordinance 77-97 as amended; and

**WHEREAS**, a two-year maintenance bond in the amount of \$98,900, an engineering inspection fee deposit in the amount of \$1,732, a five-year settlement bond of \$15,200. 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 for 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 July 30, 2017.

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

**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 \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**Attest:**

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

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

Approved as to form:

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Mitchell H. Banchefsky  
Law Director

PROPOSED



Prepared: 02/10/2017  
Introduced: 02/21/2017  
Revised:  
Adopted:  
Effective:

## ORDINANCE O-06-2017

### APPROPRIATION AMENDMENT ORDINANCE

#### **AN ORDINANCE TO AMEND APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES DURING THE FISCAL YEAR ENDING DECEMBER 31, 2017 AND TO ISSUE A THEN AND NOW CERTIFICATE**

**WHEREAS**, the ORC requires the city to close multi-vendor purchase orders at year end making it necessary to re-appropriate the funds associated with the purchase orders in the next fiscal year before the funds may be re-encumbered; and

**WHEREAS**, Resolution R-06-17 authorizes the city manager to request funds from the New Albany Community Authority held Economic Development Fund for various business park related projects making it necessary to increase both revenue and expense appropriations in the Capital Improvement Economic Development Fund; and

**WHEREAS**, the New Albany Police Department received a donation from LBrands making it necessary to increase both revenue and expense appropriations in the General Fund before the donation may be used; and

**WHEREAS**, the city did not receive an invoice that included 2016 expenses from Signet Management, LLC until February 6, 2017, making it necessary to issue a Then and Now Certificate; and

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

**Section 1.** City Council authorizes an increase in appropriations to the Capital Improvement Economic Development Fund (422) as follows:

422.705.525503	Project Expense	\$	3,238,243.22
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**Section 2.** City Council hereby authorizes an increase in revenue and expense appropriations in the Capital Improvement Economic Development Fund (422) as follows:

422.705.525503	Project Expense	\$	2,650,000
422.180.418902	Funds from NACA ED Fund	\$	2,650,000

**Section 3.** City Council hereby authorizes an increase in revenue and expense appropriations in the General Fund (101) as follows:

101.180.418300	Donations	\$ 2,500	
101.101.524400	Police Small Tools & Equipment	\$	2,500

**Section 4.** Council hereby authorizes a Then and Now Certificate to Signet Management Services, LLC in an amount not to exceed \$ 4,575.49.

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

**Section 6.** Pursuant to the Article VI, § 6.07(a) of the charter of the City of New Albany, this ordinance shall take effect upon passage.

**CERTIFIED AS ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**Attest:**

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

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

**Approved as to form:**

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

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

I certify that copies of Ordinance **O-06-2017** were posted in accordance with Section 6.12 of the Charter, for 30 days starting on \_\_\_\_\_, 2017.

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

\_\_\_\_\_  
Date



Prepared: 02/01/2017  
Introduced: 02/21/2017  
Revised:  
Adopted:  
Effective:

## RESOLUTION R-06-2017

### **A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO REQUEST AND ACCEPT THE SUM OF FOUR MILLION FIFTY THOUSAND DOLLARS (\$4,050,000.00) FROM THE NEW ALBANY COMMUNITY AUTHORITY ECONOMIC DEVELOPMENT FUND FOR ECONOMIC DEVELOPMENT PROJECTS AND INCENTIVES**

**WHEREAS**, the Council of the City of New Albany ("the City") was empowered by virtue of the laws of the State, including Article VIII, Section 13 of the Ohio Constitution, and Chapters 165 and 349 of the Ohio Revised Code to establish an Economic Development Fund by Resolution 52-2004; and

**WHEREAS**, the Economic Development Fund was established to promote the continued construction, improvement, furnishing and equipping of economic development activities; and

**WHEREAS**, the New Albany Community Authority is permitted to disburse funds from the Economic Development Fund solely for the purpose of paying expenditures directly related to economic development initiatives that are approved by both the City and the Authority; and

**WHEREAS**, the Council of the City of New Albany has determined that economic incentives have been earned by various companies located in the Business Park; and

**WHEREAS**, the Council of the City of New Albany has determined that various infrastructure improvements are necessary in order to expand the business park, augment existing infrastructure and facilitate ongoing economic development; and

**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 authorized and hereby directed to request that the New Albany Community Authority ("the Authority") disburse the sum of Four Million Fifty Thousand Dollars (\$4,050,000.00) from the Authority's Economic Development Fund to the City for payment of expenditures listed in the recitals above.

**Section 2:** The appropriated funds shall be disbursed by the Authority in accordance with a schedule established by the City and the Authority.

**Section 3:** The City Manager and Director of Finance are further authorized to enter into any agreements as may be necessary and appropriate for facilitating the request and acceptance.



**Section 4.** 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 5:** This resolution is passed and shall take effect and be in force at the earliest period allowed by law.

CERTIFIED AS ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Attest:

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

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

Approved as to form:

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



Prepared: 02/10/2017  
Introduced: 02/21/2017  
Revised:  
Adopted:  
Effective:

## RESOLUTION R-07-2017

**A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH STRAWSER CONSTRUCTION, INC. FOR THE PURCHASE AND INSTALLATION OF BITUMINOUS PRODUCTS FOR VARIOUS CITY ROADS AS SET FORTH IN THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM INVITATION NUMBER 101G-17 AT A PRICE NOT TO EXCEED \$200,000**

**WHEREAS**, the City of New Albany desires to perform general pavement maintenance in order to keep its roadway infrastructure in good condition, and

**WHEREAS**, utilizing the State of Ohio Cooperative Purchasing Program provides a greater benefit over material pricing and installation than municipal competitive bidding, and

**WHEREAS**, funding for general road maintenance was provided for in the Annual Appropriations Ordinance (Ord. O-38-2016).

**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:** That the City Council of New Albany hereby authorizes the city manager to enter into an agreement with Strawser Construction, Inc. for the purchase and installation of bituminous products for various city roads as set forth in the State of Ohio Cooperative Purchasing Program Number 101G-17.

**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:** This resolution is passed and shall take effect and be in force at the earliest period allowed by law.

**CERTIFIED AS ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Attest:

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Sloan T. Spalding  
Mayor

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Jennifer H. Mason  
Clerk of Council

Approved as to form:

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Mitchell H. Banchefsky  
Law Director



Prepared: 02/10/2017  
Introduced: 02/21/2017  
Revised:  
Adopted:  
Effective:

## **RESOLUTION R-08-2017**

### **A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ADVERTISE A BID AS PART OF A CONSORTIUM FOR THE ACCEPTANCE OF AND PROCESSING OF RESIDENTIAL RECYCLABLE MATERIALS GENERATED WITHIN THE CITY OF NEW ALBANY, OHIO**

**WHEREAS**, the City of New Albany and other Central Ohio communities have determined that to foster competition and provide for experienced waste collection, disposal and processing services, bidding together as a Consortium is desirable; and

**WHEREAS**, pursuant to Section 715.43 of the Ohio Revised Code, the City of New Albany may establish such collection systems and solid waste facilities as may be necessary or appropriate to provide for the safe and sanitary management of solid waste, including recyclable materials, generated within the City of New Albany; and

**WHEREAS**, the City of New Albany has determined that it may be in the best interests of its residents that the city arrange for the acceptance of and processing of all recyclable materials generated at residential units and municipal facilities located within the City of New Albany from a single contractor on an exclusive basis ("Recycling Services"); and

**WHEREAS**, the current Recycling Services Agreement between the City of New Albany and Rumpke of Ohio will expire on December 31, 2017, unless extended.

**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:** That the city manager is hereby authorized to participate in a bid for the acceptance of and processing of all recyclable materials generated at residential units and municipal facilities located within the City of New Albany, together with other Central Ohio Consortium Communities.

**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:** This resolution is passed and shall take effect and be in force at the earliest period allowed by law.

**CERTIFIED AS ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**Attest:**

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

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

**Approved as to form:**

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