



ORDINANCE O-01-2023

AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1 ANNEXATION OF 61.26+/- ACRES FROM JERSEY TOWNSHIP, LICKING COUNTY TO THE CITY OF NEW ALBANY

WHEREAS, pursuant to the petition filed by Underhill & Hodge, LLC, agents for petitioner, with the Licking County Development and Planning Department, on October 6, 2022, and

WHEREAS, the foregoing Resolution #116-62 of the Licking County Commissioners granting the petition was delivered to the City of New Albany on October 31, 2022, and more than sixty (60) days have elapsed since the foregoing resolution and transcript was transmitted to the City of New Albany, and

WHEREAS, pursuant to Resolution R-01-2022 of the City of New Albany signed on January 04, 2022, the New Albany City Manager was authorized to enter into a Roadway Maintenance Agreement with the Licking County Board of Commissioners for the maintenance of sections of roadways impacted by this annexation, and

WHEREAS, pursuant to New Albany Codified Ordinance 1125.05, all newly annexed areas shall immediately be zoned into the Agricultural District and shall be subject to the regulations and restrictions pertaining thereto, and

WHEREAS, the real estate is located in Licking County and is subject to the "New Albany East Community Authority" and subject to a special property assessment in compliance therewith, and

WHEREAS, The New Albany City Council has determined that annexation of the real estate is in the best interests of the residents of the City of New Albany.

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

Section 1: The application of property owners set forth in Licking County requesting the annexation of 61.26+/- acres, which is contiguous to the City of New Albany, is hereby accepted, and the corporate boundaries of New Albany shall be extended to include the territory, more particularly described in Exhibit A, attached hereto and incorporated herein as if fully written.

Section 2: An accurate map of the territory attached as Exhibit B, the petition for its annexation, other related documents, and a certified transcript of the proceedings of the Licking County Board of Commissioners regarding the annexation proceedings have been on file with the

Clerk of Council of the City of New Albany for sixty (60) days prior to being presented to this Council as required by law, and are hereby accepted.

Section 3: Council of the City of New Albany hereby accepts the annexation of a 61.26+/-acre tract, situated in Jersey Township, Licking County, Ohio, the same being land of the owners set forth above, for annexation to the City of New Albany.

Section 4: The clerk is herewith directed to deliver certified copies of this ordinance and other proceedings relative to the annexation to the County Auditor, County Recorder, and the Secretary of State.


Section 5: It is hereby found and determined that all formal actions of council concerning and relating to the adoption of this legislation were adopted in an open meeting of 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 Section 121.22 of the Ohio Revised Code.

Section 6: Pursuant to Article VI, Section 6.07(B) of the Charter of the City of New Albany, this ordinance shall be in effect on and after the earliest period allowed by law.

CERTIFIED AS ADOPTED this 17 day of JAN, 2023.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:

| | |
|-------------|------------|
| Prepared: | 12/15/2022 |
| Introduced: | 01/03/2023 |
| Revised: | |
| Adopted: | 01/17/2023 |
| Effective: | 02/16/2023 |

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

I certify that copies of Ordinance **O-01-2023** were posted in accordance with Article VI, Section 6.12 of the Charter of the City of New Albany, for 30 days starting on January 18, 2023.


Jennifer Mason, Clerk of Council

1-18-23
Date

Exhibit A - O-01-2023

EXHIBIT "A" PROPOSED ANNEXATION OF 61.26± ACRES

FROM: JERSEY TOWNSHIP

TO: CITY OF NEW ALBANY

Situated in the State of Ohio, County of Licking, Township of Jersey, in Lots 1, 10-12 & 15, Quarter Township 1, Township 2, Range 15, United States Military Lands, being comprised of all of the following tracts of land. That 13.912 acre tract conveyed to Robert A. Carr and Deborah B. Carr by deed of record in Instrument Number 201109230017882, that 11.865 acre tract conveyed to Louis R. Powell and Linda S. Powell, Trustees of the Powell Family Trust, by deed of record in Instrument Number 201706200012941, that 35.745 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202207200017782, and that 0.539 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202205100011767, (all references refer to the records of the Recorder's Office, Licking County, Ohio), and more particularly bounded and described as follows:

Beginning, for reference, at the centerline intersection of Mink Street with Jug Street Road;

Thence North 24° 19' 48" East, with the centerline of said Mink Street, a distance of 504.77 feet to the northeasterly corner of that 5.179 acre tract conveyed to Geraldine M. Campbell by deed of record in Official Record 706, Page 82, the TRUE POINT OF BEGINNING for this description;

Thence North 86° 38' 49" West, with the northerly line of said 5.179 acre tract, a distance of 1021.31 feet to a point in the easterly line of that 6.440 acre tract conveyed to Chris A. Anderson and Colleen F. Anderson by deed of record in Instrument Number 201206010012102;

Thence North 02° 53' 04" East, with the easterly line of said 6.440 acre tract, the easterly line of that 111.82 acre tract conveyed to Mary Alice Foster, Alice M. Schlaegel, Judith A. Anderson, Susan K. Bishop, Nancy M. Loshbough, Thomas M. Foster, John C. Foster, Joseph D. Foster and Emma K. Kiser by deeds of record in Deed Book 577, Page 214, Official Record 207, Page 821, Instrument Numbers 201502120002686, Instrument Number 201605130009477 and Instrument Number 202205020010802, and the existing City of New Albany corporation line, as established by Ordinance Number O-11-2022, of record in Instrument Number 202205120011951, a distance of 1920.63 feet to appoint in the southerly line of that 251.333 acre tract conveyed to MCVGCM Holdings LLC by deed of record in Instrument Number 202206210015330;

Thence South 87° 23' 13" East, with the southerly line of said 251.333 acre tract and said corporation line, a distance of 1746.36 feet to a point;

Thence North 05° 03' 09" East, with the easterly line of said 251.333 acre tract, an easterly line of that 237.574 acre tract conveyed to Intel Corporation by deed of record in Instrument Number 202207180017547, and said corporation line, a distance of 208.54 feet to a point;

Thence South 87° 59' 17" East, with a southerly line of said 237.574 acre tract and said corporation line, a distance of 168.13 feet to a point in the centerline of said Mink Street;

Thence with the centerline of said Mink Street the following courses and distances:

South 22° 34' 48" West, a distance of 366.21 feet to a point; and

South 24° 23' 13" West, a distance of 844.00 feet to the northeasterly corner of that 1.952 acre tract conveyed to Michael D. Sadilek and Christina K. Sadilek by deed of record in Instrument Number 201709150019732;

**PROPOSED ANNEXATION OF
61.26± ACRES**

-2-

Thence North 86° 51' 47" West, with the northerly line of said 1.952 acre tract, a distance of 589.76 feet to the northwesterly corner thereof;

Thence South 04° 06' 19" West, with the westerly line of said 1.952 acre tract and the westerly line of that 1.663 acre tract conveyed to Anthony Verdone and Wendy Verdone by deed of record in Instrument Number 200503100007065, a distance of 303.59 feet to the southwesterly corner thereof;

Thence South 86° 16' 17" East, with the southerly line of said 1.663 acre tract, a distance of 453.40 feet to a point in the centerline of said Mink Street;

Thence with the centerline of said Mink Street the following courses and distances:

South 27° 47' 52" West, a distance of 513.09 feet to a point; and

South 26° 54' 15" West, a distance of 268.46 feet to the TRUE POINT OF BEGINNING, containing 61.260 acres of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

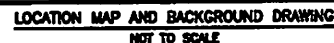
Matthew A. Kirk

5 OCT 22

Matthew A. Kirk

Professional Surveyor No. 7865





Clock, City of New Albany



EXISTING CITY OF NEW ALBANY CORPORATION LEGISLATION

STATE OF OHIO
SOUTHERN DISTRICT
NO. 8-7865
PROFESSIONAL SURVEYOR

Date _____

Licking County Assessor's Office / 20220000-VS-DOE-NWD-04



ORDINANCE O-02-2023

AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1 ANNEXATION OF 6.15+/- ACRES FROM JERSEY TOWNSHIP, LICKING COUNTY TO THE CITY OF NEW ALBANY

WHEREAS, pursuant to the petition filed by Underhill & Hodge, LLC, agents for petitioner, with the Licking County Development and Planning Department, on October 6, 2022, and

WHEREAS, the foregoing Resolution #116-61 of the Licking County Commissioners granting the petition was delivered to the City of New Albany on October 31, 2022, and more than sixty (60) days have elapsed since the foregoing resolution and transcript was transmitted to the City of New Albany, and

WHEREAS, pursuant to Resolution R-01-2022 of the City of New Albany adopted on January 4, 2022, the New Albany City Manager was authorized to enter into a Roadway Maintenance Agreement with the Licking County Board of Commissioners for the maintenance of sections of roadways impacted by this annexation, and

WHEREAS, pursuant to New Albany Codified Ordinance 1125.05, all newly annexed areas shall immediately be zoned into the Agricultural District and shall be subject to the regulations and restrictions pertaining thereto, and

WHEREAS, the real estate is located in Licking County and is subject to the "New Albany East Community Authority" and subject to a special property assessment in compliance therewith, and

WHEREAS, The New Albany City Council has determined that annexation of the real estate is in the best interests of the residents of the City of New Albany.

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

Section 1: The application of property owners set forth in Licking County requesting the annexation of 6.15+/- acres, which is contiguous to the City of New Albany, is hereby accepted, and the corporate boundaries of New Albany shall be extended to include the territory, more particularly described in Exhibit A, attached hereto and incorporated herein as if fully written.

Section 2: An accurate map of the territory attached as Exhibit B, the petition for its annexation, other related documents, and a certified transcript of the proceedings of the Licking County Board of Commissioners regarding the annexation proceedings have been on file with the

Clerk of Council of the City of New Albany for sixty (60) days prior to being presented to this Council as required by law, and are hereby accepted.

Section 3: Council of the City of New Albany hereby accepts the annexation of a 6.15+/-acre tract, situated in Jersey Township, Licking County, Ohio, the same being land of the owners set forth above, for annexation to the City of New Albany.

Section 4: The clerk is herewith directed to deliver certified copies of this ordinance and other proceedings relative to the annexation to the County Auditor, County Recorder, and the Secretary of State.

Section 5: It is hereby found and determined that all formal actions of council concerning and relating to the adoption of this legislation were adopted in an open meeting of 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 Section 121.22 of the Ohio Revised Code.

Section 6: Pursuant to Article VI, Section 6.07(B) of the Charter of the City of New Albany, this ordinance shall be in effect on and after the earliest period allowed by law.


CERTIFIED AS ADOPTED this 17 day of JAN, 2023.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:


Benjamin S. Albrecht
Law Director

Legislation dates:

| | |
|-------------|------------|
| Prepared: | 12/15/2022 |
| Introduced: | 01/03/2023 |
| Revised: | |
| Adopted: | 01/17/2023 |
| Effective: | 02/16/2023 |

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

I certify that copies of Ordinance **O-02-2023** were posted in accordance with Article VI, Section 6.12 of the Charter of the City of New Albany, for 30 days starting on January 18, 2023.


Jennifer Mason, Clerk of Council

1-18-23
Date

EXHIBIT "A"
PROPOSED ANNEXATION OF
6.15± ACRES

FROM: JERSEY TOWNSHIP

TO: CITY OF NEW ALBANY

Situated in the State of Ohio, County of Licking, Township of Jersey, in Lot 1, Quarter Township 2, and Section 13, Quarter Township 3, Township 2, Range 15, United States Military Lands, being comprised of all of that 1.944 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202208010018731, all of that 1.973 acre tract conveyed to Pamela S. Howell by deed of record in Instrument Number 200906180013304, and all of that 2.231 acre tract conveyed to Ronald Lee Howell and Pamela Sue Howell by deed of record in Official Record 532, Page 258, (all references refer to the records of the Recorder's Office, Licking County, Ohio), and more particularly bounded and described as follows:

BEGINNING at the centerline intersection of Mink Street (County Road 41) with Beaver Road;

Thence South 29° 32' 02" West, with the centerline of said Mink Street, a distance of 200.50 feet to the northeasterly corner of that 11.620 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201603300006016, in the existing City of New Albany corporation line, as established by Ordinance Number O-13-2016, of record in Instrument Number 201608100016925;

Thence North 86° 19' 43" West, with the northerly line of said 11.620 acre tract and said corporation line, a distance of 651.97 feet to a point in the easterly line of that 42.286 acre tract conveyed to COI New Albany 525, LLC by deed of record in Instrument Number 202112290039574;

Thence North 32° 40' 17" East, with said easterly line and said corporation line, a distance of 480.47 feet to the southwesterly corner of that 31.726 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202105060013587, in the existing City of New Albany corporation line, as established by Ordinance Number O-33-2021, of record in Instrument Number 202110260032776;

Thence South 86° 19' 43" East, with the southerly line of said 31.726 acre tract and said corporation line, a distance of 622.75 feet to a point in the centerline of said Mink Street;

Thence South 29° 32' 02" West, with said centerline, a distance of 266.50 feet to the POINT OF BEGINNING, containing 6.15 acres of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk

14 SEP 22

Matthew A. Kirk
Professional Surveyor No. 7865



EXHIBIT "A"
PROPOSED ANNEXATION OF
6.15± ACRES

FROM: JERSEY TOWNSHIP

TO: CITY OF NEW ALBANY

Situated in the State of Ohio, County of Licking, Township of Jersey, in Lot 1, Quarter Township 2, and Section 13, Quarter Township 3, Township 2, Range 15, United States Military Lands, being comprised of all of that 1.944 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 202208010018731, all of that 1.973 acre tract conveyed to Pamela S. Howell by deed of record in Instrument Number 200906180013304, and all of that 2.231 acre tract conveyed to Ronald Lee Howell and Pamela Sue Howell by deed of record in Official Record 532, Page 258, (all references refer to the records of the Recorder's Office, Licking County, Ohio), and more particularly bounded and described as follows:

BEGINNING at the centerline intersection of Mink Street (County Road 41) with Beaver Road;

Thence South 29° 32' 02" West, with the centerline of said Mink Street, a distance of 200.50 feet to the northeasterly corner of that 11.620 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 201603300006016, in the existing City of New Albany corporation line, as established by Ordinance Number O-13-2016, of record in Instrument Number 201608100016925;

Thence North 86° 19' 43" West, with the northerly line of said 11.620 acre tract and said corporation line, a distance of 651.97 feet to a point in the easterly line of that 42.286 acre tract conveyed to COI New Albany 525, LLC by deed of record in Instrument Number 202112290039574;

Thence North 32° 40' 17" East, with said easterly line and said corporation line, a distance of 480.47 feet to the southwesterly corner of that 31.726 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 202105060013587, in the existing City of New Albany corporation line, as established by Ordinance Number O-33-2021, of record in Instrument Number 202110260032776;

Thence South 86° 19' 43" East, with the southerly line of said 31.726 acre tract and said corporation line, a distance of 622.75 feet to a point in the centerline of said Mink Street;

Thence South 29° 32' 02" West, with said centerline, a distance of 266.50 feet to the **POINT OF BEGINNING**, containing 6.15 acres of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk
Professional Surveyor No. 7865

| | |
|--|--------------------------|
| PRE-APPROVAL | |
| LICKING COUNTY ENGINEER | |
| APPROVED | CONDITIONAL |
| <input checked="checked" type="checkbox"/> | <input type="checkbox"/> |
| APPROVED BY: | <i>MAT</i> |
| DATE: | 9/17/22 |

The within map marked exhibit "A" and made a part of the petition of excemption filed with the Board of Commissioners of Licking County, Ohio, on 20, under Chapter 709 of the Ohio Revised Code, is submitted as an accurate map of the territory in said petition described under the requirements of said Chapter 709 of the Ohio Revised Code.

The Board of County Commissioners of Licking County, Ohio, having received a petition bearing the signed names and addresses of the parties interested in the exaction to the City of New Albany, Ohio, of the hereby shown houses and having given due consideration to the prayer of said petition, do hereby grant the same.

Petition Granted _____, 20____
Petition Approved _____, 20____

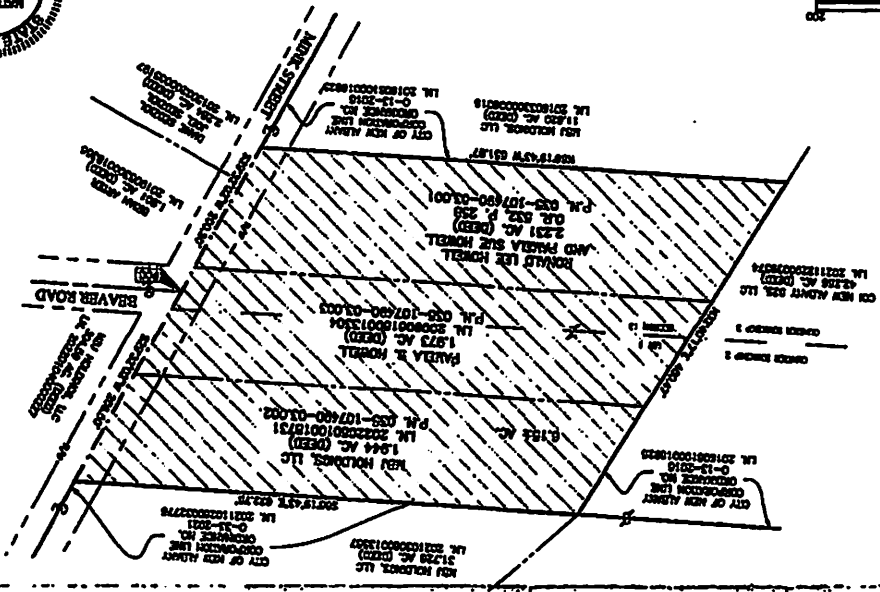
_____ Secretary
_____ Treasurer

Transmitted this _____ day of _____, 20____, upon the duplicate of this office.

Comptroller

Reported for Record _____, 22, in _____ (A-4-PH) and recorded _____, to give references, position, etc. in Plot Book Volume _____, Page _____.

Council for the City of New Albany, Ohio, by ordinance No. _____, and reported by the mayor on _____, 20____, did accept the existing bonds between the recorder to the City of New Albany, Ohio, a wealth fund corporation.



002 001 0 001


SECRET

PROPOSED CITY OF NEW ALBANY CORPORATION LINE
EXISTING CITY OF NEW ALBANY CORPORATION LINE

Third portion of encumbrance was \$222.19 less, of which \$1755.19 had been recognized with the City of New Albany, giving 1956 performance accordingly.

D. MATHIAS, JR. & SONS
 1000 A. RD.
 BOSTON, MASS. 02118
 Date: 8/28/73



| | | | | | | | |
|---|--|---|--|------------------|--|---------------|--|
| Date: September 14, 2022 | | Scale: 1" = 100' | | Job No: 20220805 | | Sheet: 1 of 1 | |
|  | | Do not record materials to this file and use appropriate language to describe and record the location of the object | | | | | |
| | | E.M.H.T. is not responsible for the accuracy of the information | | | | | |



ORDINANCE O-03-2023

AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1 ANNEXATION OF 13.87+/- ACRES FROM JERSEY TOWNSHIP, LICKING COUNTY TO THE CITY OF NEW ALBANY

WHEREAS, pursuant to the petition filed by Underhill & Hodge, LLC, agents for petitioner, with the Licking County Development and Planning Department, on October 6, 2022, and

WHEREAS, the foregoing Resolution #116-60 of the Licking County Commissioners granting the petition was delivered to the City of New Albany on October 31, 2022, and more than sixty (60) days have elapsed since the foregoing resolution and transcript was transmitted to the City of New Albany, and

WHEREAS, pursuant to Resolution R-03-2022 of the City of New Albany adopted January 4, 2022, the New Albany City Manager was authorized to enter into any necessary Roadway Maintenance Agreements with the Licking County Board of Commissioners and/or Jersey Township Trustees for the maintenance of sections of roadways impacted by this annexation, and

WHEREAS, pursuant to New Albany Codified Ordinance 1125.05, all newly annexed areas shall immediately be zoned into the Agricultural District and shall be subject to the regulations and restrictions pertaining thereto, and

WHEREAS, the real estate is located in Licking County and is subject to the "New Albany East Community Authority" and subject to a special property assessment in compliance therewith, and

WHEREAS, The New Albany City Council has determined that annexation of the real estate is in the best interests of the residents of the City of New Albany.

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

Section 1: The application of property owners set forth in Licking County requesting the annexation of 13.87+/- acres, which is contiguous to the City of New Albany, is hereby accepted, and the corporate boundaries of New Albany shall be extended to include the territory, more particularly described in Exhibit A, attached hereto and incorporated herein as if fully written.

Section 2: An accurate map of the territory attached as Exhibit B, the petition for its annexation, other related documents, and a certified transcript of the proceedings of the Licking County Board of Commissioners regarding the annexation proceedings have been on file with the

Clerk of Council of the City of New Albany for sixty (60) days prior to being presented to this Council as required by law, and are hereby accepted.

Section 3: Council of the City of New Albany hereby accepts the annexation of a 13.87+/-acre tract, situated in Jersey Township, Licking County, Ohio, the same being land of the owners set forth above, for annexation to the City of New Albany.

Section 4: The clerk is herewith directed to deliver certified copies of this ordinance and other proceedings relative to the annexation to the County Auditor, County Recorder, and the Secretary of State.

Section 5: It is hereby found and determined that all formal actions of council concerning and relating to the adoption of this legislation were adopted in an open meeting of 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 Section 121.22 of the Ohio Revised Code.

Section 6: Pursuant to Article VI, Section 6.07(B) of the Charter of the City of New Albany, this ordinance shall be in effect on and after the earliest period allowed by law.

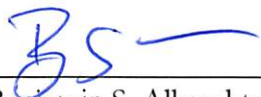
CERTIFIED AS ADOPTED this 17 day of Dec, 2023.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:


Benjamin S. Albrecht
Law Director

Legislation dates:

| | |
|-------------|------------|
| Prepared: | 12/15/2022 |
| Introduced: | 01/03/2023 |
| Revised: | |
| Adopted: | 01/17/2023 |
| Effective: | 02/16/2023 |

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

I certify that copies of Ordinance **O-03-2023** were posted in accordance with Article VI, Section 6.12 of the Charter of the City of New Albany, for 30 days starting on January 18, 2023.


Jennifer Mason, Clerk of Council

1-18-23
Date

EXHIBIT "A"
PROPOSED ANNEXATION OF
13.87± ACRES

FROM: JERSEY TOWNSHIP

TO: CITY OF NEW ALBANY

Situated in the State of Ohio, County of Licking, Township of Jersey, in Lot 11, Quarter Township 2, Township 2, Range 15, United States Military Lands, being comprised of all of that 4.846 acre tract conveyed to Michael F. Reilly and Erin M. Reilly by deed of record in Instrument Number 202007280018692, all of that 4.794 acre tract conveyed to Helen L. Campbell, Trustee of the Helen L. Campbell Trust by deed of record in Instrument Number 201507080013979, and all of that 4.309 acre tract conveyed to MBI Holdings, LLC by deed of record in Instrument Number 202209190022766, (all references refer to the records of the Recorder's Office, Licking County, Ohio), and more particularly bounded and described as follows:

Beginning, for reference, at the centerline intersection of Miller Road with Clover Valley Road;

Thence North 86° 29' 18" West, with the centerline of said Miller Road, a distance of 1449.96 feet to a northwesterly corner of that 116.861 acre tract conveyed to MBI Holdings, LLC by deed of record in Instrument Number 202206130014670, the existing City of New Albany corporation line, as established by Ordinance Number O-11-2022, of record in Instrument Number 202205120011951, the TRUE POINT OF BEGINNING for this description;

Thence with the boundary of said 116.861 acre tract and said corporation line, the following courses and distances:

South 01° 01' 05" West, a distance of 688.52 feet to a point;

North 87° 29' 49" West, a distance of 882.12 feet to a point; and

North 03° 38' 13" East, a distance of 706.71 feet to a point in the centerline of said Miller Road;

Thence South 86° 15' 55" East, with said centerline and said existing City of New Albany corporation line, a distance of 850.49 feet to the TRUE POINT OF BEGINNING, containing 13.87 acres of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk

22 SEP 22

Matthew A. Kirk
Professional Surveyor No. 7865



EXHIBIT "B"

ANNEXATION OF 13.87± ACRES

TO THE CITY OF NEW ALBANY FROM THE TOWNSHIP OF JERSEY

LOT 11, QUARTER TOWNSHIP 2, TOWNSHIP 2, RANGE 15

UNITED STATES MILITARY LANDS

TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Proposed Annexation
of 13.87 acres to the City of New Albany

The within map marked exhibit "A" and made a part of the petition of annexation filed with the Board of Commissioners of Licking County, Ohio, on 20, under Chapter 709 of the Ohio Revised Code, is submitted as an accurate map of the territory in said petition described under the requirements of said Chapter 709 of the Ohio Revised Code.

[Signature]
Agent for Petitioners

The Board of County Commissioners of Licking County, Ohio, having received a petition bearing the signed names and addresses of the parties interested in the annexation to the City of New Albany, Ohio, of the territory shown hereon and having given due consideration to the prayer of said petition, do hereby grant the same.

Board of Licking County Commissioners

Petition Received _____, 20____ Commissioner

Petition Approved _____, 20____ Commissioner

Transferred this _____ day of _____, 20____, upon the duplicates of this office. Commissioner

Containing _____ serials. Licking County Auditor

Transfer Fee _____ Licking County Auditor

Received for Record _____, 20____ at _____ (AM-PM) and recorded _____, 20____ in plat ordinance, petition, etc. in Plat Book Volume _____, Page _____

Plat Fee _____ Licking County Recorder

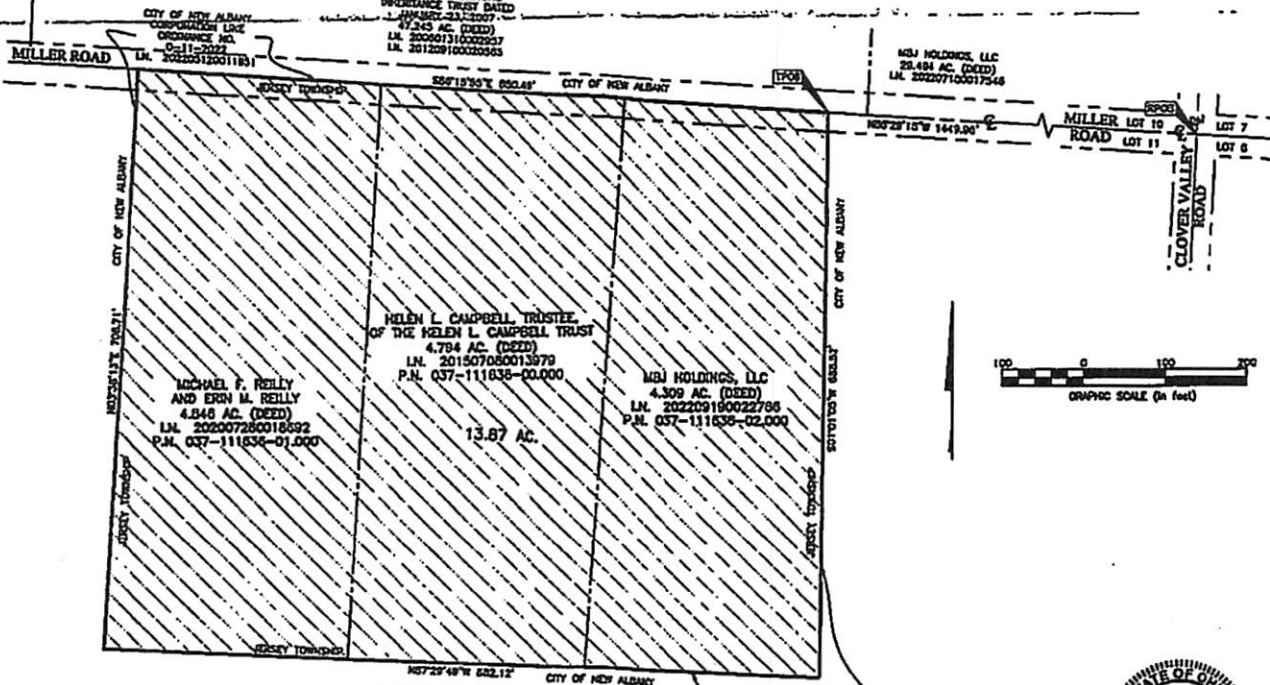
Ordinance, etc. Fee _____ Licking County Recorder

Council for the City of New Albany, Ohio, by ordinance _____ passed _____, 20____, and approved by the mayor on _____, 20____, did accept the territory shown hereon for annexation to the City of New Albany, Ohio, a municipal corporation.

Attest _____ Clerk, City of New Albany

DEVERLY JEAN BUSH
CHERYL ANN BUSH
SHARON LIZON BUSH
LORR ELYN BUSH
CHERYL A. BUSH, TRUSTEE OF
THE BUSH KEYSTONE
PERMANENT TRUST DATED
JANUARY 21, 2007
47.245 AC. (DEED)
L.N. 200601310002957
L.N. 201208160000955

MSJ HOLDINGS, LLC
25.484 AC. (DEED)
L.N. 202207100017548



MSJ HOLDINGS, LLC
PARCEL B
116.851 AC. (DEED)
L.N. 202208130014670

CITY OF NEW ALBANY
CORPORATION LOC.
ORDINANCE NO.
O-11-2022
L.N. 202205120011951

EMHIT

Date: September 22, 2022

Scale: 1" = 100'

Job No: 20220885

Sheet: 1 of 1

REVISIONS

| NO. | DATE | DESCRIPTION |
|-----|------|-------------|
| | | |
| | | |
| | | |
| | | |

AREA TO BE ANNEXED

PROPOSED CITY OF NEW ALBANY CORPORATION LINE

EXISTING CITY OF NEW ALBANY CORPORATION LINE

Contiguity Note:
Total perimeter of annexation area is 2127.84 feet, all of which is contiguous with the City of New Albany, giving 100% perimeter contiguity.



By *Matthew A. Reilly* 22 SEP 22
Matthew A. Reilly
Professional Surveyor No. 7865
mreilly@reilly.com



ORDINANCE O-04-2023

AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1 ANNEXATION OF 312.86+/- ACRES FROM JERSEY TOWNSHIP, LICKING COUNTY TO THE CITY OF NEW ALBANY

WHEREAS, pursuant to the petition filed by Underhill & Hodge, LLC, agents for petitioner, with the Licking County Development and Planning Department, on October 6, 2022, and

WHEREAS, the foregoing Resolution #116-59 of the Licking County Commissioners granting the petition was delivered to the City of New Albany on October 31, 2022, and more than sixty (60) days have elapsed since the foregoing resolution and transcript was transmitted to the City of New Albany, and

WHEREAS, pursuant to Resolution R-03-2022 of the City of New Albany adopted January 4, 2022, the New Albany City Manager was authorized to enter into any necessary Roadway Maintenance Agreements with the Licking County Board of Commissioners and/or Jersey Township Trustees for the maintenance of sections of roadways impacted by this annexation, and

WHEREAS, pursuant to New Albany Codified Ordinance 1125.05, all newly annexed areas shall immediately be zoned into the Agricultural District and shall be subject to the regulations and restrictions pertaining thereto, and

WHEREAS, the real estate is located in Licking County and is subject to the "New Albany East Community Authority" and subject to a special property assessment in compliance therewith, and

WHEREAS, The New Albany City Council has determined that annexation of the real estate is in the best interests of the residents of the City of New Albany.

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

Section 1: The application of property owners set forth in Licking County requesting the annexation of 312.86+/- acres, which is contiguous to the City of New Albany, is hereby accepted, and the corporate boundaries of New Albany shall be extended to include the territory, more particularly described in Exhibit A, attached hereto and incorporated herein as if fully written.

Section 2: An accurate map of the territory attached as Exhibit B, the petition for its annexation, other related documents, and a certified transcript of the proceedings of the Licking County Board of Commissioners regarding the annexation proceedings have been on file with the

Clerk of Council of the City of New Albany for sixty (60) days prior to being presented to this Council as required by law, and are hereby accepted.

Section 3: Council of the City of New Albany hereby accepts the annexation of a 312.86+/- acre tract, situated in Jersey Township, Licking County, Ohio, the same being land of the owners set forth above, for annexation to the City of New Albany.

Section 4: The clerk is herewith directed to deliver certified copies of this ordinance and other proceedings relative to the annexation to the County Auditor, County Recorder, and the Secretary of State.


Section 5: It is hereby found and determined that all formal actions of council concerning and relating to the adoption of this legislation were adopted in an open meeting of 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 Section 121.22 of the Ohio Revised Code.

Section 6: Pursuant to Article VI, Section 6.07(B) of the Charter of the City of New Albany, this ordinance shall be in effect on and after the earliest period allowed by law.


CERTIFIED AS ADOPTED this 17 day of Jan, 2023.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:

| | |
|-------------|------------|
| Prepared: | 12/15/2022 |
| Introduced: | 01/03/2023 |
| Revised: | |
| Adopted: | 01/17/2023 |
| Effective: | 02/16/2023 |

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

I certify that copies of Ordinance **O-04-2023** were posted in accordance with Article VI, Section 6.12 of the Charter of the City of New Albany, for 30 days starting on January 18, 2023.


Jennifer Mason, Clerk of Council

1-18-23
Date

EXHIBIT "A"
PROPOSED ANNEXATION OF
312.86± ACRES

FROM: JERSEY TOWNSHIP

TO: CITY OF NEW ALBANY

Situated in the State of Ohio, County of Licking, Township of Jersey, in Lots 21 - 24, Quarter Township 2, Township 2, Range 15, United States Military Lands, being comprised of all of the following tracts of land. That 53.97 acre tract conveyed to Miller Road Homestead, LLC by deed of record in Instrument Number 201906130011623, that 46.80 acre tract conveyed to HS & JA, LLC by deed of record in Instrument Number 201906130011619, that 5.07 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 202204210009982, that 2.001 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 202205180012411, that 5.010 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 202207070016647, that 5.01 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 202207070016648, that 5.01 acre tract conveyed to Arthur J. Bull and Amy Louise Bull by deed of record in Instrument Number 201806290013268, that 2.75 acre tract conveyed to Kevin M. Crawford and Shannon H. Crawford by deed of record in Instrument Number 201209280022440, that 30.05 acre tract conveyed to Robert E. Haycock by deed of record in Official Record 429, Page 382, that 5.01 acre tract conveyed to Sherri L. Mullins, Trustee of the Sherri L. Mullins Trust by deed of record in Instrument Number 200902200003325, that 11.000 acre tract conveyed to Matthew W. Gibson, Trustee of the Schoeff Legacy Trust by deed of record in Instrument Number 202209150022489, that 41.666 acre tract conveyed to Hendren Farms Partnership by deed of record in Instrument Number 201105100008721, that 24.4384 acre tract conveyed to Keith G. Mainzer and Stacia G. Mainzer by deed of record in Official Record 768, Page 536, that 44.4384 acre tract conveyed to Dennis Dotson and Jackie Dotson by deed of record in Official Record 683, Page 921, and that 50.0 acre tract conveyed to Daniel D. Potter, Trustee of the Daniel D. Potter Trust by deed of record in Instrument Number 202203160006679, (all references refer to the records of the Recorder's Office, Licking County, Ohio), and more particularly bounded and described as follows:

BEGINNING, at the southwesterly corner of the subdivision entitled "Wagoner Farms Section 2", of record in Plat Book 16, Page 146, in the northerly line of that 476.757 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 201912030026846, in the existing City of New Albany corporation line, as established by Ordinance Number O-12-2019, of record in Instrument Number 201906210012317,

Thence North 86° 32' 09" West, with said northerly line, said corporation line, and the northerly line of that 61.832 acre tract conveyed to New Albany Data Center SPE, LLC by deed of record in Instrument Number 202207200017785, a distance of 1357.18 feet to a northeasterly corner of said 61.832 acre tract;

Thence North 03° 26' 29" East, with the easterly line of said 61.832 acre tract, said corporation line, the easterly line of that 50 acre tract conveyed as Tract Three, First Parcel to Hendren One LLC by deed of record in Instrument Number 201304180009917, the easterly line of that 47.365 acre tract conveyed as Tract Three, Second Parcel to Hendren One LLC by deed of record in Instrument Number 201304180009917, and the easterly line of that 50 acre tract conveyed to Charles A. Wilson and Daniel E. Wilson, Co-Trustees by deed of record in Instrument Number 201105190009421, a distance of 3483.17 feet to a point in the centerline of Miller Road;

Thence North 03° 26' 40" East, with the easterly line of that 100 acre tract conveyed as Tract One to Hendren One LLC by deed of record in Instrument Number 201304180009917, a distance of 1674.62 feet to the southeasterly corner of that 91.173 acre tract conveyed to Deborah Tripp and Sharon Smart, Co-Trustees by deed of record in Instrument Number 201104140007147;

**PROPOSED ANNEXATION OF
312.86± ACRES**

-2-

Thence North 03° 35' 59" East, with the easterly line of said 91.173 acre tract, a distance of 886.70 feet to the southwesterly corner of that 10.003 acre tract conveyed to Robert A. Parsons and Beth A. Parsons, Trustees of the Parsons Trust by deed of record in Instrument Number 201703210005737;

Thence South 86° 54' 22" East, with the southerly line of said 10.003 acre tract, a distance of 526.18 feet to the southeasterly corner of said 10.003 acre tract;

Thence North 03° 02' 45" East, with the easterly line of said 10.003 acre tract, a distance of 833.79 feet to a point in the centerline of Green Chapel Road;

Thence South 86° 54' 44" East, with said centerline, a distance of 2228.03 feet to the northwesterly corner of that 47.874 acre tract conveyed to Cheryl A. Bush, Trustee of the Bush Keystone Inheritance Trust by deed of record in Instrument Number 201209100020565, and to Beverly Jean Bush, Cheryl Ann Bush, Sharon Lynn Bush, and Lori Ellen Bush by deed of record in Instrument Number 200601310002957, in the existing City of New Albany corporation line, as established by Ordinance Number O-11-2022, of record in Instrument Number 202205120011951;

Thence South 03° 47' 39" West, with the westerly line of said 47.874 acre tract, said corporation line, and the westerly line of that 47.245 acre tract conveyed to Cheryl A. Bush, Trustee of the Bush Keystone Inheritance Trust by deed of record in Instrument Number 201209100020565, and to Beverly Jean Bush, Cheryl Ann Bush, Sharon Lynn Bush, and Lori Ellen Bush by deed of record in Instrument Number 200601310002957, a distance of 3413.94 feet to a point in the centerline of said Miller Road;

Thence North 86° 27' 47" West, with said centerline, a distance of 1365.69 feet to the northwesterly corner of that 4.591 acre tract conveyed as Parcel Two to Henry J. Cook and Steven P. Ripple by deed of record in Instrument Number 200112140045310;

Thence South 03° 33' 26" West, with the westerly line of said 4.591 acre tract, the westerly line of the subdivision entitled "Wagoner Farms Section 4 Phase 3", of record in Plat Book 17, Page 219, the westerly line of the subdivision entitled "Wagoner Farms Section 4 Phase 1", of record in Plat Book 16, Page 298, the westerly line of the subdivision entitled "Wagoner Farms Section 3", of record in Plat Book 16, Page 178, the westerly line of said "Wagoner Farms Section 2", a distance of 3484.15 feet to the POINT OF BEGINNING, containing 312.86 acres of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk

20 SEP 22

Matthew A. Kirk

Professional Surveyor No. 7865



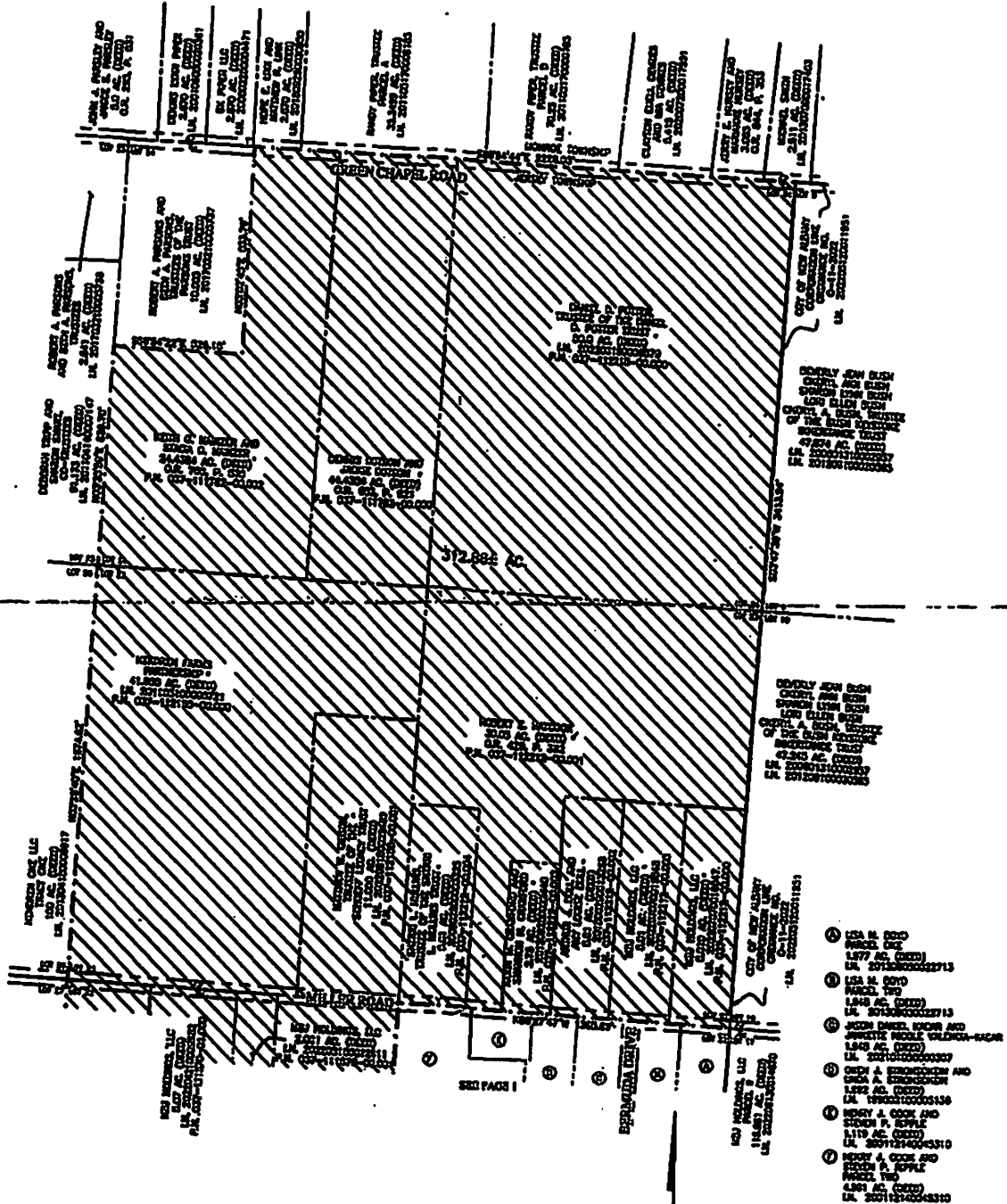
ANNEXATION OF 312.86± ACRES

TO THE CITY OF NEW ALBANY FROM THE TOWNSHIP OF JERSEY

LOTS 21, 22, 23 & 24, QUARTER TOWNSHIP 2, TOWNSHIP 2, RANGE 15

UNITED STATES MILITARY LANDS

TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO



| | | |
|---|--------------------------|-------------|
| EMHIT Survey, Mapping & Construction Services, Inc. 2301 New Albany Road, Columbus, OH 43204 Phone: 614-777-4323 Fax: 614-777-4324 www.emhit.com | Date: September 20, 2022 | |
| | Scale: 1" = 300' | |
| | Job No: 20220603 | |
| | Sheet: 2 of 2 | |
| REVISIONS | | |
| NO. | DATE | DESCRIPTION |
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ORDINANCE O-05-2023

AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1 ANNEXATION OF 15.03+/- ACRES FROM JERSEY TOWNSHIP, LICKING COUNTY TO THE CITY OF NEW ALBANY

WHEREAS, pursuant to the petition filed by Underhill & Hodge, LLC, agents for petitioner, with the Licking County Development and Planning Department, on October 6, 2022, and

WHEREAS, the foregoing Resolution #116-58 of the Licking County Commissioners granting the petition was delivered to the City of New Albany on October 31, 2022, and more than sixty (60) days have elapsed since the foregoing resolution and transcript was transmitted to the City of New Albany, and

WHEREAS, pursuant to Resolution R-37-2021 of the City of New Albany adopted on August 03, 2021, the New Albany City Manager was authorized to enter into a Roadway Maintenance Agreement with the Licking County Board of Commissioners for the maintenance of sections of roadways impacted by this annexation, and

WHEREAS, pursuant to New Albany Codified Ordinance 1125.05, all newly annexed areas shall immediately be zoned into the Agricultural District and shall be subject to the regulations and restrictions pertaining thereto, and

WHEREAS, the real estate is located in Licking County and is subject to the "New Albany East Community Authority" and subject to a special property assessment in compliance therewith, and

WHEREAS, The New Albany City Council has determined that annexation of the real estate is in the best interests of the residents of the City of New Albany.

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

Section 1: The application of property owners set forth in Licking County requesting the annexation of 15.03+/- acres, which is contiguous to the City of New Albany, is hereby accepted, and the corporate boundaries of New Albany shall be extended to include the territory, more particularly described in Exhibit A, attached hereto and incorporated herein as if fully written.

Section 2: An accurate map of the territory attached as Exhibit B, the petition for its annexation, other related documents, and a certified transcript of the proceedings of the Licking County Board of Commissioners regarding the annexation proceedings have been on file with the

Clerk of Council of the City of New Albany for sixty (60) days prior to being presented to this Council as required by law, and are hereby accepted.

Section 3: Council of the City of New Albany hereby accepts the annexation of a 15.03+/-acre tract, situated in Jersey Township, Licking County, Ohio, the same being land of the owners set forth above, for annexation to the City of New Albany.

Section 4: The clerk is herewith directed to deliver certified copies of this ordinance and other proceedings relative to the annexation to the County Auditor, County Recorder, and the Secretary of State.

Section 5: It is hereby found and determined that all formal actions of council concerning and relating to the adoption of this legislation were adopted in an open meeting of 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 Section 121.22 of the Ohio Revised Code.

Section 6: Pursuant to Article VI, Section 6.07(B) of the Charter of the City of New Albany, this ordinance shall be in effect on and after the earliest period allowed by law.


CERTIFIED AS ADOPTED this 17 day of Jan, 2023.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:


Benjamin S. Albrecht
Law Director

Legislation dates:

| | |
|-------------|------------|
| Prepared: | 12/15/2022 |
| Introduced: | 01/03/2023 |
| Revised: | |
| Adopted: | 01/17/2023 |
| Effective: | 02/16/2023 |

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

I certify that copies of Ordinance **O-05-2023** were posted in accordance with Article VI, Section 6.12 of the Charter of the City of New Albany, for 30 days starting on January 18, 2023.


Jennifer H. Mason, Clerk of Council

1-18-23
Date

Exhibit A - O-05-2023

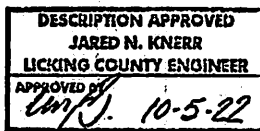


EXHIBIT "A"
PROPOSED ANNEXATION OF
15.03± ACRES

FROM: JERSEY TOWNSHIP

TO: CITY OF NEW ALBANY

Situated in the State of Ohio, County of Licking, Township of Jersey, in Lot 14, Quarter Township 2, Township 2, Range 15, United States Military Lands, being comprised of that 5.004 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202208120019793, that 5.004 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202208160020043, and that 5.004 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202209300023824 (all references refer to the records of the Recorder's Office, Licking County, Ohio), and more particularly bounded and described as follows:

Beginning, for reference, at the centerline intersection of Jug Street Road and Harrison Road;

Thence South 86° 41' 20" East, with the centerline of said Jug Street Road, a distance of 537.95 feet to the southeasterly corner of that 31.878 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202206060014020, in the existing City of New Albany corporation line, as established by Ordinance Number O-11-2022, of record in Instrument Number 202205120011951, the TRUE POINT OF BEGINNING for this description;

Thence North 04° 02' 15" East, with the easterly line of said 31.878 acre tract and said corporation line, a distance of 872.48 feet to a point;

Thence South 86° 12' 17" East, with a southerly line of said 31.878 acre tract and said corporation line, a distance of 750.78 feet to a point in the westerly line of that 62.547 acre tract conveyed to Robert A. Carr and Deborah B. Carr by deed of record in Instrument Number 201909180019849;

Thence South 03° 51' 20" West, with said westerly line and said corporation line, a distance of 868.46 feet to a point in the centerline of said Jug Street Road, in the existing City of New Albany corporation line, as established by Ordinance Number O-31-2015, of record in Instrument Number 201601070000270;

Thence North 86° 30' 36" West, with said centerline and said corporation line, a distance of 753.56 feet to the TRUE POINT OF BEGINNING, containing 15.03 acres of land, more or less.

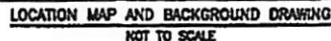
EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk

3 OCT 22

Matthew A. Kirk
Professional Surveyor No. 7865





Wickett County Annexation Documentation / 20220008-V5-000-APPX-01



ORDINANCE O-06-2023

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 403+/- ACRES OF LAND GENERALLY LOCATED SOUTH OF GREEN CHAPEL ROAD, WEST OF MINK STREET, EAST OF BEECH ROAD AND NORTH OF JUG STREET FROM AGRICULTURAL (AG) TO TECHNOLOGY MANUFACTURING DISTRICT (TMD) AS REQUESTED BY MBJ HOLDINGS LLC, C/O AARON UNDERHILL

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

WHEREAS, the New Albany Planning Commission and 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 MBJ Holdings LLC, c/o Aaron Underhill, Esq., the Planning Commission has reviewed the proposed ordinance amendment and recommended its approval unanimously.

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

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

- A. 403+/- acres generally located south of Green Chapel Road, west of Mink Street, east of Beech Road and north of Jug Street from its current zoning of Agricultural (AG) to Technology Manufacturing District (TMD).
- B. The zoning district's boundary map 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 adoption of this legislation were adopted in an open meeting of 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 Section 121.22 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 17 day of Jan, 2023.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:


Benjamin S. Albrecht
Law Director

Legislation dates:

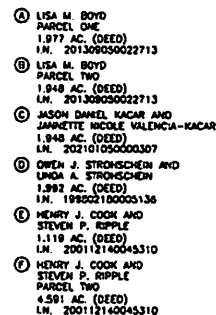
Prepared: 12/15/2022

Introduced: 01/03/2023

Revised:

Adopted: 01/17/2023

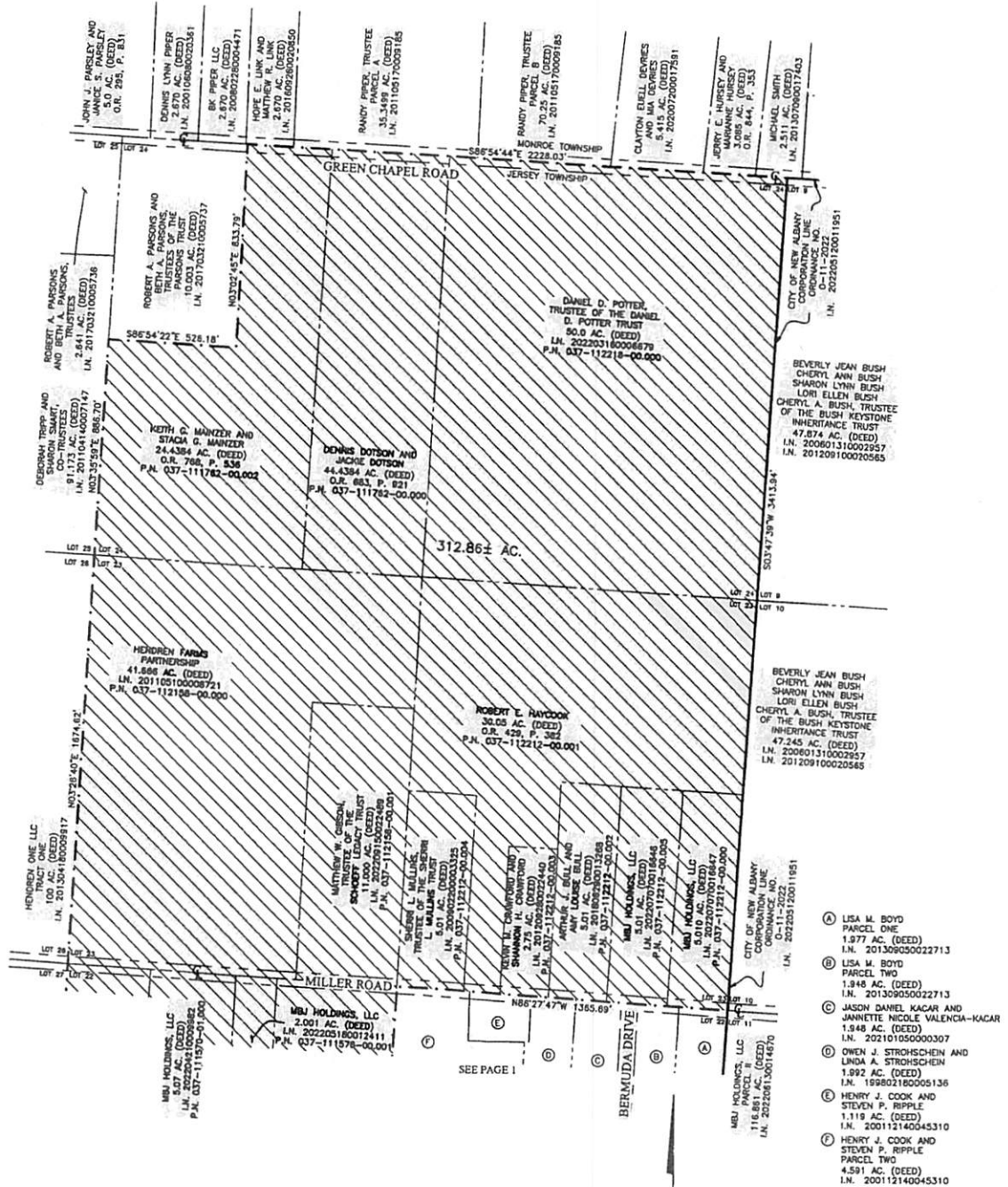
Effective: 02/16/2023



By Matthew A. Kirk 20 50 20
Matthew A. Kirk Date
Professional Surveyor No. 7865
mkirk@mba.com

[illegible]

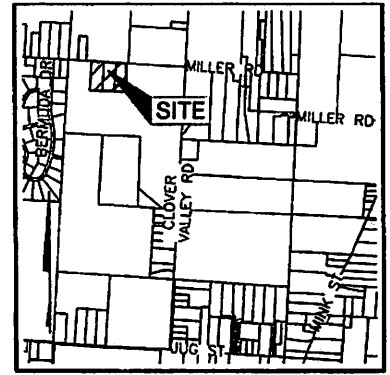
REZONING OF 312.86± ACRES



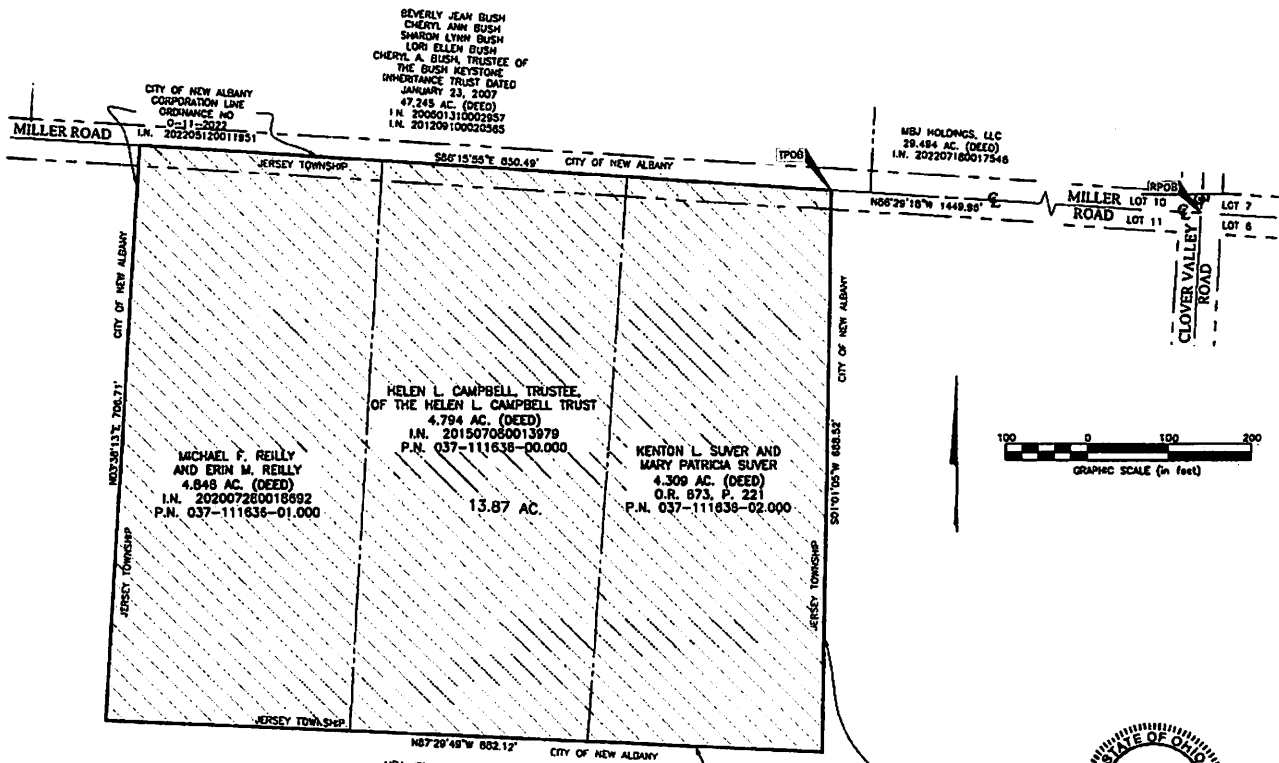
Date: September 20, 2022
Scale: 1" = 300'
Job No: 20220886
Sheet: 2 of 2

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REZONING OF 13.87± ACRES



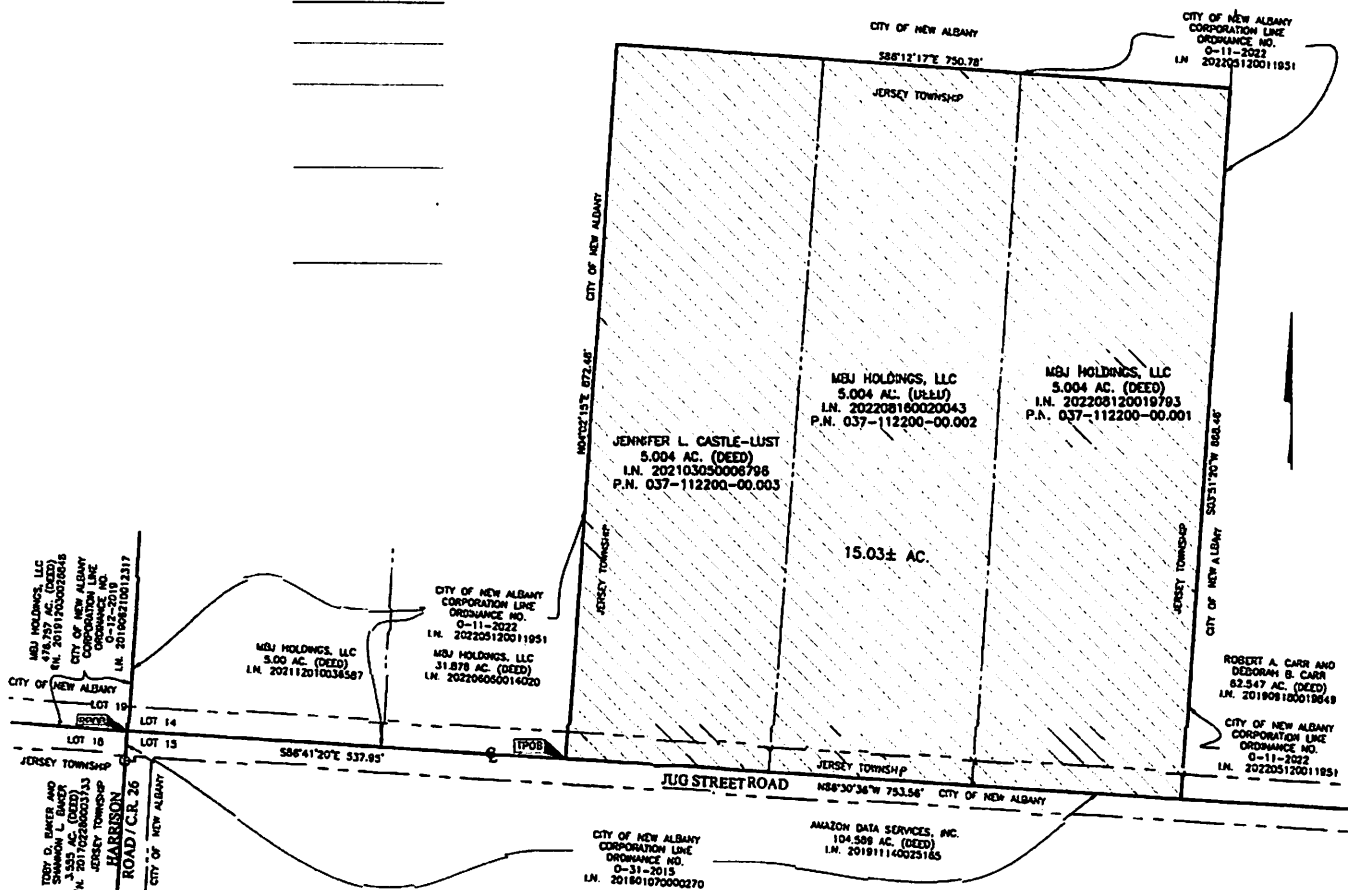
LOCATION MAP AND BACKGROUND DRAWING
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| EMIT | | Date: September 15, 2022 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| REVISIONS <table border="1"> <thead> <tr> <th>MARK</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table> | | | MARK | DATE | DESCRIPTION | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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By Matthew A. Kirk 15 SEP 22
Matthew A. Kirk
Professional Surveyor No. 7865
mkirk@emit.com Date

[illegible]

By Matthew A. Kirk 5 Sep 20
Matthew A. Kirk Date
Professional Surveyor No. 7865
mkirk@cmbi.com

December 14, 2022

1" = 100'

220888



11 SEP 22
Date

[illegible]



ORDINANCE O-07-2023

AN ORDINANCE TO AMEND CHAPTER 159 "RULES OF PROCEDURE FOR BOARDS AND COMMISSIONS" OF THE CITY OF NEW ALBANY, OHIO'S CODIFIED ORDINANCES AS REQUESTED BY THE CITY OF NEW ALBANY

WHEREAS, Chapter 159 of the Codified Ordinances of the City of New Albany sets forth the rules of procedure for boards and commissions established by the New Albany City Council; and

WHEREAS, the last Standard Rules of Procedure for Boards and Commissions revision was contained in Ordinance O-16-2007 adopted on April 17, 2007 and, since that time, the Village of New Albany has become a city, and some practices and procedures have been updated to run the boards and commissions more efficiently; and

WHEREAS, the New Albany City Council now finds it advisable to revise Chapter 159 "Rules of Procedure for Boards and Commissions."

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


Section 1: That Codified Ordinance Chapter 159 "Rules of Procedure for Boards and Commissions" be amended as described in Exhibit A.


Section 3. It is hereby found and determined that all formal actions of the New Albany City Council concerning and relating to the adoption of this legislation were adopted in an open meeting, and that all deliberations of this Council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

Section 4. 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 17 day of Jan, 2023.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 12/16/2022

Introduced: 01/03/2023

Revised:

Adopted: 01/17/2023

Effective: 02/16/2023

Exhibit A – O-07-2023

159.01 - PREAMBLE.

The A commission/board ~~is~~ shall be established in accordance with the authority of the New Albany Charter and/or ordinances passed by the New Albany ~~City~~Village Council. No provision or section of these rules which conflicts with, or restricts those rights provided by the Constitution of the United States, the Ohio Constitution or the New Albany Charter shall have any force or effect.

These rules and regulations shall control the conduct of all New Albany commission/board meetings unless otherwise specified. The latest revised edition of Robert's Rules of Order shall control where no provision is made in these rules and regulations. Technical violations of these rules or of an applicable provision of the latest revised edition of Robert's Rules of Order ~~parliamentary procedure~~ shall not invalidate board/commission actions.

These rules and regulations may be temporarily suspended in whole or in part at any meeting of the commission/board by a two-thirds (2/3) vote of those members in attendance, provided a quorum exists.

159.02 - MEETINGS.

(a) Organizational Meeting/Officers. An organizational meeting shall be held annually between the months of January and June ~~in March~~ for the purpose of taking the following actions:

- (1) Swearing in all members;
- (2) Electing from its current membership a chairperson, vice-chairperson and secretary;
- (3) To establish the date, time and place of a regular meeting; and
- (4) To review the attendance policy
- (5) To conduct such other business as shall come before the commission/board.

Should the office of chairperson, vice-chairperson or secretary become vacant, the commission/board shall elect a successor from its membership within the next two (2) regular meetings when all commission/board members are present. The commission/board may elect an interim officer, if necessary.

(b) Regular and Special Meetings. The commission/board shall hold regular meetings as established by subsection (a) hereof. Special meetings, informal reviews, and work sessions may be called as needed by the chairperson, provided written notice is given to all members at least seventy-two (72) hours prior thereto, which notice shall set forth the time, place, and purpose of the meeting.

The regular meeting schedule of the commission/board shall be provided to the ~~Village~~ council clerk or applicable department designee immediately after the organizational meeting. The regular meeting schedule, in accordance with ORC Ch. 121.22(F), shall be posted on the city's website and on bulletin boards kept at the Village Hall, and the Public Service Complex. Notice of the time, place and purpose of any special meeting, shall be provided (written or personal contact), at least twenty-four (24) hours in advance to each member of the commission/board.

Pursuant to Section 10.01 of the New Albany ~~Village~~ Charter and ORC Ch. 121.~~22~~, except as otherwise authorized by the laws of the State of Ohio, all meetings of the commission/board shall be open to the public.

- (c) Quorum. A majority of the members of the commission/board shall constitute a quorum for the transaction of business.
- (d) Attendance of Members. Attendance is defined as in-person presence during the hearing and consideration of all applications without a conflict of interest before that commission/board at that meeting. Attendance of all current serving members of the commission/board is encouraged, and three (3) consecutive absences by any member or four (4) absences in any 12-month period year shall be considered a forfeiture of the membership to the commission/board. The forfeiture would occur regardless of the reason for the absences. ~~Attendance would be defined as presence during the hearing and consideration of all applications without a conflict of interest before that commission/board at that meeting.~~ The applicable department designee would then notify the clerk of council so that ~~she~~they can inform council that a new appointment needs to be made.
- (e) Attendance of Staff. The ~~city manager~~ Village Administrator or designee shall determine, in conjunction with the chairperson, whether ~~city~~ Village ~~S~~staff representatives or employees are necessary to provide support and guidance to the commission/board at the meetings. The appointed staff representative or employee shall provide professional and clerical assistance as needed and shall prepare a report prior to hearing as required by the commission/board.

The ~~law director~~ Village Attorney may attend meetings upon a request of the chairperson to the ~~city manager~~ Village Administrator or designee, or as deemed necessary solely by the ~~city manager~~ Administrator, for purposes of providing guidance and advice on legal issues which may arise.
- (f) Attendance of Applicant. The applicant, or person empowered to act on behalf of the applicant with authority to bind the applicant to conditions, shall be notified and invited to attend meetings at which the applicant's case is to be heard or discussed. The commission/board may table, dismiss without a hearing, or take other appropriate table action on an application before it at which the applicant or applicant's representative is not present at the time the matter is called pursuant to the agenda and order of business.

159.03 - POWER AND DUTIES OF CHAIRPERSON, VICE- CHAIRPERSON, AND SECRETARY.

Nothing in these rules shall deprive the chairperson, vice-chairperson or secretary of their duties and obligations as a voting member of the commission/board.

- (a) Chairperson. The chairperson shall preside over the commission/board and control the conduct and order of meetings, and sign on behalf of the commission/board all recommendations, approvals and other official actions arising from matters coming before the commission/board.
- (b) Vice-Chairperson. The vice-chairperson shall preside over the commission/board and carry out the duties of the chairperson in the absence of the chairperson.

- (c) Secretary. The secretary, or when a staff/consultant clerk is not provided, shall prepare the minutes of each meeting/work session of the commission/board. Minutes shall contain sufficient facts and information of the meeting to properly inform the public of matters discussed and action taken, which may include a complete restatement of all motions and recording of votes, complete statement of the conditions or recommendations made on any action, and recording of attendance. All Communications, actions, and resolutions may ~~shall~~ be attached to the minutes. The official records for each meeting/work session shall be filed in the clerk of council's office or in the applicable liaison department promptly after each meeting/work session. The "liaison department" shall be the department and staff designated by the city manager ~~Village Administrator~~ to facilitate the commission/board's activities.

159.04 - ORDER AND CONDUCT OF MEETINGS.

- (a) Agenda. Staff shall prepare and distribute an agenda to each member for each meeting ~~and shall be available to each member for pick-up at the Village Hall during business hours,~~ at least forty-eight (48) hours prior to each regular meeting of the commission/board, or five (5) days for the Board of Zoning Appeals, and twenty-four (24) hours prior to any special meeting.

The agenda for all meetings shall contain:

- (1) A listing, by descriptive words and case number, if any, of each public hearing to be considered.
 - (2) A listing, by descriptive words and case number, if any, of each appeal to be considered.
 - (3) A listing of any other item of known business.
- (b) Order of Business. The presiding officer shall conduct commission/board meetings in the order outlined in the agenda, which order shall be substantially similar to theas followings:
- (1) Call meeting to order.
 - (2) Roll call.
 - (3) Approve minutes of prior meeting.
 - (4) Additions or corrections to agenda.
 - (5) Hearing of visitors.
 - (6) Acceptance of staff reports and related documents into the record.
 - (7) Public hearings, including presentation of staff report and recommendations.
 - (8) Other business.
 - (9) Poll members for comment.
 - (10) Adjournment.

159.05 - PROCEDURE FOR PUBLIC HEARINGS.

- (a) Hearings Informal. All hearings conducted by the commission/board, with the exception of the Board of Zoning Appeals, ~~Board of Construction Appeals~~, and the Personnel Appeals Board are intended to be informal. ~~Strict rules of evidence shall not apply and p~~ Procedures may vary as necessary to help ensure the applicant a fair hearing. The purpose of a hearing is to bring out sufficient information to permit the commission/board to arrive at a just decision.
- (b) Procedures for Public Hearings. All hearings shall be conducted in the following manner:
- (1) The presiding officer shall call each case set for hearing separately.
 - (2) The presiding officer, or a designated commission/board member or ~~city~~Village staff representative or employee, shall briefly describe the background of the item(s) under consideration pursuant to the application and the particular relief sought by the applicant.
 - (3) At hearings before the Board of Zoning Appeals, Personnel Appeals Board, or at any other board or commission where such board or commission is acting in a quasi-judicial capacity, any person who intends to testify and/or present evidence in favor of or against the matter under consideration shall be administered the following oath by the presiding officer:

"Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth?"
 - (4) The applicant shall make an initial presentation, not to exceed fifteen (15) minutes, of evidence which may include oral testimony, affidavits, maps, drawings or photographs, and any other documents or material relevant to the purpose of the hearing. Applicants shall be expected to present evidence sufficient for the commission/board to grant the particular relief requested.
 - (5) Other persons in attendance may offer similar counter-testimony if it is relevant to the issue at hand. All persons presenting evidence or speaking against the application shall identify themselves by name and address. The chairperson may set time limitations for speakers, which collectively shall not exceed twenty (20) minutes.
 - (6) The applicant shall be given five (5) minutes to rebut evidence offered in opposition to the applicant's case and to give a final presentation to the commission/board.
 - (7) After the presentation of evidence and opinions by the applicant and others in attendance, the commission/board may ask questions of any person in attendance that may assist them.
 - (8) In all instances where the commission/board seeks to impose reasonable conditions and/or restrictions upon an application and such conditions/restrictions are permitted by law, the presiding officer shall inquire of the applicant or their designee as to whether or not said conditions and/or restrictions are acceptable. Should the condition and/or restriction not be acceptable by the applicant, or their designee, the application, as originally submitted, shall be voted upon by the commission/board.

159.06 - ACTIONS.

- (a) Form. All decisions, findings, or recommendations by the commission/board shall be in written entry form.
- (b) Consideration of Application by Commission/Board. After receiving the application, staff report and any additional information and testimony at the meeting, the commission/board shall make its findings, which action shall be final except as provided in subsection (c) hereof. The commission/board may table an application if there is insufficient time in which to review new information, or with the consent of the applicant or its designee.
- (c) Reconsideration of Commission/Board Action. The commission/board may reconsider any action it has taken upon its own motion for good cause shown.

Any action denying or disapproving an application, other than one involving an incomplete application, may be reconsidered no later than the second regular meeting after the original action from which reconsideration is being requested was taken, only if the applicant or its designee clearly demonstrates one of the following:

- (1) Circumstances affecting the subject property or item under consideration have substantially changed; or
- (2) New information is available that could not with reasonable diligence have been presented at a previous hearing.

159.07 - VOTING.

A simple majority vote of a quorum of the commission/board is required to take action on any issue. Voting shall ordinarily be by voice vote, provided however that a roll call vote shall be required if requested by any voting member present. A member voting "no" shall indicate their reasons for dissent.

159.08 - APPLICATIONS.

Submittal requirements and fees are as outlined in the zoning code, the codified ordinances of the city~~Village~~, and policies set by the administration. Applications not deemed to be complete in accordance with the zoning code, ~~Village~~ or the codified ordinances of the city, or the ~~and~~ administrative policies of the city, or for which all fees have not been paid in full shall not be considered.

An applicant may, in writing or during a meeting, withdraw an application at any time or may request to table or postpone further action. A ~~Such~~ requests to table shall require approval by a majority of the commission/board members in attendance at the meeting. ~~If the request is made verbally during a meeting, the applicant shall submit the request in writing to the liaison department within seven (7) days.~~

159.09 - CONFLICT OF INTEREST AND ETHICS.

Unless otherwise provided in the New Albany Charter or by council, the laws of the State of Ohio, pertaining to conflicts of interest, criminal ~~misbehavior,~~ and ethics shall apply to all commission/board members. Any member of a commission/board who feels that they have a conflict of interest on any matter that is on the agenda shall voluntarily excuse himself or herself and refrain from discussion on that matter.

159.10 EX PARTE CONTACT.

Commission and board members should avoid *ex-parte* contact with the applicant or representative. However, if the ~~city manager~~Village Administrator or his designee deems that such contacts are reasonable and necessary, any such contacts and communications shall take place with a staff member present. If the applicant persists in offering *ex-parte* contact except in the circumstances under which the ~~city manager~~Village Administrator has authorized such contact, the member should report these contacts.



ORDINANCE O-08-2023

AN ORDINANCE TO RENEW THE APPROVAL OF THE FINAL PLAT FOR 60 SINGLE FAMILY LOTS ON 38.09+/- ACRES AND ACCEPT RESERVES "A", "B", "C" AND "D" FOR THE WOODHAVEN SUBDIVISION LOCATED AT 7555 BEVELHYMER ROAD AND 7325 WALNUT STREET AS REQUESTED BY BOB WEBB GROUP C/O BRANDON BELLI

WHEREAS, an application to approve the Woodhaven final plat has been submitted; and

WHEREAS, Codified Ordinance chapter 1187 requires approval of the final plat by council; and

WHEREAS, the New Albany Planning Commission, after review during a public meeting on September 20, 2021, recommended approval of this final plat; and

WHEREAS, the Woodhaven final plat includes approximately 38.09+/- acres of land to be subdivided into 60 residential lots in addition to the public streets; and

WHEREAS, the 35.7+/- acre Woodhaven final plat includes approximately 14.52+/- acres of parkland and open space; and

WHEREAS, the Woodhaven final plat includes the commitment to dedicate reserves A, B, C and D; and

WHEREAS, New Albany City Council has agreed to the terms and conditions by which this parkland will be donated; and

WHEREAS, the city engineer certifies that the Woodhaven final plat meets all the requirements of Chapter 1187 of the Codified Ordinances, stormwater management, design requirements and will meet all other requirements of the city.

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 said Woodhaven final plat is attached to this ordinance as Exhibit A and made a part herein is approved.

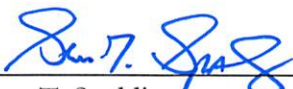
Section 2. Council hereby accepts the lands shown on the map attached hereto as Exhibit A, under the terms and conditions outlined and the covenants and restrictions stipulated in the deed and final plat.

Section 3. 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 121.22 of the Ohio Revised Code.

Section 4. 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 17 day of Jan, 2023.

Attest:




Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 12/16/2022

Introduced: 01/03/2023

Revised:

Adopted: 01/17/2023

Effective: 02/16/2023



PERMANENT MARKERS: Permanent markers, where indicated herein, are to be one-inch diameter, thirty-inch long, galvanized steel rods, to be set with the top and flush with the finished surface of the ground and then capped with a stamped EMBIT INC. Once installed, the top of the cap shall be marked (punched) to record the actual location of the point. These markers shall be set following the completion of the construction installation of the street pavement and utilities.

The New Albany, Ohio Municipal Engineer shall be notified in writing when the markers are in place.

By _____ Professional Surveyor No. 7865
Date _____

| LINE TABLE | | |
|------------|-------------|----------|
| LINE | BEARING | DISTANCE |
| 1.1 | S03°44'00"W | 43.04' |
| 1.2 | S28°27'00"E | 73.37' |
| 1.3 | S19°44'23"E | 44.18' |
| 1.4 | S10°08'00"W | 190.33' |
| 1.5 | N07°22'33"W | 174.96' |
| 1.6 | N73°37'38"W | 89.30' |
| 1.7 | S23°00'00"E | 73.96' |
| 1.8 | S11°16'23"E | 49.80' |
| 1.9 | N04°08'48"W | 31.80' |
| 1.10 | N03°16'13"E | 31.67' |

[illegible]

DTE "J": Lots 1 and 2 shall not have driveway access to Adams Street and shall be accessed from internal streets.



100



ORDINANCE O-09-2023

AN ORDINANCE TO DETERMINE THE ANNUAL COMPENSATION OF THE MAYOR, COUNCIL MEMBERS, AND ADDITIONAL SALARY FOR THE MAYOR, PRESIDENT PRO TEM, OR DESIGNATED COUNCIL MEMBER PRESIDING OVER MAYOR'S COURT

WHEREAS, Section 4.04 of the New Albany Charter authorizes council, by ordinance, to annually determine its compensation and benefits; and

WHEREAS, salary amounts for the mayor, members of council, and President Pro Tem who presides over Mayor's Court were last set via ordinance O-02-2022; and

WHEREAS, as the city grows, so does the work for council, and a cost of living increase of 5% for city staff was approved as part of the 2023 budget; and

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. Annual salaries shall be adjusted as set forth below.

A. SALARY OF THE MAYOR.

The annual salary of the Mayor shall be Twenty-Seven Thousand Four Hundred and Five dollars and Thirty-Six cents (\$27,405.36) paid bi-weekly.

B. SALARY FOR MEMBERS OF COUNCIL.

The annual salary of each Council Member shall be Twelve Thousand Five Hundred Fifty-Eight dollars and Ninety-Nine cents (\$12,558.99) paid bi-weekly. The annual salary of the President Pro Tem shall be the same as Council Members, unless said President Pro Tem is serving on Mayor's Court, in which case they shall receive additional salary as set forth below.

C. ADDITIONAL SALARY FOR PRESIDING OVER MAYOR'S COURT

The additional annual salary of the Mayor and/or the President Pro Tem and/or the designated Council Member who is regularly scheduled to preside in Mayor's Court, averaging two court sessions per month, shall be Six Thousand Two Hundred Eighty-Five dollars and Sixty-Three cents (\$6,285.63) paid bi-weekly.

Section 2. The salary changes shall be effective as of January 1, 2023.

Section 3. 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 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 Section 121.22 of the Ohio Revised Code.

Section 4. Pursuant to Article VI, Section 6.07(B) of the Charter of the City of New Albany, this ordinance shall be in effect thirty (30) days after adoption.


CERTIFIED AS ADOPTED this 17 day of Jan, 2023.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:


Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 12/20/2022

Introduced: 01/03/2023

Revised:

Adopted: 01/17/2023

Effective: 02/16/2023



RESOLUTION R-06-2023

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDMENT TO A DEVELOPMENT AND SUPPLY AGREEMENT WITH NEW ALBANY DATA CENTER LLC AND NEW ALBANY DATA CENTER SPE, LLC

WHEREAS, pursuant to Resolution No. R-11-2022 adopted by New Albany City Council on March 1, 2022, the City entered into a Development and Supply Agreement with LPC Midwest LLC on March 9, 2022, which sets forth the City's and the Company's assurances and agreements in connection with the development of the Project (as defined in the Development and Supply Agreement); and

WHEREAS, on May 13, 2022, the City and LPC Midwest LLC entered into an Assignment and Assumption of the Development and Supply Agreement with New Albany Data Center LLC; and on July 18, 2022, the City and New Albany Data Center LLC entered into a Partial Assignment and Assumption of the Development and Supply Agreement with New Albany Data Center SPE, LLC (the "Companies"); and

WHEREAS, in support of the Project, the Companies and the City desire to further amend the Development and Supply Agreement in recognition that the City has seen continuous investment into the New Albany International Business Park, which has prompted the City to evaluate, modify and create new infrastructure to create meaningful and purposeful roadway and other utility connections within the City; and

WHEREAS, the need exists to amend the Development and Supply Agreement to reflect new infrastructure improvements that need to be made within the city of New Albany; and

WHEREAS, to support the development of other sites in the area, the Companies have agreed to work in good faith with the City to provide right-of-way and any necessary temporary and/or permanent easements along a Horizon Court extension (respectively, the "Horizon Court extension" as defined in the Amendment to Development and Supply Agreement) on commercially reasonable terms and in specific locations acceptable to the Companies.

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

Section 1. First Amendment to Development and Supply Agreement. The First Amendment to Development and Supply Agreement, by and between the City and the Companies, in the form presently on file with the Community Development Department, is hereby approved and authorized with any changes therein and amendments thereto not inconsistent with this

Resolution and not substantially adverse to this City which shall be approved by the city manager. The city manager, for and in the name of this City, is hereby authorized to execute the Amendment to Development and Supply Agreement and approve the character of any changes or amendments thereto as not inconsistent with this Resolution and not substantially adverse to this City that are approved by the city manager, which approval shall be conclusively evidenced by the city manager's execution of that CRA Agreement.


Section 3. Compliance with the Law. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting 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 all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. Effective Date. Pursuant to Article 6.07(A) of the New Albany Charter, this resolution shall take effect upon adoption.

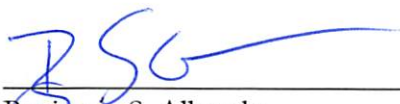
CERTIFIED AS ADOPTED this 17 day of Jan, 2023.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:


Benjamin S. Albrecht
Law Director

Legislation dates:

| | |
|-------------|------------|
| Prepared: | 01/05/2023 |
| Revised: | 01/10/2023 |
| Introduced: | 01/17/2023 |
| Adopted: | 01/17/2023 |
| Effective: | 01/17/2023 |



RESOLUTION R-07-2023

A RESOLUTION TO APPROVE A FEE PAYMENT IN LIEU OF LEISURE TRAIL CONSTRUCTION IN ACCORDANCE WITH CODIFIED ORDINANCE SECTIONS 1165.06 AND 1187.18 AT 5892 JOHNSTOWN ROAD AS REQUESTED BY MEMMER HOMES

WHEREAS, codified ordinance section 1165.06(b) requires the developer/owner to provide and pay the entire cost of improvements to land including construction of leisure trails; and

WHEREAS, codified ordinance section 1165.06(c) allows for a fee-in-lieu of construction of a required leisure trail where special circumstances exist; and

WHEREAS, codified ordinance section 1187.18 sets forth the criteria for approval by which council may approve a fee-in-lieu of leisure trail construction and a calculation to determine the fee payment; and

WHEREAS, the applicant has submitted a request to pay a fee-in-lieu of construction of a leisure trail at 5892 Johnstown Road and staff has determined that the request is complete according to codified ordinance section 1187.18(c); and

WHEREAS, staff has determined that sufficient right-of-way is dedicated in order for the city to complete the trail construction at some time in the future if deemed appropriate.

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

Section 1: Council hereby agrees that the developer/owner has proven that the construction of the leisure trail is not appropriate due to one of the following conditions outlined in section 1187.18 of the codified ordinances:

- a. Leisure trail construction is impracticable due to topographical conditions or site constraints;
- b. Leisure trail does not exist in the area, there is not a likelihood for sidewalks and/or trails to be constructed in the near future, and that a fee in-lieu would better serve the community than a sidewalk or trail installed at the required location.

Section 2. Council hereby adopts a motion establishing a priority for a fee payment in lieu of leisure trail construction for the subject property.

Section 3. Council hereby approves a recommendation from the city engineer regarding the calculation of the fee and, in accordance with codified ordinance section 1187.18(e), requires that permits for construction or improvements will not be issued by the municipality for the subject development until the fee payment is received.

Section 4. 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 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 Section 121.22 of the Ohio Revised Code.

Section 5. Pursuant to Article 6.07(A) of the New Albany Charter, this resolution shall take effect upon adoption.

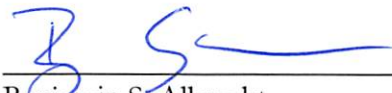
CERTIFIED AS ADOPTED this 17 day of Jan, 2023.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:


Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 01/03/2023

Introduced: 01/17/2023

Revised:

Adopted: 01/17/2023

Effective: 01/17/2023