



ORDINANCE O-40-2022

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 32.6+/- ACRES OF LAND GENERALLY LOCATED AT THE SOUTHWEST AND SOUTHEAST CORNERS OF NEW ALBANY CONDIT ROAD AND CENTRAL COLLEGE ROAD, FROM RESIDENTIAL ESTATE DISTRICT (R-1) TO INFILL PLANNED UNIT DEVELOPMENT (I-PUD) FOR AN AREA TO BE KNOWN AS THE "HAMLET AT SUGAR RUN ZONING DISTRICT" AS REQUESTED BY NONA MASTER DEVELOPMENT LLC; ATTN: YAROMIR STEINER AND BRYAN STONE C/O AARON UNDERHILL, ESQ.

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

WHEREAS, the Rocky Fork – Blacklick Accord, New Albany Planning Commission and council on separate occasions have held public hearings and received public input into the amendment of the zoning ordinance; and

WHEREAS, pursuant to the application by NONA Master Development LLC, Attn: Yaromir Steiner and Bryan Stone c/o Aaron Underhill, Esq., the Rocky Fork – Blacklick Accord and Planning Commission have reviewed the proposed ordinance amendment and recommended its approval.

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

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

- A. A 32.6+/- acre site within Franklin County, generally located at the southwest and southeast corners of New Albany Condit Road and Central College Road from its current zoning of Residential Estate (R-1) to Infill Planned Unit Development (I-PUD).
- B. The zoning district text and boundary map are hereby attached and marked Exhibit A.

Section 2. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

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

CERTIFIED AS ADOPTED this 6 day of Dec, 2022.

Attest:

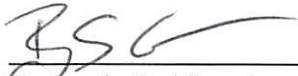


Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared:	11/04/2022
Introduced:	11/15/2022
Revised:	11/23/2022 – exhibit A
Adopted:	12/06/2022
Effective:	01/05/2023

Exhibit A – O-40-2022

This document is 228 pages. Please go to this link on our website
<https://newalbanyohio.org/wp-content/uploads/2022/11/O-40-2022-Hamlet-at-Sugar-Run-Zoning-District-EXHIBIT-A-UPDATED.pdf>

or call Clerk of Council Jennifer Mason for copy.

Clerk Mason: 614-939-2244



RESOLUTION R-39-2022

A RESOLUTION DECLARING INTENT TO APPROPRIATE PROPERTY AND EASEMENTS FOR THE PUBLIC PURPOSE OF MAKING, REPAIRING, IMPROVING, OR CONSTRUCTING MINK STREET AS EXTENDED TO JOIN WITH INTERSECTING ROADS WHICH ARE AND SHALL BE OPEN TO THE PUBLIC WITHOUT CHARGE

WHEREAS, the City of New Albany has the authority and power under the constitution, statutes, and laws of the State of Ohio, and the additional authority of the city under its charter to construct and repair roads and make road and street improvements, acquire necessary real property and interests therein, including temporary and permanent right-of-way and appurtenances thereto, and enter into agreements with other political subdivisions for the exercise of any and all powers, performance of any function or rendering of any service necessary to improve, construct, repair and maintain street and road improvements and their appurtenances; and

WHEREAS, Intel Corporation is in the process of constructing a \$20 billion+ chip manufacturing project in New Albany on property between Clover Valley Road NW on the west, Mink Street NW on the east, and abutting and south of Green Chapel Road; and

WHEREAS, the city has determined that improving, making and repairing portions of Mink Street as extended at the intersections and certain access points to join with improved and existing intersecting roads, all of which are and shall be open to the public, without charge, (the "Mink Street Project") is necessary and essential and will contribute to the promotion of the health, safety, public convenience and welfare of the people and City of New Albany and the traveling public.

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

Section 1. Council considers it necessary and declares its intention to appropriate, for the public purpose of improving, making and repairing roads, which shall be open to the public, without charge, the fee simple interests and permanent and temporary easements in and to the real property and interests therein identified and described in the attached Exhibit A for the construction, repair and improvement of Mink Street as extended at the intersections and certain access points to join with improved and existing roadways.

Section 2. The city manager is authorized and directed to cause written notice of the passage of this Resolution to be given to the owner(s) of, person(s) in possession of, or person having and interest of record in the property sought to be appropriated, or to the authorized agent of the owner or such other persons. The notice shall be served and returned according to law.

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

Section 4. Pursuant to Article VI, Section 6.07(A) of the charter of the City of New Albany, and Ohio Revised Code Section 719.05, this resolution shall take effect upon adoption.

CERTIFIED AS ADOPTED this 9 day of Dec, 2022.

Attest:



Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:	
Prepared:	11/17/2022
Revised:	12/02/2022 – exhibit A
Introduced:	12/06/2022
Revised:	
Adopted:	12/06/2022
Effective:	12/06/2022

RESOLUTION R-39-2022

EXHIBIT A

This resolution of intent to appropriate includes the acquisition of real property and property interests from multiple property owners and properties. Each property owner, legal descriptions and depictions of the owner's real property intended to be appropriated and the owner's interest therein intended to be appropriated is identified, described, and depicted in the detailed Exhibit A which, due to its volume is on file and available from the City of New Albany Clerk's office and is not attached hereto in its entirety.



RESOLUTION R-40-2022

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A COMMUNITY REINVESTMENT AREA AGREEMENT AND A DEVELOPMENT AGREEMENT WITH COI NEW ALBANY TECH PARK LAND, LLC 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, and No. R-18-2022 adopted May 3, 2022 (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”, and “Mink Street and Green Chapel Road Expansion”, 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 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, COI New Albany Tech Park Land, 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”) and has remitted with the Agreement Application the required State application fee to be forwarded to the Ohio Department of Development with a copy of the final, executed CRA Agreement; and

WHEREAS, the City’s Housing Officer 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 the Development Agreement, both referenced herein); and

WHEREAS, the Boards of Education of both the Johnstown-Monroe Local School District and the Career and Technology Education Centers of Licking County 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, to further support and facilitate the Project the City desires to enter into a Development Agreement with the Company addressing the provision of water and sewer services to the Project and other public improvements.

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 each building in 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. Development Agreement. The Development Agreement in support of the Project, by and between the City and the Company, in the form presently on file with the Clerk of the Council, is hereby approved and authorized with any changes therein and amendments thereto not inconsistent with this Resolution and not substantially adverse to this City and 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 Development Agreement and approve the character of any changes and any amendments thereto as not inconsistent with this Resolution and not substantially adverse to the City, which approval shall be conclusively evidenced by the city manager's execution of that Development Agreement.

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, the Community Reinvestment Area Agreement, and the Development 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 7 day of Dec, 2022.

Attest:

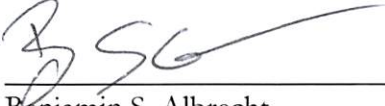


Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
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