

ORDINANCE 0-103-2023

AN ORDINANCE TO APPROVE THE PHASE 1 FINAL PLAT AND ACCEPT RIGHT-OF-WAY DEDICATION FOR BRISCOE PARKWAY AS REQUESTED BY THE CITY OF NEW ALBANY

WHEREAS, an application to approve the phase 1 final plat for Briscoe Parkway has been submitted by the city of New Albany; and

WHEREAS, the city will be the recipient (grantee) of the right of way dedication of approximately 4.152+/- acres connecting Horizon Court and Harrison Road; and

WHEREAS, the New Albany Planning Commission, after review in a public meeting on October 16, 2023, recommended approval of the phase 1 final plat; and

WHEREAS, the city engineer certifies that Briscoe Parkway meets all the requirements of Chapter 1187 of the codified ordinances, storm water 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 phase 1 final plat creating Briscoe Parkway is attached to this ordinance as Exhibit A and made a part herein is approved.

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	21	dav of	las	, 2023.
CERTIFIED AS ADOPTED tils		_ day or	<u>/ / v </u>	, 2023

O-103-2023 Page 1 of 2

Attest:

Sloan T. Spalding

Mayor

Approved as to form:

Benjamin S. Albrecht

Law Director

Jennifer H. Mason Clerk of Council

Legislation dates:

Prepared: Introduced: 10/23/2023 11/07/2023

Revised:

Adopted: Effective:

11/21/2023

BRISCOE PARKWAY DEDICATION AND EASEMENTS PHASE 1

In Witness Thereof, I have hereunto set of 20	Before me, a Notary Public in and BRADBURY, Treasurer of MBJ HOLDI foregoing instrument to be his voluntary act HOLDINGS, LLC for the uses and purpose	STATE OF OHIO COUNTY OF FRANKLIN SE		Signed and Acknowledged In the presence of	In Witness Whereof, BRENT R. BRAI hereunto set his hand this day of	Extension are briefly reserved in over Streeteyer Extension of "Drawing Extension of construction, operation and maximum of a of construction, operation and maximum of the operation and maximum on a flower less and operation and maximum on a flower less and operation and maximum of the flower less and product come, were that and extension as possed scene, were that and extension as possed scene, were the flower leading to the contraction of the flower leading and come which constructs are being as on one which constructs are being as on one which constructs are being as a contract which constructs are for the user and purposes expressed terms.	The undersupped, MIL HOLDNYCK, I. B. BRADBERY, Treasure, PEP HOLDDON, LITCHE, Manager, and NEW ALBANY I. company, by Johns GERSSEM, Audionic authorized in the premium, does herdworth authorized in the profession of the A	Shaard in the State of Oho, County of Outer Township 2, Township 2, Range 181 of Lind, more or len, said 41 S2 acras ben converved to MILH HOLDINGS, LLC by deed of record ALBANY DATA CENTER, LLC by deep Recorder's Office, Licking County, Chin.
In Witness Thereof, I have hereunto set my hand and affixed my official seal this day No commission material.	Before me, a Notary Public in and for said State, personally appeared BRENT II. BRADBERN. Treasurer of MEI HOLDINGS, LLC, who acknowledged the signing of the foregoing metitement to be have better and does and the woltnatary set and deed and the HOLDINGS, LLC for the uses and purposes expressed herein.		DERENT IS SEADBLINY. Tressurer	MBJ HOLDINGS, LLC	In Witness Whereof, BRENT R. BRADBURY, Treasurer of MBJ HOLDINGS, LLC; has made set his hand thisday of	Extensin at leastly removal, as over and maker sens designated on the plan at "talking and Streetening Extensing" or "Through Extensing "Extensing Streetening Talking and Streetening sensorses, present and materiates of all finded and designated uniform show, beneath, and of extensive constraints in all adjusted the send hand of a sensity was designated. When these cross designated Through Extensive Can the plant into present and materiates of the cycle and potentiam palaway, and includinging Wallen howe sees designated Through Extensive Can the plant in a moment in hereby served for the prepared of the proposed content of the cycle o	The undersigned, MIJ HOLDINGS, LLC, is Delensed handed labellar conseque, by HERNY IR HRADIEN NY, Tensor, PEP HOLDINGS, LLC, is the bine and table opense, by the LIBERA HERNALD BANK A CENTRE, LLC, as the based about labeling and NEW A LABOY DAVIA CENTRE, LLC, a Delense minded labeling about the present and to be represent the active could be darked and the present and the other could be darked and control present the PERSON CHARGEST, who hereby score that plat of some and NARWAY DISTRICTATION AND NARVEMENTS.	Shanda in the falles of Ones, Course of Lisburg, Urig of New Albury, and a Lot 20 and 29, Quarter Treasiby 7, Tomostay 7, Energy 10, Teach States Malary Land, contement 413, 200 and conversal to Malary 10, 100 and 100 an
day	EU Per				has	and the debt of th	er P P P P P P P P P P P P P P P P P P P	cres Lland State, STA,

My commission expires Notary Public, State of Ohio	In Witness Thereof, I have hereunto set my hand and affixed my official seal thisday	Before me, a Notary Pablic in and for said State, personally appeared JOHN GRIKSIM. Authorized Sugmany of NEW ALEANY DATA (ENTER, LLC, who acknowledged the signing of the foregoing uniforment to be for voltagary at all deeds add for voltagary at all deed of said NEW ALEANY DATA CENTER, LLC for the uses and purposes expressed ber en-	STATE OF OHIO COUNTY OF PRANKLIN 46:	By JOHN GHISSIM, Authorised Signstony	Signed and Acknowledged NEW ALHANY DATA CENTER, LLC in the presence of:	CENTER, LLC, has hereunto set his hand this day of, 20
	day	RISSIM. dgrd the and deed rin		natory	5	

New Albany, Ohio

oved this Day of Council Representative to Planning Commission, New Albary, Ohio New Albany, Ohio

Finance Director, New Albany, Ohio

Signed and Acknowledged In the presence of:

PAUL JUDGE, Manager PJP HOLDINGS, LLC

Auditor, Licking County, Ohio

SITE

Charperson, Planning Commussion, New Albany, Ohio

Filed for record this day of M. Fee S. Licking County, Ohio

Before me, a Neary Yublic in and for said State, personally appeared PAUL JUDGE, Manage of PLP HOLDINGS, LLC, who acknowledged the signing of the foregoing instrument to be the voluntary act and doed and the evaluatary act and doed of said PLP HOLDINGS, LLC for the user and purposes expressed herein.

In Witness Thereof, I have hereunto set my hand and affixed my official seal this 20



LOCATION MAP AND BACKGROUND DRAWING NOT TO SCALE

RASKO FLARNOS. The bearings shown beroon are based as the Chair State Flare Coordinate System. Scoth Zone, that of a the Chair State Flare Coordinate System. Scoth Zone, and the Chair State Flare Clare Handle State Flare Clare Handle Clare And Coordinate State Flare Clare Handle Clare Handl

SOURCE OF DATA: The sources of recorded survey data referenced in the plan and text of this plat are the records of the the Recorder's Office, Licking County, Ohio.

IRON PINS: Iron pass, where indicated hereon, unless otherwise noted, are to be set and are ton pipes, thirteen-exteenths inch inside diameter, thirty inches long with a plantic plug placed in the top end bearing the nitials EMHT INC.

FRIALVENT MARKERS. Permanent matter, when indicated larges, are to be one-old-distinct, disprisal-leng, sold area pens, are to be set to measurement the position indicated and are to be at a with the loop off flowly with he analysed 10 MIT PNC. Once motified he to op of the cap shall be marked (punchash) to record the scans belief on the cap that the marked (punchash) to record the scans belief on the less marked (punchash) or forced the scans belief on the less marked (punchash) or New Allamys, (blow) accordance of the and priori to the City of New Allamys, (blow). City Engeneer shall be condicid in writing when the market or





We do hereby certify that we have surveyed the above premises, prepared the attached part, and that sold plot is correct. All dimensions are in feet and decimal parts thereof.

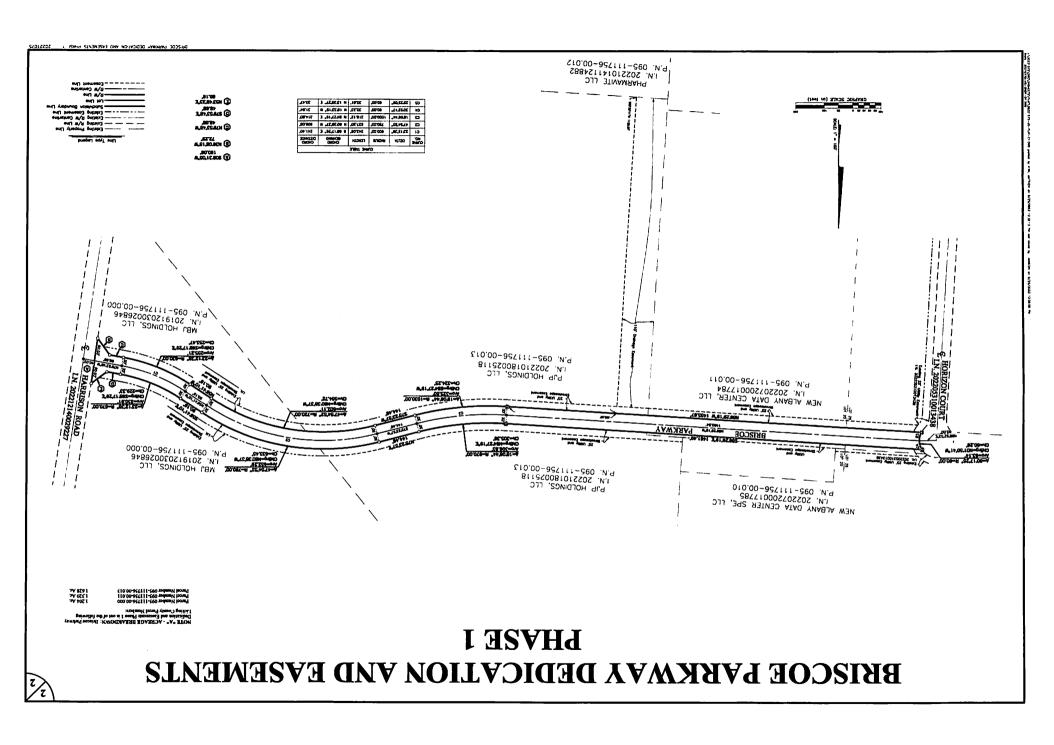
O = Iron Pin (See Survey Data)

• = MAG Noil to be set

O = Permanent Marker (See Survey Data)

Professional Surveyor No. 7865

Date





ORDINANCE 0-104-2023

AN ORDINANCE TO APPROVE THE PHASE 2 FINAL PLAT AND ACCEPT RIGHT-OF-WAY DEDICATION FOR BRISCOE PARKWAY AS REQUESTED BY THE CITY OF NEW ALBANY

WHEREAS, an application to approve the phase 2 final plat for Briscoe Parkway has been submitted by the city of New Albany; and

WHEREAS, the city will be the recipient (grantee) of the right of way dedication of approximately 4.259+/- acres connecting Harrison Road and Clover Valley Road; and

WHEREAS, the New Albany Planning Commission, after review in a public meeting on October 16, 2023, recommended approval of the phase 2 final plat; and

WHEREAS, the city engineer certifies that Briscoe Parkway meets all the requirements of Chapter 1187 of the codified ordinances, storm water 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 phase 2 final plat creating Briscoe Parkway is attached to this ordinance as Exhibit A and made a part herein is approved.

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	16	day of	No	, 2023.
CERTIFIED NOTED OF THE COMME.	`	. ——,		, - · ·

Page 1 of 2

O-104-2023

Attest:

Sloan T. Spalding

Mayor

Approved as to form:

Benjamin S. Albrecht

Law Director

Jennifer H. Mason Clerk of Council

Legislation dates: Prepared: 10,

10/23/2023

Introduced:

11/07/2023

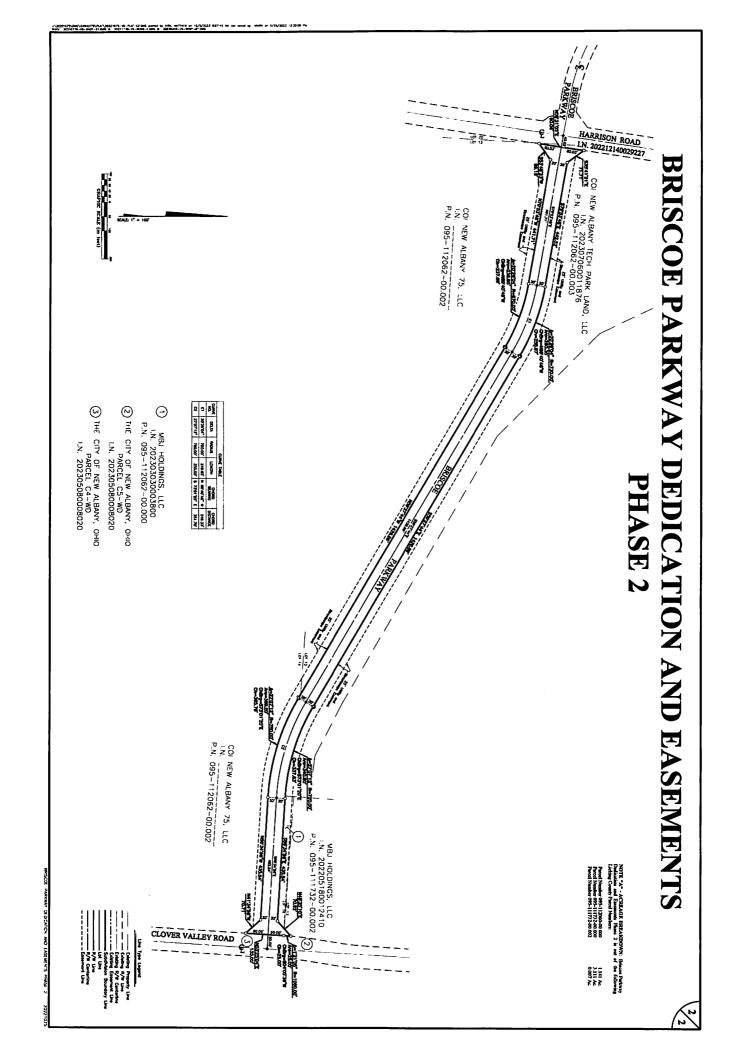
Revised:

Adopted: Effective:

ST

In Wisson Thereof, I have herevain set my hand and affixed my efficial well this day of 20	Defere ms. a New Pable is and for said Date, personally approved DAVED M. HALDESTERN, Manager of COL MEW ALDESTY M. LLC, who acknowledged the appear of the foreigning memorate to him revitation; set and action and the volumery act and devel of said COL NEW ALDESTY, LLC for these and appropries approved letters.	STATE OF MISSOURI COUNTY OF MACHOON IN:		By DAVID M. HAUSISON, Manager	is Wieness Wheref, DAYDM, ILMERISON, Message of COS NEW ALBANY 75, LLC, is showned on the land the	and measurement of Nergick and polarations priceware, and landstagenge, No including shall be considered in any person over back assuments are having recommed. Externate more ablessed from their on considered to the price over which include created by the making-part and externate are intrody- restored correct for the own and polyposises expressed learners of the own and polyposises expressed increase for the own and polyposises expressed increase for the own and polyposises expressed increase for the own and polyposises.	Examinate are bordy reserved a, over and made erast designated on the plat as "Utility and Streetupe Sciences". Using and Streetupe sciences point the construction, operation and manuscase of all packs and quasipathic nation above, beauth, and not written of other panel and, where recently, for the construction, operation and manuscase of service consecution with all places the panel and of the construction, operation and manuscase of services of services on the panel and places the panel and of the construction, of services of services on the panel and places of the panel an	Crissa eras denganal "2" Uhly and Directupe Earmont" and shown berom exists of to 4-300 ones of last free plends in "Brown Partrey Direction and Earmont Plane 2" are within last located absorts or Element Plane 1" are within last located absorts or Element Plane and Earmonth Plane 2" are are smooth by CRI MEW ALBANY "5, LLC, in Close Intend labeling contrapt by deed of record in Interment Number 45	REHEVATION OF BANDARYS COUTEDS OF THE PLATTER ARA ACROSS DESCRAFT DUREAS ON COUTED ROY THE PLATTER ARA	by communion expers Neary Public. State of Ohio	In Wayness Thereof, I have because set my hand and officed my officed and this day	Defent me. e. Neary Thate is not for not these permitting append states? B. ENUBERIST, Transmer of AURI INCLUDINGS, LICE, who exhausted the spenged and the second of the SECOND STATES of the second of the SECOND STATES of the second of the SECOND STATES of the	STATE OF OIRO COUNTY OF FRANKLIN W:		P SHEVY R BUJDENY,	Signed and Archaeoriedged MID: HOLDINGS, LLC In the presence of:	b Women Whyrest, DRECT B. DRAUDELTRY, Tensors of MED HOLDPINCS, LLC; has becomes not had noted that	one which summent are hardy reserved. Exemunit even shows here on catalse of the platest even are which should be the undersigned and exemunits are hereby reserved therein for the unts and purposes expressed herein.	Exempted or thereby received a, over and under usess designated on this jets as "thinky and Street, which was all the street, and the street,	The undersigned, ACM HOLDIVECK, LLC. a Delivere leased liabely conquer, by IEEE/VI E. IELDIZENY, Tensent, event of the help bland levers, aby edizated in the present, does being variefy due they control of the present, does being variefy due they also decreasely represent as "IEEE/COS LANEARY AT CHICATERION ACM DELICITATION TO ALL OF THE PROPERTY STRUCK PARTY does been by except the pile of some and declease to police use, as such, all of through Priving deven been exalted help recorded and administration of the pile use, as such, all of through Priving deven been exalted help recorded and administration of the pile use.	Steamed in the Siling of Oles, Chempt of Lichang, City of New Albary, and as Lots 13, 14 and 20, Onerof Terminds 2, Thorough 2, Energy 13, Lichard Steams Makes y Louds, containing 4, 2499. Account of Jack, Containing 4, 2499. Account of Jack, Containing 4, 2499. Account of Jack, Chempt 10, Lichard Steams 2, 2499. Account of Jack, Chempt 2, 2499. Account of Jack, Chempt 2, 2499. Account 2, 2499.	BRISCOE PARKY
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Date





RESOLUTION R-49-2023

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE A REAL ESTATE PURCHASE AGREEMENT AND ALL ASSOCIATED SUPPORTING DOCUMENTS NECESSARY FOR THE PURCHASE OF APPROXIMATELY 0.12 +/- ACRES, COMMONLY KNOWN AS A PORTION OF FRANKLIN COUNTY PARCEL NUMBER 222-000058 FROM INNOVATIVE MORTGAGE REAL ESTATE, LLC

WHEREAS, a portion of the real estate parcel identified as 222-000058 comprised of approximately 0.12 acres; and said property is located within the New Albany Village Center where future public roadway expansions are intended to be located; and

WHEREAS, it has been the city's ongoing desire to acquire additional land from willing sellers, to create a street grid system in the Historic Village Center in order to increase pedestrian and vehicular connectivity as well as promote a roadway framework complimentary to the traditional town center style of development; and

WHEREAS, Innovative Mortgage Real Estate LLC has expressed interest in the sale of the subject property to the City of New Albany for a purchase price not to exceed \$125,000.

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

Section 1: The city manager is hereby authorized to execute a real estate purchase agreement and all associated supporting documents necessary for the purchase of approximately 0.12+/- acres identified as a portion of Franklin County Auditor's Parcel Number 222-000058 for a Purchase Price not to exceed \$125,000.

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 121.22 of the Ohio Revised Code.

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

	٥,١		Nov	
CERTIFIED AS ADOPTED this		day of _	1000	, 2023.

R-49-2023 Page 1 of 2

Attest:

Sloan T. Spalding

Mayor

Approved as to form:

Benjamin S. Albrecht

Law Director

Jennifer H. Mason Clerk of Council

Legislation dates: Prepared: 11, 11/09/2023

Introduced:

11/21/2023

Revised:

Adopted:

Effective:



RESOLUTION R-50-2023

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A COMMUNITY REINVESTMENT AREA AGREEMENT AND A MEMORANDUM OF UNDERSTANDING WITH QTS NAL TX II, LLC FOR ITS SITE NO. 3, AND MAKING RELATED AUTHORIZATIONS

WHEREAS, the Council for the City of New Albany, Ohio (the "City") by its Resolution No. R-29-98 adopted July 7, 1998 (the "Original CRA Legislation"), created the Oak Grove Community Reinvestment Area (the "Original Area"), and by its Resolutions No. R-28-99 adopted May 18, 1999, Ordinance No. O-22-2005 adopted September 20, 2005, No. O-24-2006 adopted June 20, 2006, No. O-39-2006 adopted October 3, 2006, No. R-46-2016 adopted November 1, 2016, and No. R-34-2023 adopted August 15, 2023 (collectively, the "CRA Expansion Legislation" and together with the Original CRA Legislation, collectively the "CRA Legislation"), amended the designation of the Original Area to include certain other parcels within the City (collectively, with the Original Area, the "Area"), and designated that entire Area the Oak Grove Community Reinvestment Area; and

WHEREAS, the Directors of the Department of Development of the State of Ohio and the Ohio Development Services Agency (successor and predecessor to one another) have determined and certified that the aforementioned Area contains the characteristics set forth in Ohio Revised Code Section 3735.66 and confirmed that Area as a "Community Reinvestment Area" pursuant to that Section 3735.66; and

WHEREAS, QTS NAL TX II, LLC (the "Company") has submitted to the City the application attached to the Community Reinvestment Area Agreement for its Site No. 3 (the "CRA Agreement") referred to in Section 1 of this Resolution (the "Agreement Application"), together with the fee referred to in Section 6 of that CRA Agreement; and

WHEREAS, 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

WHEREAS, the City, having appropriate authority, desires to provide certain property tax incentives to encourage the development of the Project (as defined in the CRA Agreement); and

WHEREAS, the Board of Education of the New Albany-Plain Local School District has waived their rights to receive notice under Section 5709.83; and

R-50-2023 Page 1 of 3

WHEREAS, the City has provided timely notice of this Agreement to the Eastland – Fairfield Career and Technical School District under Ohio Revised Code Section 5709.83; and

WHEREAS, the Company requires an adequate supply of water and sewer services and road access for the development and operation of the Project and the City and Company desire to enter into a Memorandum of Understanding (the "MOU") addressing the availability and supply of water and sewer services and road access for the development and operation of the Project.

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

Section 1. Community Reinvestment Area Agreement. The CRA Agreement for the Project (Site No. 3), by and between the City and the Company, in the form presently on file with the Clerk of the Council which provides for a 100% CRA exemption for 15-years for the proposed Project 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 that CRA 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.

Water, Sewer Services, and Road Access Memorandum of Understanding. The Memorandum of Understanding by and between the City and the Company, in the form presently on file with the Clerk of the Council which addresses the availability and supply of water and sewer services and road access for the development and operation of the Project, 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 that MOU 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 MOU.

Section 3. Further Authorizations. This Council hereby further authorizes and directs the city manager, the director of law, the director of finance, the community development director, the clerk of council, or any such other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions (including by not limited to making application and preliminary arrangements for financing that is then subject to formal approval by this Council) as may be appropriate to implement this Resolution and the transactions referenced or contemplated in this Resolution and the Community Reinvestment Area Agreement authorized and approved in this Resolution.

Section 4. 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

R-50-2023 Page 2 of 3

meetings open to the public, all in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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

CERTIFIED AS ADOPTED this _____ day of _____

Attest:

Sloan T. Spalding

Mayor

Jennifer H. Mason Clerk of Council

Approved as to form:

Benjamin S. Albrecht

Law Director

Legislation dates:

11/09/2023 Prepared:

Introduced: 11/21/2023

Revised:

11/21/2023 Adopted:

Effective:



RESOLUTION R-51-2023

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A COMMUNITY REINVESTMENT AREA AGREEMENT AND A MEMORANDUM OF UNDERSTANDING WITH QTS NAL TX II, LLC FOR ITS SITE NO. 4, AND MAKING RELATED AUTHORIZATIONS

WHEREAS, the Council for the 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, No. R-37-2019 adopted August 6, 2019, No. R-15- 2021 adopted April 6, 2021, No. R-46-21 adopted September 21, 2021, No. R-09-2022 adopted February 1, 2022, No. R-18-2022 adopted May 3, 2022, No. R-38-2022 adopted November 15, 2022, No. R-21-2023 adopted April 18, 2023, and No. R-46-2-23 adopted November 7, 2023 (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", "Central College Road Area", "Jug Street North", "Jug Street South", "Innovation District East", "Innovation District East Expansion", "Mink Street and Green Chapel Road Expansion", "Beech Rd. & US 62 District", "Northeast Business Park District", and "Jug and Harrison District", 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 Directors of the Department of Development of the State of Ohio and the Ohio Development Services Agency (successor and predecessor to one another) have determined and certified that the aforementioned Area contains the characteristics set forth in Ohio Revised Code Section 3735.66 and confirmed that Area as a "Community Reinvestment Area" pursuant to that Section 3735.66; and

WHEREAS, QTS NAL TX II, LLC (the "Company") has submitted to the City the application attached to the Community Reinvestment Area Agreement for its Site No. 4 (the "CRA Agreement") referred to in Section 1 of this Resolution (the "Agreement Application"), together with the fee referred to in Section 6 of that CRA Agreement; and

R-51-2023 Page 1 of 3

WHEREAS, 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

WHEREAS, the City, having appropriate authority, desires to provide certain property tax incentives to encourage the development of the Project (as defined in the CRA Agreement); and

WHEREAS, the Boards of Education of both the Johnstown-Monroe Local School District and the Licking County Joint Vocational School District (also known as "Career and Technology Education Centers of Licking County" or "C-TEC") have each waived their rights to receive notice under Section 5709.83 of the Revised Code in accordance with their respective compensation agreements entered into with the city of New Albany; and

WHEREAS, the Company requires an adequate supply of water and sewer services for the development and operation of the Project and the City and Company desire to enter into a Memorandum of Understanding (the "MOU") addressing the availability and supply of water and sewer services for the development and operation of the Project.

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

Section 1. Community Reinvestment Area Agreement. The CRA Agreement for the Project (Site No. 4), by and between the City and the Company, in the form presently on file with the Clerk of the Council which provides for a 100% CRA exemption for 15-years for the proposed Project 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 that CRA 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 2. Water and Sewer Services Memorandum of Understanding. The Memorandum of Understanding by and between the City and the Company, in the form presently on file with the Clerk of the Council which addresses the availability and supply of water and sewer services for the development and operation of the Project, 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 that MOU 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 MOU.

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Section 3. Further Authorizations. This Council hereby further authorizes and directs the city manager, the director of law, the director of finance, the community development director, the clerk of council, or any such other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions (including by not limited to making application and preliminary arrangements for financing that is then subject to formal approval by this Council) as may be appropriate to implement this Resolution and the transactions referenced or contemplated in this Resolution and the Community Reinvestment Area Agreement authorized and approved in this Resolution.

Section 4. <u>Compliance with the Law.</u> 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 5. <u>Effective Date.</u> Pursuant to Article 6.07(A) of the New Albany Charter, this resolution shall take effect upon adoption.

CERTIFIED AS ADOPTED this	21	day of	Na	, 2023.
CERTIFIED AS ADOPTED this	0.	_ day or _	1100	

Attest:

Sloan T. Spalding

Mayor

Jennifer H. Mason Clerk of Council

Approved as to form:

Benjamin S. Albrecht

Law Director

Legislation dates:

Prepared: 11/09/2023

Introduced: 11/21/2023

Revised:

Adopted:

1: 11/21/2023

Effective:



RESOLUTION R-52-2023

RESOLUTION APPROVING AND **AUTHORIZING** THE A EXECUTION OF COMMUNITY REINVESTMENT AREA AGREEMENT AND A MEMORANDUM OF UNDERSTANDING WITH **EDGED COLUMBUS** LLC. AND MAKING RELATED **AUTHORIZATIONS**

WHEREAS, the Council for the City of New Albany, Ohio (the "City") by its Resolution No. R-20-96 adopted September 10, 1996 (the "Original CRA Legislation"), created the Central College Community Reinvestment Area (the "Original Area"); and by its Resolution No. R-28-98, adopted July 7, 1998, and by Ordinance No. O-42-2008, adopted October 21, 2008, (together the "CRA Expansion Legislation" and collectively with the Original CRA Legislation the "CRA Legislation"), amended the designation of the Original Area to include certain other parcels within the City (collectively, with the Original Area, the "Area"), and designated that entire Area the Central College Community Reinvestment Area; and

WHEREAS, the Directors of the Department of Development of the State of Ohio and the Ohio Development Services Agency (successor and predecessor to one another) have determined and certified that the aforementioned Area contains the characteristics set forth in Ohio Revised Code Section 3735.66 and confirmed that Area as a "Community Reinvestment Area" pursuant to that Section 3735.66; and

WHEREAS, EDGED COLUMBUS LLC (the "Company") has submitted to the City the application attached to the Community Reinvestment Area Agreement (the "CRA Agreement") referred to in Section 1 of this Resolution (the "Agreement Application"), together with the fee referred to in Section 6 of that CRA Agreement; and

WHEREAS, the Company has (i) subjected the Project Site identified in the CRA Agreement to the Declaration of Covenants and Restrictions for the New Albany East Community Authority (the "Declaration") by virtue of the filing of a supplement to that Declaration on that Project Site, and (ii) has irrevocably agreed to the inclusion of the Project Site in the Authority's new community district by amendment pursuant to Chapter 349 of the Revised Code to the petition creating the Authority; and

WHEREAS, 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

R-52-2023 Page 1 of 3

WHEREAS, the City, having appropriate authority, desires to provide certain property tax incentives to encourage the development of the Project (as defined in the CRA Agreement); and

WHEREAS, the Board of Education of the New Albany-Plain Local School District has waived their rights to receive notice under Section 5709.83; and

WHEREAS, the City has provided timely notice of this Agreement to the Eastland – Fairfield Career and Technical School District under Ohio Revised Code Section 5709.83; and

WHEREAS, the Company requires an adequate supply of water and sewer services for the development and operation of the Project and the City and Company desire to enter into a Memorandum of Understanding (the "MOU") addressing the availability and supply of water and sewer services for the development and operation of the Project.

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

Section 1. Community Reinvestment Area Agreement. The CRA Agreement for the Project, by and between the City and the Company, in the form presently on file with the Clerk of the Council which provides for a 100% CRA exemption for 15-years for the proposed Project 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 that CRA 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, and which execution shall not occur without the city manager confirming the Company has (i) subjected the Project Site identified in the CRA Agreement to the Declaration for the New Albany East Community Authority (the "Declaration") by virtue of the filing of a supplement to that Declaration on that Project Site, and (ii) has irrevocably agreed to the inclusion of the Project Site in the Authority's new community district by amendment pursuant to Chapter 349 of the Revised Code to the petition creating that Authority.

Section 2. Water and Sewer Services Memorandum of Understanding. The Memorandum of Understanding by and between the City and the Company, in the form presently on file with the Clerk of the Council which addresses the availability and supply of water and sewer services for the development and operation of the Project, 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 that MOU 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 MOU.

Section 3. Further Authorizations. This Council hereby further authorizes and directs the city manager, the director of law, the director of finance, the community development director, the clerk of council, or any such other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions (including by not limited to making application and preliminary arrangements for financing that is then subject to formal approval by this Council) as may be appropriate to implement this Resolution and the transactions referenced or contemplated in this Resolution and the Community Reinvestment Area Agreement authorized and approved in this Resolution.

Section 4. <u>Compliance with the Law.</u> 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 5. <u>Effective Date.</u> Pursuant to Article 6.07(A) of the New Albany Charter, this resolution shall take effect upon adoption.

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