



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

ORDINANCE O-08-2019

APPROPRIATION AMENDMENT ORDINANCE

AN ORDINANCE TO TRANSFER FUNDS FROM THE GENERAL FUND AND TO AMEND APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES DURING THE FISCAL YEAR ENDING DECEMBER 31, 2019

WHEREAS, in December 2018, upon the recommendation of the finance director and city manager, council opted to postpone end-of-year transfers from the General Fund in order to more accurately assess the availability of general fund revenue for transfer;

WHEREAS, upon the close of the 2018 fiscal year, the General Fund had an end-of-year balance that exceeded the city's 60%-65% General Fund reserve goal; and

WHEREAS, council desires to transfer a portion of the General Fund revenue that exceeds the amount of the city's reserve goal to the Capital Improvement Fund in order to provide funding for capital projects that will be undertaken in 2019; and

WHEREAS, it is necessary to make adjustments to appropriations to accommodate transfers and resulting projects where applicable;

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 hereby authorizes an appropriation of the unappropriated balance of the General Fund in the amount of \$2,500,000 to the Transfers category and also authorizes the transfer of that balance to the Capital Improvement Fund (Fund 401).

Section 2. City Council hereby authorizes an appropriation of the unappropriated balance of the Capital Improvement Fund (Fund 401) in the Capital category in the amount of \$2,500,000.

Section 3. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this ordinance were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121 of the Ohio

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

CERTIFIED AS ADOPTED this _____ day of _____, 2019.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

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

I certify that copies of Ordinance **O-08-2019** were posted in accordance with Section 6.12 of the Charter, for 30 days starting on _____, 2019.

Jennifer Mason, Clerk of Council

Date



Prepared: 03/07/2019
Introduced: 03/19/2019
Revised:
Adopted:
Effective:

ORDINANCE O-09-2019

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 12.47 +/- ACRES OF LAND GENERALLY LOCATED NORTH OF AND ADJACENT TO U.S. 62/JOHNSTOWN ROAD, SOUTH OF AND ADJACENT TO BEVELHYMER ROAD, AND EAST OF AND ADJACENT TO WALTON PARKWAY FOR AN AREA TO BE KNOWN AS THE "WALTON-62 COMMERCE DISTRICT" FROM ITS CURRENT ZONING OF "I-PUD" INFILL PLANNED UNIT DEVELOPMENT AND "R-1" RESIDENTIAL DISTRICT TO "I-PUD" INFILL PLANNED UNIT DEVELOPMENT AS REQUESTED BY THE NEW ALBANY COMPANY LLC C/O AARON UNDERHILL, ESQ.

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

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

WHEREAS, pursuant to the application by The New Albany Company LLC c/o Aaron Underhill, the Rocky Fork Blacklick Accord and Planning Commission of the City of New Albany has reviewed the proposed ordinance amendment and recommended its approval.

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

Section 1. The Council of the City of New Albany hereby amends the Zoning Ordinance Map of the City of New Albany to change the zoning classification of the following described site:

- A. A 12.47 ± acre area of land general located to the north of and adjacent to U.S. 62/Johnstown Road, south of and adjacent to Bevelhymer Road, and east of and adjacent to Walton Parkway for an area to be known as the "Walton-62 Commerce District" from its current zoning of "IPUD" Infill Planned Unit Development and "R-1" Residential District to "I-PUD" Infill Planned Unit Development;
- B. The zoning district's zoning text and site plan is hereby attached and marked Exhibit A.

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

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

CERTIFIED AS ADOPTED this _____ day of _____, 2019.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

US-62 & SMITH'S MILL ROAD COMMERCIAL ACCESS & CIRCULATION EXHIBIT New Albany, Ohio

THE NEW ALBANY COMPANY
Date: January 23, 2019

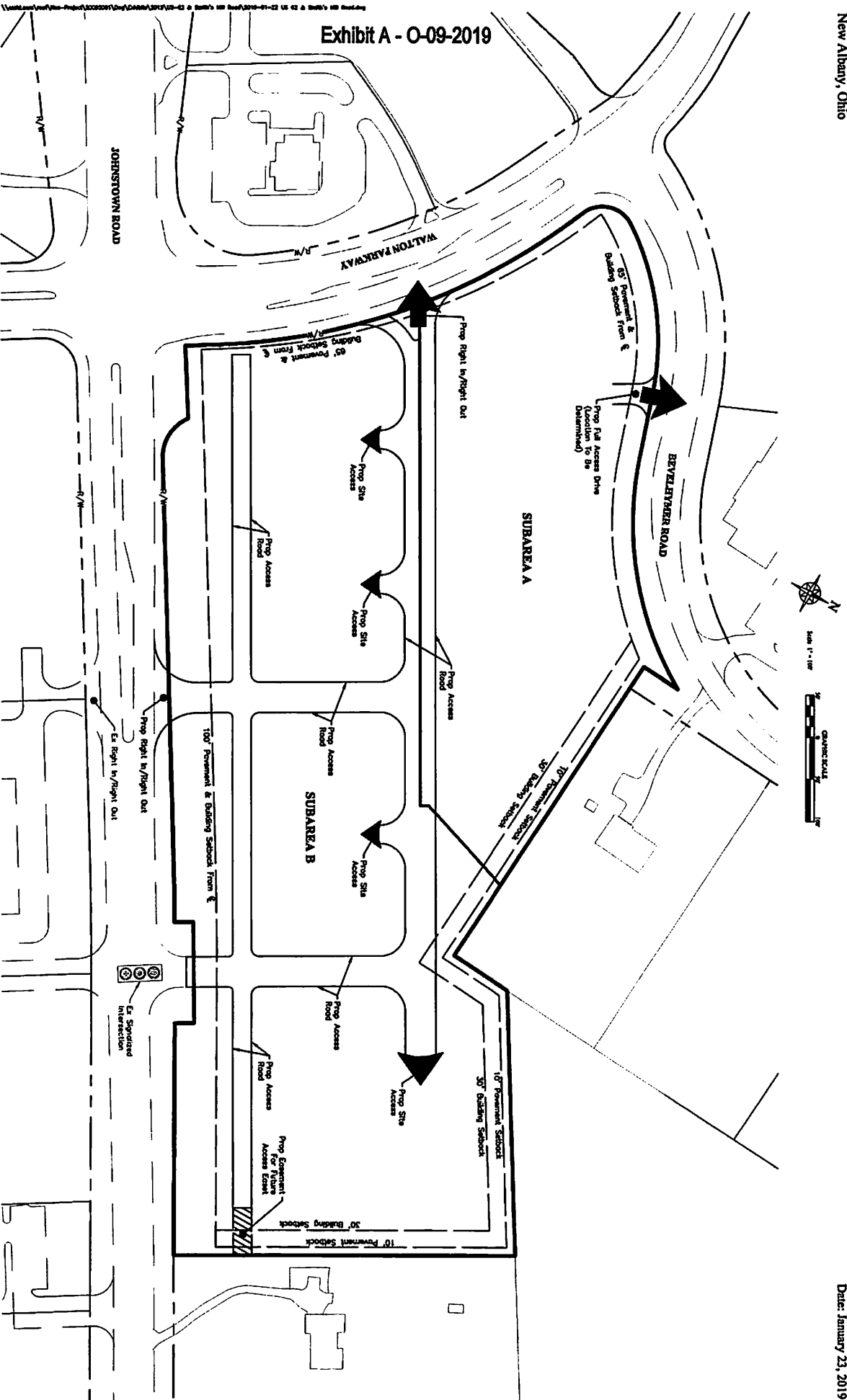
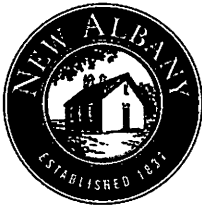


Exhibit A - O-09-2019



Prepared: 03/07/2019
Introduced: 03/19/2019
Revised:
Adopted:
Effective:

ORDINANCE O-10-2019

AN ORDINANCE TO ACCEPT A 0.133 ACRE OPEN SPACE EASEMENT AT 200 MAIN STREET AS REQUESTED BY THE NEW ALBANY COMPANY LLC

WHEREAS, the developer, the New Albany Company desires to grant an easement to the city; and

WHEREAS, the easement allows the city to utilize the area as an open space which shall be available for passive leisure and recreational use by the general public and for no other purpose; and

WHEREAS, the open space was developed for passive park space as part of the Market and Main Apartments construction project and includes landscaping and benches,

WHEREAS, the City of New Albany will be the recipient (grantee) of the open space easement totaling 0.133 acres; and

WHEREAS, the city will benefit from this dedication of the open space easement.

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

Section 1. Said open space easement, attached to this ordinance as Exhibit A and made a part of herein, is hereby accepted by council.

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 _____ day of _____, 2019.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

Exhibit "A"
0.133 ACRE

Situated in the State of Ohio, County of Franklin, City of New Albany, lying in Quarter Township 3, Township 2, Range 16, United States Military Lands, being part of Lot 8 of New Albany Country Club Section 19, a subdivision of record in Plat Book 101, Page 21, said Lot 8 being part of that tract conveyed to Market Street South LLC by deed of record in Instrument Number 200207190177915. (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 an iron pin set at the common corner of said Lot 8 and that 0.653 acre tract conveyed to The New Albany Company LLC by deed of record in Instrument Number 201306170100391, in the original southerly right-of-way line of Market Street, as dedicated in Plat Book 90, Page 53;

Thence South 44° 25' 19" West, with the line common to said Lot 8 and 0.653 acre tract, a distance of 3.03 feet to an iron pin set in the southerly right-of-way line of Market Street, as dedicated in Plat Book 117, Page 89, the TRUE POINT OF BEGINNING;

Thence South 44° 25' 19" West, continuing with said common line, a distance of 89.36 feet to an iron pin set at a southeasterly corner of Keswick Condominium Fourth Amendment, a condominium of record in Condominium Plat Book 154, Page 59;

Thence with the easterly line of said Keswick Condominium Fourth Amendment, the following courses and distances:

North 20° 45' 01" West, a distance of 64.87 feet to an iron pin set;

North 09° 25' 13" West, a distance of 38.04 feet to an iron pin set; and

North 30° 57' 46" West, a distance of 13.50 feet to an iron pin set in the southerly right-of-way line of Keswick Commons, as dedicated in Plat Book 101, Page 21;

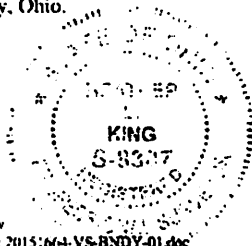
Thence with said southerly right-of-way line, with the arc of a curve to the left, having a central angle of 19° 25' 58", a radius of 68.00 feet, an arc length of 23.06 feet, a chord bearing of North 49° 05' 39" East and chord distance of 22.95 feet to an iron pin set at the intersection of the southerly right-of-way lines of said Keswick Commons and said Market Street;

Thence South 53° 09' 04" East, with the southerly right-of-way line of said Market Street, a distance of 101.67 feet to the TRUE POINT OF BEGINNING, containing 0.133 acre, more or less.

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 South 44° 25' 19" West for the easterly line of Lot 8 of New Albany Country Club Section 19, of record in Plat Book 101, Page 21, Recorder's Office, Franklin County, Ohio.

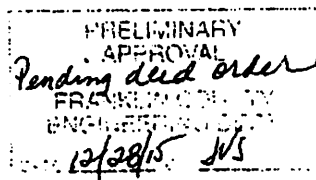


EVANS, MECHWART, HAMBLETON & TILTON, INC.

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

12/28/15
Date

HLK:raw
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Street, LLC, 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.



KIMBERLY R. GRAYSON
Notary Public, State of Ohio
My Commission Expires
January 11, 2021

Kimberly R. Grayson
Notary Public

GRANTEE:

CITY OF NEW ALBANY, OHIO,
an Ohio municipal corporation

By: *Joseph Stefanov*

Printed Name: Joseph Stefanov

Its: *City Manager*

Approved as to Form:

By: *Mitchell Banchevsky*
Mitchell Banchevsky, Law Director

STATE OF OHIO :
:
FRANKLIN COUNTY : ss.

The foregoing instrument was acknowledged before me this 11th day of February, 2019 by Joseph Stefanov, the City Manager of the City of New Albany, Ohio, an Ohio municipal corporation, on behalf of the municipal corporation.

Amanda L. Bonifield
Notary Public

This instrument prepared by:
Underhill & Hodge LLC
8000 Walton Parkway, Suite 120
New Albany, Ohio 43054
(614) 335-9320



The rights and obligations created in this instrument shall run with the Easement Area, shall be for the personal benefit of Grantee, and shall be binding upon and inure to the benefit of the respective successors, assigns and transferees of Grantor and the Grantee. This instrument constitutes the entire agreement and understanding between the parties relating to the subject matter hereof. There are no statements, promises, representations or understandings, either oral or written, not herein expressed. This instrument shall be governed by and construed in accordance with the laws of the State of Ohio and may be executed in two or more counterparts, which together shall be deemed to constitute but one and the same instrument.

The easement being granted hereunder shall terminate automatically without further action of Grantor and Grantee only if New Albany City Council has not taken requisite action to accept the easement on or before April 15, 2019 and an affidavit in aid of title referencing this instrument has not been recorded by that date with the Office of the Recorder of Franklin County, Ohio, which includes written evidence of City Council's action in this regard.

IN WITNESS WHEREOF, Grantor and Grantee, by their duly authorized signatories, have caused this instrument to be executed as of the date first written above.

GRANTOR:

200 MAIN STREET, LLC,
an Ohio limited liability company

By: Market & Main Ventures LLC,
an Ohio limited liability company
Its: Sole Member

By: The New Albany Company LLC,
a Delaware limited liability company
Its: Managing Member

By: 
Brent B. Bradbury, Treasurer

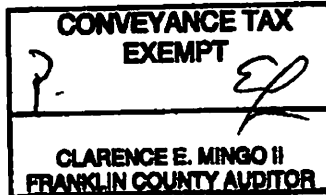
STATE OF OHIO)
COUNTY OF FRANKLIN) SS:

BE IT REMEMBERED, that on this 12th day of February, 2019, before me, the subscriber, a Notary Public in and for said county and state, personally came Brent B. Bradbury, the Treasurer of The New Albany Company LLC, a Delaware limited liability company, the Managing Member of Market & Main Ventures LLC, which is the Sole Member of 200 Main

**TRANSFER
NOT NECESSARY**

FEB 12 2019

**CLARENCE E. MINGO II
AUDITOR
FRANKLIN COUNTY, OHIO**



OPEN SPACE EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS THAT **200 MAIN STREET LLC**, an Ohio limited liability company ("Grantor"), for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, grants to the **CITY OF NEW ALBANY, OHIO**, an Ohio municipal corporation (the "Grantee"), upon the terms and conditions set forth herein, a perpetual non-exclusive right and easement to use, improve, and operate as open space for use by the general public on, over, under, and through the following real property (the "Easement Area"):

SEE LEGAL DESCRIPTION ATTACHED AS **EXHIBIT "A"**, AND DEPICTION ATTACHED AS **EXHIBIT "B"**, BOTH MADE A PART OF THIS INSTRUMENT.



The Easement Area is located on a portion of the real property identified as follows:

FRANKLIN COUNTY PARCEL NO.: 222-002978

PRIOR INSTRUMENT REFERENCE: 201704240054663, RECORDER'S OFFICE;
FRANKLIN COUNTY, OHIO

Grantee, by and through its acceptance of this deed, agrees to forever hold, use, and operate the Easement Area as an open space area which shall be available for passive leisure and recreational use by the general public and for no other purpose. Grantor (or any future owner of the real property that is burdened by the Easement Area) shall be responsible for planting, mowing, fertilizing, and maintaining grass within the Easement Area at its sole cost and expense. No improvements shall be permitted to be made by Grantee without the prior written approval of Grantor, to be provided or withheld in Grantor's sole discretion. Grantor (or any future owner of the real property that is burdened by the Easement Area) shall remain responsible for the payment of any real property taxes that apply to the Easement Area. Grantee shall provide insurance on the Easement Area in the same types and amounts as it customarily provides when covering parkland that it owns within the City of New Albany, Ohio, and upon request shall provide evidence of such coverage to the owner of the real property that is burdened by the Easement Area.

DO NOT DETACH

 Instrument Number: 201902120016726 Recorded Date: 02/12/2019 11:29:53 AM  Daniel J. O'Connor Jr. Franklin County Recorder 373 South High Street, 18th Floor Columbus, OH 43215 (614) 525-3930 http://Recorder.FranklinCountyOhio.gov Recorder@FranklinCountyOhio.gov	 Return To (Mail Envelope): UNDERHILL AND HODGE <div style="text-align: right;">Mail Envelope</div>
Transaction Number: T20190008162 Document Type: EASEMENT Document Page Count: 5	
Submitted By (Walk-In): UNDERHILL AND HODGE <div style="text-align: right;">Walk-In</div>	
First Grantor: 200 MAIN STREET LLC	First Grantee: NEW ALBANY CITY OF
Fees: Document Recording Fee: \$28.00 Additional Pages Fee: \$24.00 Total Fees: \$52.00 Amount Paid: \$52.00 Amount Due: \$0.00	Instrument Number: 201902120016726 Recorded Date: 02/12/2019 11:29:53 AM

OFFICIAL RECORDING COVER PAGE

DO NOT DETACH

THIS PAGE IS NOW PART OF THIS RECORDED DOCUMENT

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