



ORDINANCE O-16-2020

AN ORDINANCE TO ALLOW THE CITY MANAGER TO APPOINT CANDIDATES AS POLICE OFFICERS REGARDLESS OF THE MAXIMUM AGE LIMITATION PROVIDED IN OHIO REVISED CODE, SECTION 124.41 ENTITLED "POLICE DEPARTMENT QUALIFICATIONS - POLICE CADET PROGRAM"

WHEREAS, Ohio Revised Code Section 124.41, Department of Administrative Services, Section 41 Police department qualifications - police cadet program states, in pertinent part, "Except as otherwise provided in this section, no person is eligible to receive an original appointment when the person is thirty-five years of age or older, and no person can be declared disqualified as over age prior to that time. The maximum age limitation established by this section does not apply to a city in which an ordinance establishes a different maximum age limitation for an original appointment to the police department...", and

WHEREAS, the City of New Albany has an ongoing need to hire police officers, and

WHEREAS, the city desires to hire the best qualified applicants for police officer who reflect the values of the community and skills necessary to be police officers, and

WHEREAS, the Ohio Revised Code allows a city to establish a different maximum age limitations for an original appointment to the police department.

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 city manager has the authority to hire applicants for police officer regardless of the maximum age limitation provided in the Ohio Revised Code Section 124.41.


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 Section 121 of the Ohio Revised Code, and further pursuant to Ohio General Assembly 133 – House Bill 197 effective March 27, 2020.

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

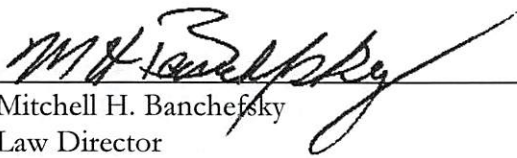
CERTIFIED AS ADOPTED this 70 day of October, 2020.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:


Mitchell H. Banchefsky
Law Director

Legislation dates:

Prepared:	09/23/2020
Introduced:	10/06/2020
Revised:	
Adopted:	10/20/2020
Effective:	11/19/2020



ORDINANCE O-17-2020

AN ORDINANCE TO DECLARE THE IMPROVEMENT TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, EXEMPT 100% OF THAT IMPROVEMENT FROM REAL PROPERTY TAXATION, REQUIRE THE OWNERS OF THOSE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, PROVIDE FOR THE DISTRIBUTION OF THE APPLICABLE PORTION OF THOSE SERVICE PAYMENTS TO THE NEW ALBANY-PLAIN LOCAL SCHOOL DISTRICT AND THE EASTLAND-FAIRFIELD CAREER AND TECHNICAL SCHOOLS, ESTABLISH A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THE REMAINDER OF THOSE SERVICE PAYMENTS, SPECIFY THE PUBLIC INFRASTRUCTURE IMPROVEMENTS THAT DIRECTLY BENEFIT THOSE PARCELS, AND APPROVE AND AUTHORIZE THE EXECUTION OF ONE OR MORE TAX INCREMENT FINANCING AGREEMENTS

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

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

WHEREAS, this Council has determined that it is necessary and appropriate and in the best interest of the City to exempt from taxation one hundred percent (100%) of the Improvement to each Parcel as permitted and provided in Section 5709.40(B) of the Ohio Revised Code for thirty (30) years and to simultaneously direct and require the current and future owner of each Parcel (each

such owner individually, an “Owner,” and collectively, the “Owners”) to make annual Service Payments (as defined in Section 2 of this Ordinance); and

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

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

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

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

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

WHEREAS, notice of this proposed Ordinance has been delivered to the Board of Education of Eastland Fairfield Career and Technical School in accordance with, and within the time periods prescribed by, Section 5709.83 of the Ohio Revised Code;

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

Section 1. Authorization of Tax Exemption. Pursuant to and in accordance with the provisions of Section 5709.40(B) of the Ohio Revised Code, one hundred percent (100%) of the increase in assessed value of each Parcel that is used or to be used for non-residential purposes and that would first appear on the tax list and duplicate of real and public utility property after the effective date of this Ordinance (which increase in assessed value is hereinafter referred to as the “*Improvement*”, as further defined in Section 5709.40(A) of the Ohio Revised Code) is hereby declared to be a public purpose and shall be exempt from taxation for a period commencing with the first tax year that begins after the effective date of this Ordinance and in which an Improvement attributable to a new structure on that Parcel first appears on the tax list and duplicate of real and public utility property for that Parcel and ending on the earlier of (a) thirty (30) years after such commencement or (b) the date on which the City can no longer require service payments in lieu of taxes, all in accordance with the requirements of the TIF Statutes. The real property tax exemption granted pursuant to this Section and the payment obligation established pursuant to Section 2 are subject and subordinate to any real property tax exemption

granted pursuant to Sections 3735.65 to 3735.70 or Sections 5709.61 to 5709.69 of the Ohio Revised Code.

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

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

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

- (ii) to each School District, an amount equal to the amount the School District would otherwise have received as real property tax payments (including the applicable portion of any Property Tax Rollback Payments) derived from the Improvement to each Parcel if the Improvement had not been exempt from taxation pursuant to this Ordinance; and
- (ii) to the City, all remaining amounts for further deposit into the Fund for payment of costs of the Public Infrastructure Improvements upon appropriation for that purpose by this Council. If so appropriated, such costs may but shall not be required to

include, without limitation, all debt service payable on debt issued by the City or the New Albany Community Authority (the "*Authority*") to pay for Public Infrastructure Improvements, all amounts owed to any fund of the City or Authority to reimburse that fund for the costs of any Public Infrastructure Improvements previously paid from that fund, including interest payable on those amounts, and all amounts owed by the City or Authority to any third party for the construction of Public Infrastructure Improvements, including interest payable on those amounts.

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

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

Section 7. Further Authorizations. This Council hereby authorizes and directs the City Manager, the City Solicitor, the Fiscal Officer or other appropriate officers of the City to make such arrangements as are necessary and proper for collection of the Service Payments from the Owners, including the preparation and filing of any necessary exemption applications. This Council further hereby authorizes and directs the City Manager, the City Solicitor, the Fiscal Officer or other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions as may be appropriate to implement this Ordinance.

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

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


Section 10. 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 Section 121 of the Ohio Revised Code, and further pursuant to Ohio General Assembly 133 – House Bill 197 effective March 27, 2020.

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

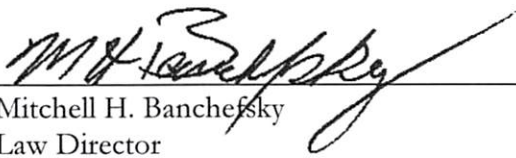
CERTIFIED AS ADOPTED this 20 day of October, 2020.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:


Mitchell H. Banchefsky
Law Director

Legislation dates:

Prepared:	08/14/2020
Introduced:	10/06/2020
Revised:	
Adopted:	10/20/2020
Effective:	11/19/2020

EXHIBIT A

PARCEL MAP

The colored areas on the attached map specifically identify and depict the Parcels and constitutes part of this Exhibit A.



	PARCEL ID
1	222-004468
2	222-004553
3	222-004554
4	222-000279
5	222-000265
6	222-000274
7	222-000276
8	222-000264
9	222-000266
10	222-000272
11	222-000263
12	222-000271
13	222-004470
14	222-000273
15	222-000275
16	222-000277
17	222-000278
18	222-000267
19	222-000268
20	222-004469
21	222-000269

Legend

- TIF Parcels
- Parcel
- Corporation Boundary

NEW ALBANY
COMMUNITY CONNECTS US
New Albany TIF Parcels - Blacklick II-Forest Drive

EXHIBIT B

PUBLIC INFRASTRUCTURE IMPROVEMENTS

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

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



RESOLUTION R-33-2020

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO APPROVE AND SIGN AN AMENDMENT TO THE CONSOLIDATED AGREEMENT WITH PJP HOLDINGS, LLC RELATED TO INCENTIVES AVAILABLE FOR PROJECT DEVELOPMENT IN THE OAK GROVE II COMMUNITY REINVESTMENT AREA

WHEREAS, the Council for City of New Albany, Ohio (the “city”) by its Resolution No. R-17-09 adopted March 3, 2009 (the “Original CRA Legislation”), created the Oak Grove II Community Reinvestment Area (the “original area”) and by its Resolutions No. R-41-10 adopted July 6, 2010, No. R-72-10 adopted November 16, 2010, No. R-53-2012 adopted October 2, 2012, No. R-26-2013 adopted August 6, 2013, No. R-72-2014 adopted September 16, 2014, and R-49-2015 adopted November 17, 2015, No. R-45-2016 adopted November 1, 2016, No. R-02-17 adopted February 7, 2017, No. R-17-18 adopted July 17, 2018, No. R-41-18 adopted November 6, 2018, No. R-05-2019 adopted February 19, 2019, and No. R-37-2019 adopted August 6, 2019, and (together the “CRA Expansion Legislation” and collectively with the original CRA legislation the “CRA legislation”), amended the designation of the original area to include the area known as the “Johnstown Monroe Area”, “Johnstown Monroe Annex”, “Licking Heights Annex”, “Cobbs Road Annex”, “Harrison Road Area”, “Innovation Campus Area” “Innovation Campus Way Extension” “Beech Road South”, “Babbitt Road”, and the “Central College Road Area” respectively, and certain other parcels within the City (collectively, with the original area, the “area”), and designated that entire area the Oak Grove II Community Reinvestment Area; and

WHEREAS, the city has encouraged the development of real property and the acquisition of personal property to be located in the CRA; and

WHEREAS, the director of development of the State of Ohio has determined that the area contains the characteristics set forth in R.C. Section 3735.66 and confirmed the area as a “Community Reinvestment Area”; and

WHEREAS, PJP Holdings, LLC has submitted to the city a proposed agreement application (the “application”), the housing officer of the city designated under Ohio Revised Code Section 3735.65 has reviewed the application and has recommended the same to this council on the basis that the company is qualified by financial responsibility and business experience to create and preserve employment opportunities in the CRA and to improve the economic climate of the city, and the city, having appropriate authority, desires to provide the company with the incentives available in the CRA for the development of the project described in that application; and

WHEREAS, the Board of Education of the Licking County Career & Technology Education Center (C-TEC) has been notified in accordance with the applicable law; and

WHEREAS, the Board of Education of the Licking Heights Local School District waived their right to notice in accordance with their respective compensation agreements entered into with New Albany;

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

Section 1. The city manager is hereby authorized to execute the CRA Agreement by and between the city and the company, in the form presently on file in the New Albany Community Development Department, and directed to take any further actions, and execute and deliver any further agreements, certificates or documents necessary to accomplish the granting of the incentives described in the agreement, provided further that the approval of changes thereto by the city manager and their character as not being substantially adverse to the city shall be evidenced conclusively by the execution thereof.


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, with Section 121 of the Ohio Revised Code, and further pursuant to Ohio General Assembly 133 - House Bill 197 effective March 27, 2020.

Section 3. Pursuant to Article 6.07(A) of the New Albany Charter, this resolution shall take effect upon adoption.

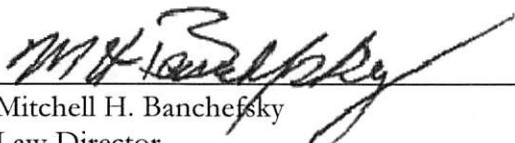
CERTIFIED AS ADOPTED this 20 day of October, 2020.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:


Mitchell H. Banchefsky
Law Director

Legislation dates:

Prepared:	10/01/2020
Introduced:	10/20/2020
Revised:	
Adopted:	10/20/2020
Effective:	10/20/2020



RESOLUTION R-34-2020

A RESOLUTION TO APPROVE A FEE IN LIEU OF LEISURE TRAIL CONSTRUCTION IN ACCORDANCE WITH CODIFIED ORDINANCE SECTIONS 1165.06 AND 1187.18 AT 6000 KITZMILLER ROAD AS REQUESTED BY BRAD GLUMAC

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 6000 Kitzmiller Road and staff has determined that the request is complete according to codified ordinance section 1187.18(c); and

WHEREAS, staff has determined that additional right-of-way is necessary as a consideration in this request 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. The applicant has agreed to dedicate right-of-way to the city and the city plans to accept the right-of-way via O-20-2020 for the potential future construction of a leisure trail if deemed appropriate.

Section 3. Council hereby adopts a motion establishing a priority for a payment in lieu fees instead of accepting parkland dedication for the subject property.

Section 4. 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 5. 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 all legal requirements, including Section 121 of the Ohio Revised Code.

Section 6. Pursuant to Article 6.07(A) of the New Albany Charter, this resolution shall take effect upon adoption.

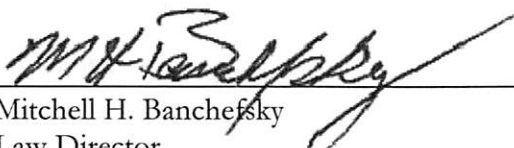
CERTIFIED AS ADOPTED this 20 day of October, 2020.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:


Mitchell H. Banchevsky
Law Director

Legislation dates:

Prepared:	10/07/2020
Introduced:	10/20/2020
Revised:	
Adopted:	10/20/2020
Effective:	10/20/2020



RESOLUTION R-35-2020

A RESOLUTION TO APPROVE A FEE IN LIEU FOR LEISURE TRAIL CONSTRUCTION IN ACCORDANCE WITH CODIFIED ORDINANCE SECTIONS 1165.06(c) AND 1187.18 AT 5886 JOHNSTOWN ROAD AS REQUESTED BY CROW SCOT C TRUST C/O ADAM SCHIRA

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 5886 Johnstown Road and staff has determined that the request is complete according to codified ordinance section 1187.18(c) and no additional amount of right-of-way is necessary.

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 payment in lieu fees instead of accepting parkland dedication for the subject property.

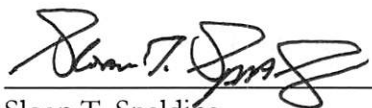
Section 3. Council hereby approves a recommendation from the city engineer regarding the calculation of the fee and, in accordance with codified ordinance section 1187.18(e), requires that permits for construction or improvements will not be issued by the municipality for the subject development until 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 council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121 of the Ohio Revised Code.

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

CERTIFIED AS ADOPTED this 20 day of October, 2020.

Attest:

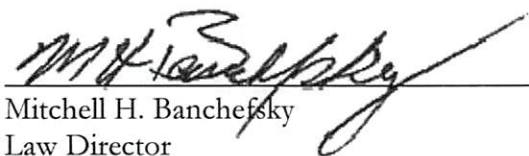


Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Mitchell H. Banchevsky
Law Director

Legislation dates:

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Introduced:	10/20/2020
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