



ORDINANCE O-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:

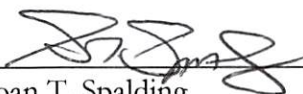
Section 1: The phase 1 final plat creating Briscoe Parkway is attached to this ordinance as Exhibit A and made a part herein is approved.


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 day of Nov, 2023.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:


Benjamin S. Albrecht
Law Director

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|---------------------------|------------|
| Legislation dates: | |
| Prepared: | 10/23/2023 |
| Introduced: | 11/07/2023 |
| Revised: | |
| Adopted: | 11/21/2023 |
| Effective: | 12/21/2023 |

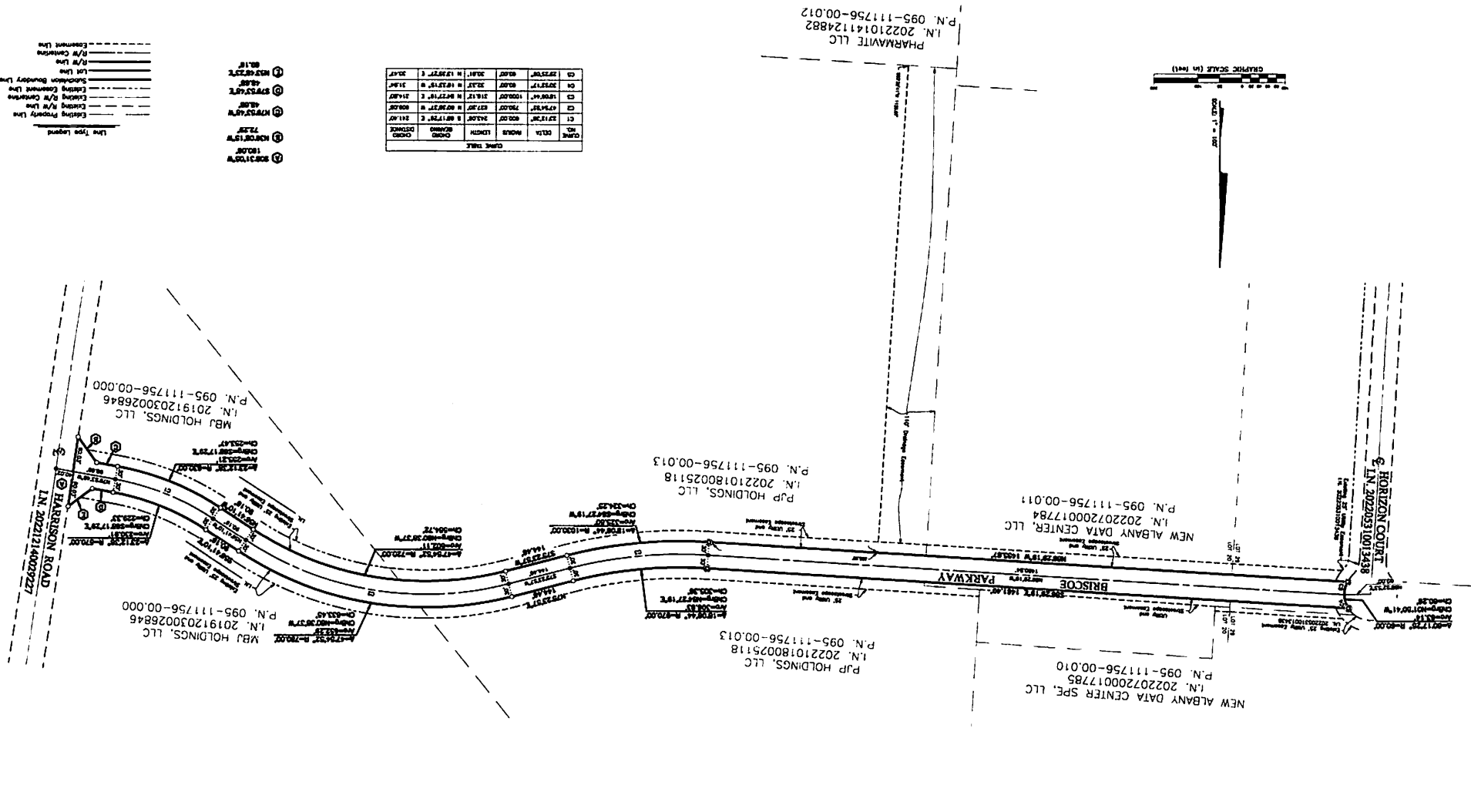
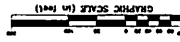
BRISCOE PARKWAY DEDICATION AND EASEMENTS PHASE I

NOTE: "A" - ACTUALLY BREAKDOWN; BRISCOE PARKWAY
 Dedication and Easements Phase I is one of the following:
 1. 1204 AC.
 2. 1320 AC.
 3. Parcel Number: 095-111756-00-011
 4. 1628 AC.
 5. Parcel Number: 095-111756-00-013

- Line Type Legend
- Existing Property Line
 - Existing R/W Centerline
 - Existing Easement Line
 - Subdivision Boundary Line
 - Lot Line
 - R/W Centerline
 - Easement Line

- ① 20231058
- ② 180808
- ③ 20231058
- ④ 180808
- ⑤ 20231058
- ⑥ 180808
- ⑦ 20231058
- ⑧ 180808

| CHAIN NO. | CHAIN DISTANCE | CHAIN BEARING | CHAIN POINT | CHAIN DISTANCE | CHAIN BEARING | CHAIN POINT |
|-----------|----------------|-----------------|-------------|----------------|-----------------|-------------|
| C1 | 22.12' | S 89° 17' 00" E | 21.11' | 21.11' | S 89° 17' 00" E | 21.11' |
| C2 | 22.12' | S 89° 17' 00" E | 21.11' | 21.11' | S 89° 17' 00" E | 21.11' |
| C3 | 22.12' | S 89° 17' 00" E | 21.11' | 21.11' | S 89° 17' 00" E | 21.11' |
| C4 | 22.12' | S 89° 17' 00" E | 21.11' | 21.11' | S 89° 17' 00" E | 21.11' |
| C5 | 22.12' | S 89° 17' 00" E | 21.11' | 21.11' | S 89° 17' 00" E | 21.11' |
| C6 | 22.12' | S 89° 17' 00" E | 21.11' | 21.11' | S 89° 17' 00" E | 21.11' |
| C7 | 22.12' | S 89° 17' 00" E | 21.11' | 21.11' | S 89° 17' 00" E | 21.11' |
| C8 | 22.12' | S 89° 17' 00" E | 21.11' | 21.11' | S 89° 17' 00" E | 21.11' |
| C9 | 22.12' | S 89° 17' 00" E | 21.11' | 21.11' | S 89° 17' 00" E | 21.11' |
| C10 | 22.12' | S 89° 17' 00" E | 21.11' | 21.11' | S 89° 17' 00" E | 21.11' |





ORDINANCE O-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:

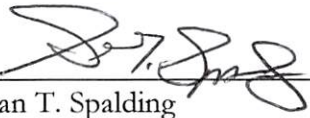
Section 1: The phase 2 final plat creating Briscoe Parkway is attached to this ordinance as Exhibit A and made a part herein is approved.

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 21 day of Nov, 2023.

Attest:


Sloan T. Spalding
Mayor

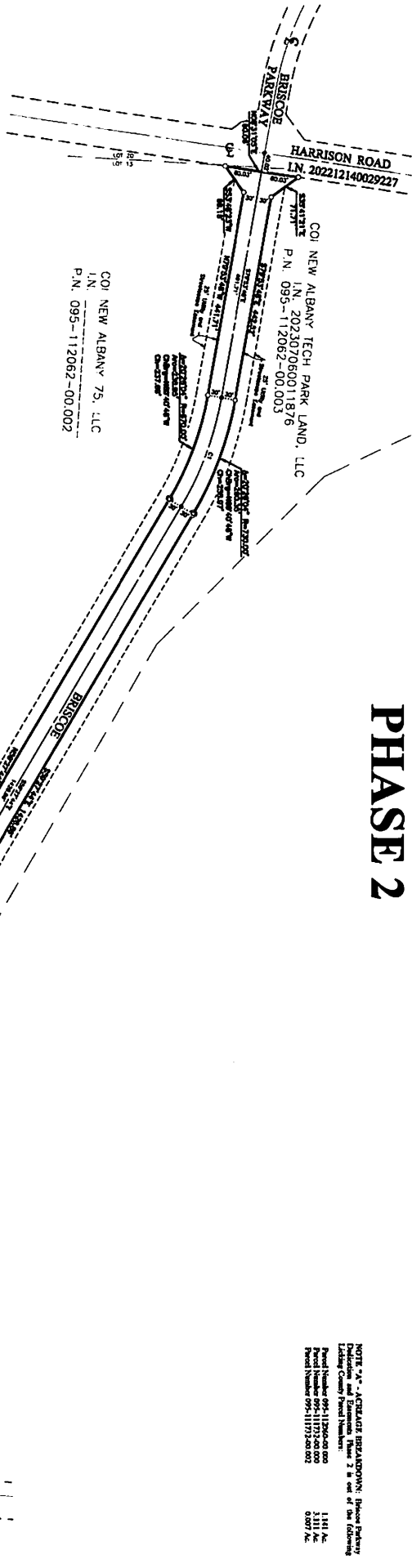

Jennifer H. Mason
Clerk of Council

Approved as to form:


Benjamin S. Albrecht
Law Director

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|---------------------------|------------|
| Legislation dates: | |
| Prepared: | 10/23/2023 |
| Introduced: | 11/07/2023 |
| Revised: | |
| Adopted: | 11/21/2023 |
| Effective: | 12/21/2023 |

BRISCOE PARKWAY DEDICATION AND EASEMENTS PHASE 2



| CD | CD | CD | CD | CD | CD | CD | CD | CD | CD |
|----|----|----|----|----|----|----|----|----|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |

- ① MBI HOLDINGS, LLC
I.N. 202303030003800
P.N. 095-112062-00.000
- ② THE CITY OF NEW ALBANY, OHIO
PARCEL C5-WD
I.N. 202305080008020
- ③ THE CITY OF NEW ALBANY, OHIO
PARCEL C4-WD
I.N. 202305080008020



- Line Type Legend
- Existing Property Line
 - Existing Right-of-Way
 - Existing Easement Line
 - Subdivision Boundary Line
 - Proposed Property Line
 - Proposed Easement Line
 - Proposed Right-of-Way
 - Proposed Subdivision Boundary Line

NOTE: ALL AREAS SHOWN ARE SUBJECT TO ALL RECORDS AND PLATS OF RECORD IN THE PUBLIC RECORDS OF THE COUNTY OF DECATUR, GEORGIA, AND THE CITY OF NEW ALBANY, OHIO.

Parcel Number: 095-112062-000
Parcel Number: 095-111732-002
Parcel Number: 095-111732-002

1:111 ft.
1:111 ft.
0:097 ft.



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:

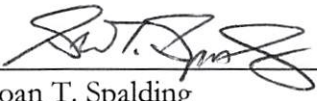
Section 1: The city manager is hereby authorized to execute a real estate purchase agreement and all associated supporting documents necessary for the purchase of approximately 0.12 +/- acres identified as a portion of Franklin County Auditor's Parcel Number 222-000058 for a Purchase Price not to exceed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

CERTIFIED AS ADOPTED this 21 day of Nov, 2023.

Attest:

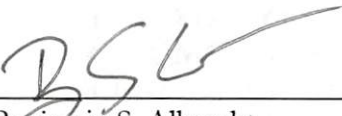


Sloan T. Spalding
Mayor



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: | 11/21/2023 |
| Effective: | 11/21/2023 |



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

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.

Section 2. 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

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 21 day of Nov, 2023.

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: | 11/21/2023 |
| Effective: | 11/21/2023 |



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

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.


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 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.

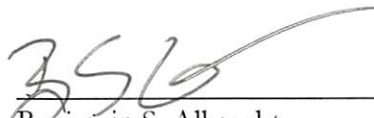
CERTIFIED AS ADOPTED this 21 day of Nov, 2023.

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: | 11/21/2023 |
| Effective: | 11/21/2023 |



RESOLUTION R-52-2023

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A 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

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 but 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 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.

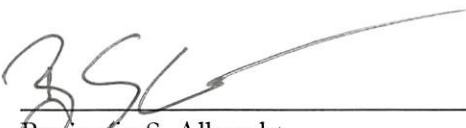
CERTIFIED AS ADOPTED this 21 day of Nov, 2023.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:


Benjamin S. Albrecht
Law Director

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|---------------------------|------------|
| Legislation dates: | |
| Prepared: | 11/09/2023 |
| Introduced: | 11/21/2023 |
| Revised: | |
| Adopted: | 11/21/2023 |
| Effective: | 11/21/2023 |