



Prepared: 06/27/2017  
Introduced: 07/05/2017  
Revised:  
Adopted:  
Effective:

## RESOLUTION R-28-2017

**A RESOLUTION DETERMINING THAT THE SUPPLEMENTAL PETITION FOR THE ADDITION AND DELETION OF LAND TO AND FROM THE NEW ALBANY EAST COMMUNITY AUTHORITY COMPLIES AS TO FORM AND SUBSTANCE WITH THE REQUIREMENTS OF SECTION 349.03 OF THE OHIO REVISED CODE, CONFIRMING AND RATIFYING THE EXECUTION OF THAT SUPPLEMENTAL PETITION BY THE CITY MANAGER FOR THE CITY AS THE SOLE "PROXIMATE CITY" WITHIN THE MEANING OF SECTION 349.01(M)(2) OF THE OHIO REVISED CODE, AND AUTHORIZING THE FIXING OF A DATE AND PLACE FOR A PUBLIC HEARING ON THAT PETITION**

**WHEREAS**, pursuant to Chapter 349 of the Ohio Revised Code, MBJ Holdings, LLC (the "Developer") filed a petition (the "Original Petition") with the Clerk of this Council and in the office of the Clerk of the Licking County Board of Commissioners, both as then required by Section 349.03(A) of the Ohio Revised Code, with the Original Petition being for the establishment of The New Albany East Community Authority (the "Authority") and its proposed new community district comprised of approximately 742 acres (the "District"); and

**WHEREAS**, pursuant to Section 349.03 of the Ohio Revised Code, this City Council by its Resolution No. R-95-2014 adopted on December 2, 2014, as amended by its Resolution No. R-2-2015 adopted on January 6, 2015, accepted that Original Petition after determining it was sufficient and in compliance as to form and substance with the requirements of Section 349.03 of the Ohio Revised Code; and

**WHEREAS**, after a public hearing on that Original Petition, held after notice published in accordance with Section 349.03 of the Ohio Revised Code, this City Council by its Ordinance No. O-16-2015 passed on February 24, 2015, declared the Authority to be organized and a body politic and corporate with the boundaries of the Authority's new community district (the "Original District") defined as set forth in that Ordinance; and

**WHEREAS**, this Council continues to be the "organizational board of commissioners" for the Authority as that term is defined in Section 349.01(F) of the Ohio Revised Code, and this City continues to be the sole "proximate city" for the Authority as that term is defined in Section 349.01(M)(2) of the Ohio Revised Code; and

**WHEREAS**, pursuant to Chapter 349 of the Ohio Revised Code, MBJ Holdings, LLC (the "Developer") has filed a supplement to the Original Petition (the "Supplemental Petition") with the Clerk of this Council as required by Section 349.03(A) of the Ohio Revised Code, to (i) add to the Authority's District additional land aggregating in amount approximately 141.979 acres and (ii) delete from the Authority's District land aggregating in amount approximately 35 acres, which Supplemental Petition was signed by the City Manager on behalf of the City as the sole "proximate city" pursuant to Sections 349.01 (M) and 349.03 of the Ohio Revised Code; and

**WHEREAS**, the Supplemental Petition provides that with the proposed addition and deletion of land to and from the Authority's District the Authority will continue to be conducive to the public health, safety, convenience and welfare and intended to result in the development of a "new community" as that term is defined in Section 349.01(A) of the Ohio Revised Code, and that such additional land to be included in the

District is owned by or under the control of the Developer within the meaning of Section 349.01(E) of the Ohio Revised Code; and

**WHEREAS**, this Council has reviewed the Supplemental Petition to determine whether it complies with the requirements of Section 349.03 of the Ohio Revised Code as to form and substance; and

**WHEREAS**, this Council desires to fix a time and place of a public hearing on the Supplemental Petition, which public hearing will be held not less than 30 days nor more than 45 days from the date the Supplemental Petition was filed with the Clerk of this Council, and desires that notice of the public hearing be given, all pursuant to Section 349.03(A) of the Ohio Revised Code;

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

**Section 1.** This Council hereby confirms and ratifies the City Manager's execution of the Supplemental Petition on behalf of the City as the only "proximate city" for the Authority and finds and determines that the Supplemental Petition complies as to form and substance with the requirements of Section 349.03 of the Ohio Revised Code.

**Section 2.** This Council will hold a public hearing on the Supplemental Petition on Tuesday, August 8, 2017, commencing at 9:00 a.m. in the Council Chambers at the New Albany Village Hall, 99 West Main Street, New Albany, Ohio 43054.

**Section 3.** The Clerk of Council shall arrange for notice of that public hearing by publication once each week for three consecutive weeks in a newspaper of general circulation in Licking County in accordance with the requirements of Section 349.03(A) of the Ohio Revised Code.

**Section 4.** This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Resolution were taken in an open meeting of this Council and any of its committees, and that all deliberations of this 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 5.** This resolution is declared to be in full force and effect from and after the earliest period allowed by law.

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

**Attest:**

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

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Jennifer H. Mason  
Clerk of Council

**Approved as to form:**

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Mitchell H. Banchefsky  
Law Director