



RESOLUTION R-18-2023

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ADVERTISE, AWARD BIDS AND EXECUTE ALL CONTRACTS RELATED TO THE 2023 CITY OF NEW ALBANY STREET IMPROVEMENT PROJECT

WHEREAS, Council desires to proceed with general road maintenance such as asphalt overlay, crack seal and curb replacement as needed within the city, and

WHEREAS, funding for this work is provided in the 2023 capital improvement budget, and

WHEREAS, the city will advertise for and award bids in accordance with the Codified Ordinances of New Albany and the Ohio Revised Code, and

WHEREAS, the city manager will review the proposals to certify they are in order.

WHEREAS, the engineer's estimate for the planned maintenance improvements is \$1.7 million.

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. The city manager is hereby authorized and directed to advertise, award bids and execute all contracts related to the 2023 City of New Albany Street Improvement Project.


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(A) of the New Albany Charter, this resolution shall take effect upon adoption.

CERTIFIED AS ADOPTED this 21 day of March, 2023.

Attest:



Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:	
Prepared:	03/13/2023
Introduced:	03/21/2023
Revised:	
Adopted:	03/21/2023
Effective:	03/21/2023



ORDINANCE O-14-2023

AN ORDINANCE TO ACCEPT A RIGHT OF WAY DEDICATION TOTALING 0.077 ACRES FOR THE DUNKIN DONUTS, EXPRESS OIL AND ALDI DEVELOPMENT SITES ALONG JOHNSTOWN ROAD AS REQUESTED BY ALDI INC. (OHIO), GOC REALCO LLC, AND JNBG LAND HOLDINGS

WHEREAS, in accordance with the zoning for the properties that requires an additional five feet of right-of-way be dedicated along Johnstown Road in order to accommodate a future right turn lane onto Walton Parkway, property owners request to dedicate land to the city; and

WHEREAS, the city will be the recipient (grantee) of a total right-of-way dedication of 0.077 acres; and

WHEREAS, the city engineer has reviewed the right-of-way dedication and has commented this dedication is appropriate; and

WHEREAS, the city will benefit from this dedication of right-of-way.

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 city manager is hereby authorized to accept a right-of-way dedication of 0.041 acres as described and depicted on Exhibit A.

Section 2. The city manager is hereby authorized to accept a right-of-way dedication of 0.020 acres as described and depicted on Exhibit B.

Section 3. The city manager is hereby authorized to accept a right-of-way dedication of 0.016 acres as described and depicted on Exhibit C.

Section 4. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

Section 5. Pursuant to Article 6.07(B) of the New Albany Charter, this ordinance shall become effective thirty (30) days after adoption.

CERTIFIED AS ADOPTED this 21 day of March, 2023.

Attest:



Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 02/23/2023

Introduced: 03/07/2023

Revised:

Adopted: 03/21/2023

Effective: 04/20/2023

**LIMITED WARRANTY DEED
(O.R.C. 5302.07 - 5302.08)**

KNOW ALL MEN BY THESE PRESENTS that ALDI INC. (OHIO) an Ohio Corporation (the "Grantor"), for good and valuable consideration paid, grants, with limited warranty covenants, to THE CITY OF NEW ALBANY, OHIO, an Ohio municipal corporation (the "Grantee"), whose tax-mailing address is 99 West Main Street, New Albany, Ohio 43054, the real property more particularly described as follows:

Property: That certain 0.041± acre tract situated in the City of New Albany, County of Franklin, and State of Ohio and being more particularly described on Exhibit A (the "Property") and depicted on Exhibit B, each of which are attached hereto and made a part hereof.

Tax Parcel Numbers: Portion of 222-005177-00.

Prior Instrument References: Instrument Number 202203150040876, Recorder's Office, Franklin County, Ohio.

THE PROPERTY IS INTENDED BY GRANTEE TO BE HELD FOR USE AS PUBLIC RIGHT-OF-WAY.

The conveyance made hereunder is subject to all covenants, conditions, easements, restrictions, reservations, and other matters of record in the Office of the Recorder, Franklin County, Ohio.

IN WITNESS WHEREOF, Grantor has caused this Limited Warranty Deed to be executed by its duly authorized signatory to be effective as of the 7th day of April, 2022.

GRANTOR:

Aldi Inc. (Ohio),
an Ohio Corporation

By: *Sarah A. Brown*

Printed Name: Sarah A. Brown

Title: Divisional VP

STATE OF OHIO)
 Clark) SS:
COUNTY OF FRANKLIN)

The foregoing instrument was acknowledged before me this 7th day of April, 2022, by Sarah A. Brown, the Divisional Vice President of Aldi Inc (Ohio) an Ohio corporation limited liability company, on behalf of the limited liability company. No oath or affirmation was administered to the signer with regard to the notarial act.

[SEAL]  JULIE ANN BURR
Notary Public
State of Ohio
My Comm. Expires
July 6, 2026

Julie Ann Burr
NOTARY PUBLIC

My Commission Expires: July 6, 2026

This instrument prepared by
and after recording return to:

**DESCRIPTION OF A
0.041 ACRE RIGHT-OF-WAY DEDICATION
CITY OF NEW ALBANY
FRANKLIN COUNTY, OHIO**

Situated in the State of Ohio, Franklin County, City of New Albany, lying in Lot 23, Quarter Township 1, Township 2, Range 16, United States Military Lands, being a part of Reserve A, Lot 29 and Lot 30 of Plain View Farms No. 2 a subdivision of record in Plat Book 34, Page 22, part of a 2.574 acre tract as conveyed to Aldi Inc. (Ohio), an Ohio Corporation, by deed of record in Instrument Number 202208150040876, Franklin County Auditor Parcel Number 222-005177-00 (all documents herein are from the Franklin County Recorder's Office), and more particularly described as follows:

Commencing at an iron pin found stamped "PARTRIDGE 8124" on the northerly right-of-way line of Johnstown Road (U.S. 62) as shown in Plat Book 34, Page 22 (right-of-way width varies);

Thence North 58° 15' 56" East a distance of 193.96 feet, along the northerly right-of-way line of Johnstown Road (U.S. 62) to a 5/8 inch rebar set on the northerly right-of-way line and at the southwesterly corner of said 2.574 acre tract and the TRUE POINT OF BEGINNING of the right-of-way dedication herein described:

Thence North 31° 44' 04" West a distance of 5.00 feet along the westerly line of the 2.574 acre tract to a 5/8 inch rebar set;

Thence the following courses and distances across the 2.574 acre tract;

North 58° 15' 56" East a distance of 256.22 feet to a 5/8 inch rebar set at a point of curvature;

Along a curve to the right, with a delta angle of 00° 57' 35", a radius of 5947.80 feet, an arc length of 99.63 feet, a chord bearing North 58° 44' 43" East with a chord distance of 99.63 feet to a 5/8 inch rebar set on the line common to said 2.574 acre tract and that 0.063 acre tract as conveyed to The Village of New Albany by deed of record in Instrument Number 200711130196073 and being on the right-of-way line of Johnstown Road (U.S. 62);

Thence South 30° 44' 52" East a distance of 5.00 feet along the right-of-way line of Johnstown Road (U.S. 62) to a 13/16-inch iron pipe found with cap stamped "EMH&T";

Thence the following courses and distances along the northerly right-of-way line of Johnstown Road (U.S. 62);

Along a curve to the left, with a delta angle of 00° 57' 35", a radius of 5942.80 feet, an arc length of 99.55 feet, a chord bearing South 58° 44' 43" West with a chord distance of 99.54 feet to a 13/16-inch iron pipe found with cap stamped "EMH&T";

South 58° 15' 56" West a distance of 256.22 feet to the TRUE POINT OF BEGINNING, containing 0.041 acre, more or less, subject to all easements, restrictions, and rights-of-way of record.

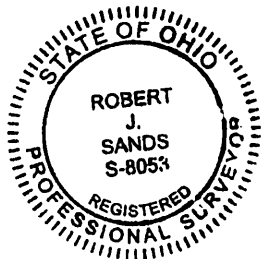
Bearings for this description are based on the Ohio State Plane Coordinate System, South Zone, NAD83(2011) in which the bearing of the centerline of Johnstown Road (U.S. 62) bears North 58° 12' 31" East.

All 5/8 inch rebar set are 30 inches in length with a yellow cap stamped "DLZ OHIO INC".

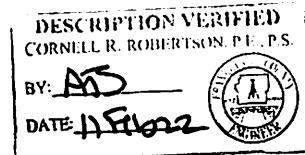
This description is based on a survey performed in August, 2021 under my direct supervision.

Split
0.041
acre
out of
(222)
5177

DLZ Ohio, Inc.



Robert J. Sands 02/16/22
Robert J. Sands Date
Professional Surveyor No. S-8053

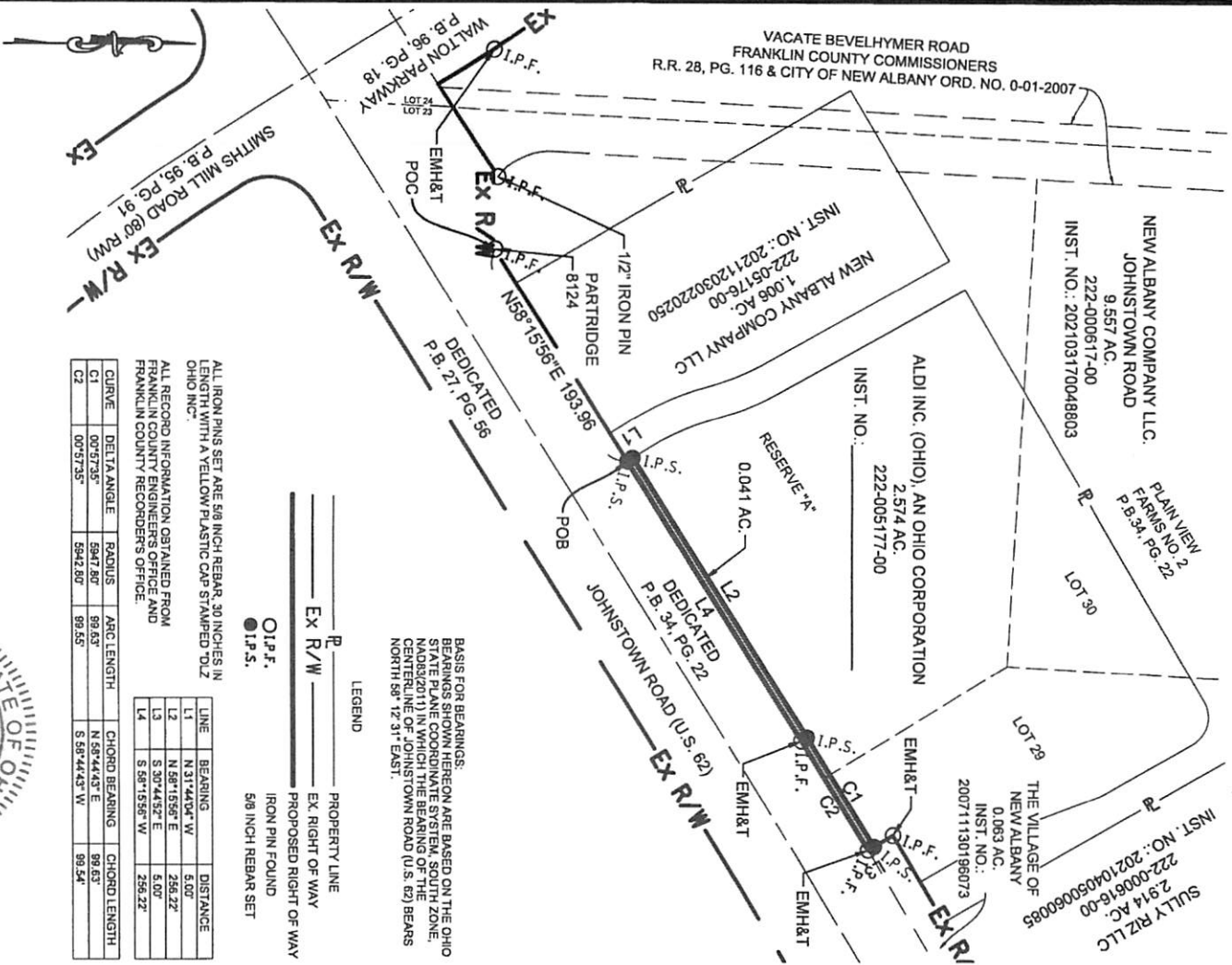




DLZ

6121 Hundley Road - Columbus, Ohio 43229-1003
Ph: (614) 888-0040 Fax: (614) 848-6712

RIGHT-OF-WAY DEDICATION
THE CITY OF NEW ALBANY,
FRANKLIN COUNTY, OHIO
LOT 23, QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 16
PART OF RESERVE A, LOT 29 AND LOT 30 OF
PLAIN VIEW FARMS NO. 2
P.B. 34, PG. 22



VACATE BEVELHYMER ROAD
FRANKLIN COUNTY COMMISSIONERS
R.R. 28, PG. 116 & CITY OF NEW ALBANY ORD. NO. 0-01-2007

NEW ALBANY COMPANY LLC.
JOHNSTOWN ROAD
9.557 AC.
222-000617-00
INST. NO.: 202103170048803

ALDI INC. (OHIO), AN OHIO CORPORATION
2.574 AC.
222-005177-00
INST. NO.:

PLAIN VIEW 2
FARMS NO. 2
P.B. 34, PG. 22

LOT 28
THE VILLAGE OF
NEW ALBANY
0.063 AC.
INST. NO.:
20071130199073

SULLY RIZ LLC
2.914 AC.
222-000616-00
INST. NO.: 202104050060085

NEW ALBANY COMPANY LLC
1.006 AC.
222-09176-00
INST. NO.: 202112030220250

1/2" IRON PIN
PARTIRIDGE
8124

DEDICATED
P.B. 27, PG. 96

DEDICATED
P.B. 34, PG. 22

JOHNSTOWN ROAD (U.S. 62)

BASIS FOR BEARINGS:
BEARING AND DISTANCE ARE BASED ON THE OHIO
STATE PLANE COORDINATE SYSTEM SOUTH ZONE,
NAD83(2011) IN WHICH THE BEARING OF THE
CENTERLINE OF JOHNSTOWN ROAD (U.S. 62) BEARS
NORTH 59° 12' 31" EAST.

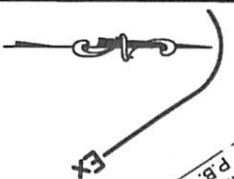
LEGEND

- PROPERTY LINE
- EX. RIGHT OF WAY
- PROPOSED RIGHT OF WAY
- IRON PIN FOUND
- 5/8 INCH REBAR SET
- I.P.F.
- I.P.S.

ALL IRON PINS SET ARE 5/8 INCH REBAR, 30 INCHES IN LENGTH WITH A YELLOW PLASTIC CAP STAMPED "DLZ OHIO INC."
ALL RECORD INFORMATION OBTAINED FROM FRANKLIN COUNTY ENGINEERS' OFFICE AND FRANKLIN COUNTY RECORDERS' OFFICE.

LINE	BEARING	DISTANCE
L1	N 31°44'04" W	5.07'
L2	N 58°15'56" E	256.22'
L3	S 30°44'52" E	5.00'
L4	S 58°15'56" W	256.22'

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	00°57'35"	5947.80'	99.63'	N 59°44'43" E	99.63'
C2	00°57'35"	5942.80'	99.55'	S 59°44'43" W	99.54'



CERTIFICATION:
HEREBY CERTIFY THAT THIS SURVEY SHOWN ON THE ATTACHED PLAT WAS PREPARED FROM AN ON THE GROUND SURVEY IN AUGUST, 2021 UNDER MY DIRECT SUPERVISION AND THAT IT AND THE INFORMATION, COURSES AND DISTANCES ARE CORRECT TO THE BEST OF MY KNOWLEDGE.



ROBERT J. SANDS
PROFESSIONAL SURVEYOR
REGISTERED
S-8054
STATE OF OHIO

DATE: 02/10/22

DLZ
J.L.K.
REVIEWED
R.J.S.

ROBERT J. SANDS, PROFESSIONAL SURVEYOR NO. S-4053

LIMITED WARRANTY DEED

(O.R.C. 5302.07 – 5302.08)

KNOW ALL MEN BY THESE PRESENTS that GOC REALCO LLC (the "Grantor") for good and valuable consideration paid, grants, with limited warranty covenants, to the CITY OF NEW ALBANY, OHIO, an Ohio municipal corporation (the "Grantee"), whose tax mailing address is 99 West Main Street, New Albany, Ohio 43054, the real property more particularly described as follows:

Property: That certain 0.020 acre tract situated in the City of New Albany, County of Franklin, and State of Ohio and being more particularly described in and depicted on Exhibit A, which is attached hereto and made a part hereof.

Parcel Number(s): 222-005174

Instrument Reference(s): 202110070180966; Recorder's Office, Franklin County, Ohio

The grant of the Property is subject to all easements, conditions, covenants, restrictions, reservations and other matters of record in the Office of the Recorder, Franklin County, Ohio.

THE PROPERTY DESCRIBED IN EXHIBIT "A" IS INTENDED BY GRANTEE TO BE HELD FOR USE AS A PUBLIC RIGHT-OF-WAY.

IN WITNESS WHEREOF, Grantor voluntarily caused this instrument's execution on this 30th day of January, 2023.

GRANTOR

GOC REALCO LLC

Robert Gierhart Robert Gierhart
Name

Director of Construction
Title

STATE OF OHIO)
COUNTY OF FRANKLIN) SS:

BE IT REMEMBERED that on this 30th day of January, 2022 before me, the subscriber, a Notary Public in and for said County, personally came the above named Robert Gierhart, Grantor in the foregoing Limited Warranty Deed, and acknowledged the signing of the same to his/her voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, on the day and year last aforesaid.



DYLAN JAMES MURPHY
Notary Public, State of Ohio
My Commission Expires
May 27, 2027

[Signature]
Notary Public

My commission expires: 5/27/27

**This Instrument Prepared By:
Benjamin S. Albrecht
City of New Albany Law Director
7775 Walton Parkway, Suite 200
New Albany, Ohio 43054**

Exhibit 'A'

Situated in the State of Ohio, County of Franklin, City of New Albany, located in the Lots 23 and 24, Section 12, Quarter Township 1, Township 2, Range 16 of the United States Military District, being a portion of Reserve A of the plat of Plain View farms No. 2 as delineated in Plat Book 34, page 22 and the original alignment of Bevelhymer Road as vacated by the Franklin County Commissioners in road record 28, page 116 and the City of New Albany in Ord. No. O-01-2007 and being part of 1.145 acre tract as described in a deed to GOC Realco LLC in Instrument Number 202110070180966, all records on file in the Recorder's Office, Franklin County, Ohio, and said parcel being more fully described as follows:

Beginning at a 1 inch iron pipe found at the intersection of the northerly line of Johnstown Road, U.S. 62, (R/W varies) conveyed to the State of Ohio in O.R. 25998 B11 as parcel 18-WD-8 and shown in R/W Plans FRA-161-16375/LIC-161-0.00 and the easterly line of Walton Parkway (R/W varies) as shown in Bevelhymer Road and Walton Parkway Dedication and Easements on Plat Book 96 page 17, and said pipe also being the southwesterly corner of said 1.145 acre tract;

Thence North 31° 54' 38" West, following the easterly line of Walton Parkway and the westerly line of said 1.145 acre tract, for a distance of 5.00 feet to an iron pin set;

Thence passing through said 1.145 acre tract for the following three (3) courses and distances;

- 1. North 57° 24' 57" East, for a distance of 88.84 feet to an iron pin set;**
- 2. Along the arc of a curve to the left, having a radius of 45.00 feet, a delta of 73° 05' 42", a chord bearing of South 85° 04' 34" East, a chord distance of 53.59 feet, for an arc length of 57.41 feet to an iron pin set;**
- 3. North 58° 20' 45" East, for a distance of 31.41 feet to an iron pin set on the easterly line of said 1.145 acre tract and the westerly line of a 1.006 acre tract as described in a deed to JNBG Holdings, LLC in Instrument Number 202202220029010;**

Thence South 29° 55' 27" East, following the easterly line of said 1.145 acre tract and the westerly line of said 1.006 acre tract, for a distance of 5.00 feet to a 1 inch iron pipe found at the southeasterly corner of said 1.145 acre tract and being on the northerly line of Johnstown Road, dedicated in said Plain View Farms No. 2;

Thence following the northerly line of Johnstown Road and the southerly line of said 1.145 acre tract for the following three (3) courses and distances;

- 1. South 58° 20' 45" West, for a distance of 31.26 feet to a 1 inch iron pipe found;**
- 2. Along the arc of a curve to the right, having a radius of 50.00 feet, a delta of 68° 43' 17", a chord bearing of North 87° 15' 47" West, a chord distance of 56.44 feet, for an arc length of 59.97 feet to a 1 inch iron pipe found;**



m/s consultants, inc.

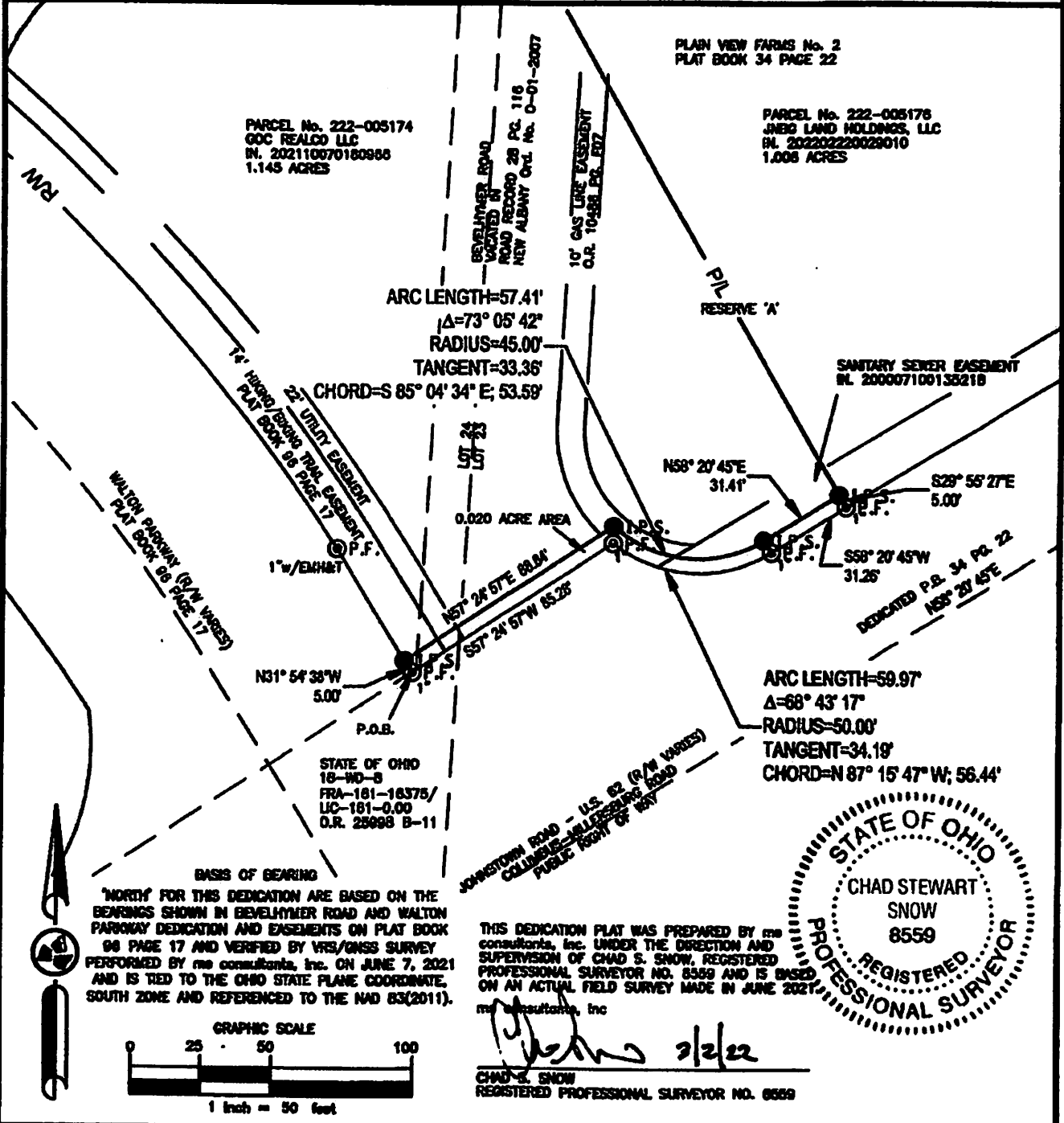
PHONE (614) 898-7100

2321 SCHROCK ROAD, COLUMBUS, OHIO 43229

FAX (614) 898-7070

RIGHT-OF-WAY DEDICATION

SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF NEW ALBANY LOCATED IN LOTS 23 & 24, SECTION 12, THE QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 16 OF THE UNITED STATES MILITARY DISTRICT, BEING A PORTION OF RESERVE A OF THE PLAT OF PLAIN VIEW FARMS No. 2 AS DELINEATED IN PLAT BOOK 34, PAGE 22, AND THE ORIGINAL ALIGNMENT OF BEVELHYMER ROAD AS VACATED BY FRANKLIN COUNTY COMMISSIONERS IN ROAD RECORD 28, PAGE 116, AND THE CITY OF NEW ALBANY IN Ord. No. 0-01-2007 AND BEING PART OF A 1.145 ACRE TRACT AS DESCRIBED IN A DEED TO GOC REALCO LLC IN INSTRUMENT NUMBER 202110070180988 (ALL RECORDS ON FILE AT THE RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO).



BASIS OF BEARING
"WORDS" FOR THIS DEDICATION ARE BASED ON THE BEARINGS SHOWN IN BEVELHYMER ROAD AND WALTON PARKWAY DEDICATION AND EASEMENTS ON PLAT BOOK 98 PAGE 17 AND VERIFIED BY WIS/GNSS SURVEY PERFORMED BY m/s consultants, inc. ON JUNE 7, 2021 AND IS TIED TO THE OHIO STATE PLANE COORDINATE, SOUTH ZONE AND REFERENCED TO THE NAD 83(2011).

THIS DEDICATION PLAT WAS PREPARED BY m/s consultants, inc. UNDER THE DIRECTION AND SUPERVISION OF CHAD S. SNOW, REGISTERED PROFESSIONAL SURVEYOR NO. 8559 AND IS BASED ON AN ACTUAL FIELD SURVEY MADE IN JUNE 2021.
m/s consultants, inc.

Chad S. Snow 7/2/22
CHAD S. SNOW
REGISTERED PROFESSIONAL SURVEYOR NO. 8559

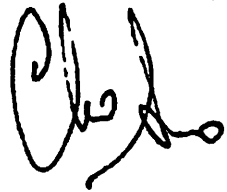


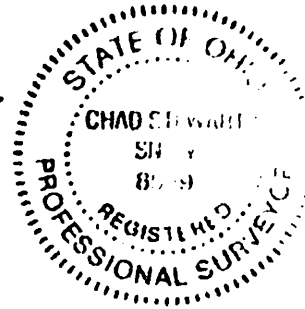
3. South 57° 24' 57" West, for a distance of 85.28 feet to the Beginning, and containing within said bounds 885 square feet or 0.020 acres of land within Franklin County Auditor Parcel No. 222-005174, more or less, of which 0.000 acres are in present road occupied.

All iron pipe set are a 5/8" x 30" rebar with a 'MS CONS. INC.' identifying cap.

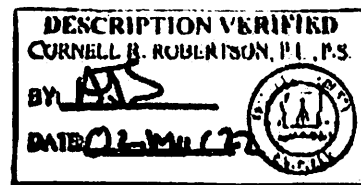
North for the above description is based on the bearings shown in Bevelhymer Road and Walton Parkway Dedication and Easements on Plat Book 96 page 17 and verified by a VRS/GNSS survey and referenced to the Ohio State Plane Coordinate System, NAD83 (2011), South Zone.

The above description was prepared by Chad S. Snow, Registered Professional Surveyor No. 8559 in March 2022 and is based on a survey made by ms consultants, inc. in June 2021.

 3/2/22



split
0.020 acm
out of
(222)
5174



LIMITED WARRANTY DEED
(O.R.C. 5302.07 - 5302.08)

KNOW ALL MEN BY THESE PRESENTS that JNBG LAND HOLDINGS a Limited Liability Company (the "Grantor"), for good and valuable consideration paid, grants, with limited warranty covenants, to THE CITY OF NEW ALBANY, OHIO, an Ohio municipal corporation (the "Grantee"), whose tax-mailing address is 99 West Main Street, New Albany, Ohio 43054, the real property more particularly described as follows:

Property: That certain 0.016± acre tract situated in the City of New Albany, County of Franklin, and State of Ohio and being more particularly described on Exhibit A (the "Property") and depicted on Exhibit B, each of which are attached hereto and made a part hereof.

Tax Parcel Numbers: Portion of 222-005176-00.

Prior Instrument References: Instrument Number 202202220029010, Recorder's Office, Franklin County, Ohio.

THE PROPERTY IS INTENDED BY GRANTEE TO BE HELD FOR USE AS PUBLIC RIGHT-OF-WAY.

The conveyance made hereunder is subject to all covenants, conditions, easements, restrictions, reservations, and other matters of record in the Office of the Recorder, Franklin County, Ohio.

IN WITNESS WHEREOF, Grantor has caused this Limited Warranty Deed to be executed by its duly authorized signatory to be effective as of the 10 day of JUNE, 2022.

GRANTOR:

JNBG Land Holdings, LLC

By: [Signature]

Printed Name: BECKETT GUE

Title: OPERATING PARTNER

STATE OF OHIO)
) SS:
COUNTY OF FRANKLIN)

The foregoing instrument was acknowledged before me this 10 day of JUNE, 2022, by Beckett Gue, the OPERATING PARTNER of JNBG LLC, a limited liability company, on behalf of the limited liability company. No oath or affirmation was administered to the signer with regard to the notarial act.

[SEAL]

[Signature]
NOTARY PUBLIC

My Commission Expires: 02 31 2024

This instrument prepared by and after recording return to:



BOBBY RAINES
Notary Public
State of Ohio
My Comm. Expires
October 31, 2024

**DESCRIPTION OF A
0.016 ACRE RIGHT-OF-WAY DEDICATION
CITY OF NEW ALBANY
FRANKLIN COUNTY, OHIO**

Situated in the State of Ohio, Franklin County, City of New Albany, lying in Lot 23, Quarter Township 1, Township 2, Range 16, United States Military Lands, being a part of Reserve A of Plain View Farms No. 2, a subdivision of record in Plat Book 34, Page 22, part of a 1.006 acre tract as conveyed to JNBG Land Holdings, LLC, by deed of record in Instrument Number 202202230029010, Franklin County Auditor Parcel Number 222-005176-00 (all documents herein are from the Franklin County Recorder's Office), and more particularly described as follows:

Commencing at an iron pin found stamped "PARTRIDGE 8124" on the northerly right-of-way line of Johnstown Road (U.S. 62) as shown in Plat Book 34, Page 22 (right-of-way width varies);

Thence North 58° 15' 56" East a distance of 30.61 feet, along the northerly right-of-way line of Johnstown Road (U.S. 62) to a 5/8 inch rebar set on the northerly right-of-way line and at the southwesterly corner of said 1.006 acre tract and the TRUE POINT OF BEGINNING of the right-of-way dedication herein described:

Thence North 30° 00' 24" West a distance of 5.00 feet along the westerly line of the 1.006 acre tract to a 5/8 inch rebar set;

Thence North 58° 15' 56" East a distance of 137.54' across the 1.006 acre tract to a 5/8 inch rebar set on the easterly line of the 1.006 acre tract and a westerly line of a 9.557 acre tract conveyed to New Albany Company LLC. by deed of record in Instrument Number 202103170048803;

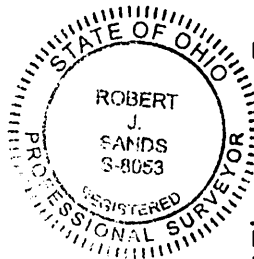
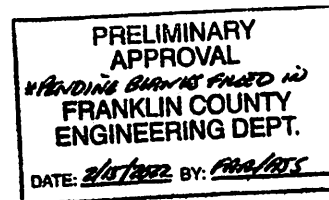
Thence South 31° 44' 12" East a distance of 5.00 feet along the line common to the 1.006 and 9.557 acre tracts to a 5/8 inch rebar set on the northerly right-of-way line of Johnstown Road (U.S. 62);

Thence South 58° 15' 56" West a distance of 137.69 feet to the TRUE POINT OF BEGINNING, containing 0.016 acre, more or less, subject to all easements, restrictions, and rights-of-way of record.

Bearings for this description are based on the Ohio State Plane Coordinate System, South Zone, NAD83(2011) in which the bearing of the centerline of Johnstown Road (U.S. 62) bears North 58° 12' 31" East.

All 5/8 inch rebar set are 30 inches in length with a yellow cap stamped "DLZ OHIO INC".

This description is based on a survey performed in August, 2021 under my direct supervision.



DLZ Ohio, Inc.


Robert J. Sands Date
Professional Surveyor No. S-8053



ORDINANCE O-15-2023

**AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1
ANNEXATION OF 195.98+/- ACRES FROM JERSEY TOWNSHIP,
LICKING COUNTY TO THE CITY OF NEW ALBANY**

WHEREAS, pursuant to the petition filed by Underhill & Hodge, LLC, agents for petitioner, with the Licking County Development and Planning Department, on December 15, 2022, and

WHEREAS, the foregoing Resolution #117-84 of the Licking County Commissioners granting the petition was delivered to the City of New Albany on December 30, 2022, and more than sixty (60) days have elapsed since the foregoing resolution and transcript was transmitted to the City of New Albany, and

WHEREAS, pursuant to Resolution R-48-2018 of the City of New Albany adopted December 10, 2018, the New Albany City Manager was authorized to enter a Roadway Maintenance Agreement with the Licking County Board of Commissioners and/or Jersey Township Trustees for the maintenance of sections of roadways impacted by this annexation, and

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

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

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

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

Section 1: The application of property owners set forth in Licking County requesting the annexation of 195.98+/- acres, which is contiguous to the City of New Albany, is hereby accepted, and the corporate boundaries of New Albany shall be extended to include the territory, more particularly described in Exhibit A, attached hereto and incorporated herein as if fully written.

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

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

Section 3: Council of the City of New Albany hereby accepts the annexation of a 195.98+/- acre tract, situated in Jersey Township, Licking County, Ohio, the same being land of the owners set forth above, for annexation to the City of New Albany.

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

Section 5: It is hereby found and determined that all formal actions of council concerning and relating to the adoption of this legislation were adopted in an open meeting of council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

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

CERTIFIED AS ADOPTED this 21 day of March, 2023.

Attest:



Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared:	02/24/2023
Introduced:	03/07/2023
Revised:	
Adopted:	03/21/2023
Effective:	04/20/2023

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

I certify that copies of Ordinance **O-15-2023** were posted in accordance with Article VI, Section 6.12 of the Charter of the City of New Albany, for 30 days starting on March 22, 2023.



Jennifer Mason, Clerk of Council

3/21/2023

Date

Exhibit A - O-15-2023

EXHIBIT "A"
PROPOSED ANNEXATION OF
195.98± ACRES

FROM: JERSEY TOWNSHIP

TO: CITY OF NEW ALBANY

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY: <i>[Signature]</i>	
DATE: 12-12-22	

Situated in the State of Ohio, County of Licking, Township of Jersey, being all of Lot 36 and part of Lot 37, Quarter Township 2, Township 2, Range 15, United States Military District, and being all of that 100.00 acre tract conveyed to Kenton L. Suver and Mary P. Suver by deed of record in Official Record Book 576, Page 319, that 1.581 acre tract conveyed to Ryan J. Gruenwald and Erin M. Gruenwald by deed of record in Instrument Number 201504230007533, that 16.716 acre tract conveyed to Ruth Ann Booher and Charles F. Booher by deed of record in Instrument Number 200007200023076, that 5.989 acre tract conveyed to Ruth Ann Booher and Charles F. Booher by deed of record in Instrument Number 200007200023077, that 3.011 acre tract conveyed to Scott F. Shilling and Melissa M. Shilling by deed of record in Instrument Number 200201020000178, that 24.473 acre tract conveyed to Ruth Ann Booher and Charles F. Booher by deed of record in Instrument Number 200007240023424, that 16 acre tract conveyed to Charles F. Booher and Ruth Ann Booher by deed of record in Instrument Number 201901160006997 and that 18 acre tract conveyed to Charles F. Booher and Ruth Ann Booher by deed of record in Instrument Number 200003160008239 (all references refer to the records of the Recorder's Office, Licking County, Ohio), and more particularly bounded and described as follows:

BEGINNING in the centerline of Beech Road NW (Right-Of-Way varies), the southeasterly corner of said 100.00 acre tract, the northeasterly corner of that subdivision entitled "Saveson Acres" as recorded in Plat Book 16, Page 137, being in the westerly line of that 4.932 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 201910240023349 and being the common corner of Lots 29, 30, 35 and 36;

Thence North 86° 20' 55" West, with the line common to said 100.00 acre tract and said "Saveson Acres", a distance of 2754.33 feet to a point in the line common to Licking County and Franklin County, the easterly line of that 5.263 acre tract conveyed to John E. Saveson, Trustee by deed of record in Instrument Number 2000012070248115 (Franklin County Recorder's Office);

Thence North 03° 18' 25" East, with said county line, the westerly line of said 100.00 acre tract, the easterly line of said 5.263 acre tract and the easterly line of that 13.405 acre tract conveyed to John E. Saveson, Trustee by deed of record in Instrument Number 200503290057414 (Franklin County Recorder's Office), a distance of 1236.35 feet to a corner common to said 13.405 acre tract and that 30.054 acre tract conveyed to James E. Ziminski, Trustee by deed of record in Instrument Number 201808230113495 (Franklin County Recorder's Office);

Thence North 03° 15' 11" East, continuing with said county line, the westerly line of said 100.00, 16.716, 24.473, and 18 acre tracts, the easterly line of said 30.054 acre tract, the easterly line of that 57.87 acre tract conveyed to Olde Albany, L.L.C. by deed of record in Instrument Number 200209130228211 (Franklin County Recorder's Office), a distance of 1713.77 feet to a corner common to said 57.87 acre tract and that 30.126 acre tract conveyed to Sridhar Reddy Humma by deed of record in Instrument Numbers 202204130057131 and 202204130057132 (Franklin County Recorder's Office);

Thence North 08° 06' 55" East, continuing with said county line, the line common to said 18 and 30.126 acre tracts, a distance of 196.83 feet to a corner common to said 18 acre tract and that 69.970 acre tract conveyed to M3J Holdings, L.L.C. by deed of record in Instrument Number 202211210027642;

Thence South 86° 09' 11" East, leaving said county line, with the northerly line of said 18 and 16 acre tracts, the southerly line of said 69.970 acre tract, a distance of 2220.67 feet to a corner common to said 16 acre tract and that 2.86 acre tract conveyed to Marie Carolyn Browning by deed of record in Instrument Number 202204150009447;

Thence South 03° 30' 21" West, with the line common to said 2.86 and 16 acre tracts, a distance of 230.00 feet to a point;

**PROPOSED ANNEXATION OF
195.98± ACRES**

-2-

Thence South 86° 09' 11" East, continuing with said common line, a distance of 541.60 feet to a point in the centerline of said Beech Road NW, the westerly line of that 53.990 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202211210027642;

Thence South 03° 30' 21" West, with the said centerline, the easterly line of said 16, 24.473, 3.011, 5.989 and 3.581 acre tracts, the westerly line of said 53.990 acre and 4.932 acre tracts, a distance of 1213.27 feet to a common corner of said 3.581 and 100.00 acre tracts and the common corner of Lots 28, 29, 36 and 37;

Thence South 03° 19' 37" West, continuing with the said centerline, the line common to said 100.00 acre and 4.932 acre tracts, a distance of 1694.21 feet to the POINT OF BEGINNING, containing 195.98 acres, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

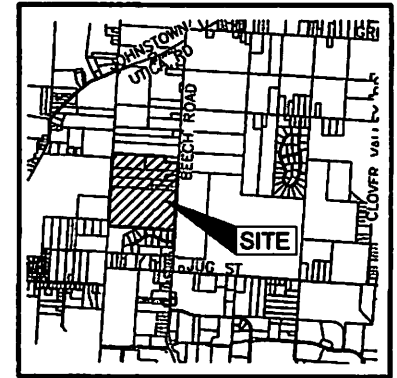
Joshua M. Kleemeyer 12/9/22
Joshua M. Kleemeyer
Professional Surveyor No. 8790

Exhibit B - O-15-2023

EXHIBIT "B"

ANNEXATION OF 195.98± ACRES

TO THE CITY OF NEW ALBANY FROM THE TOWNSHIP OF JERSEY
ALL OF LOT 36 & PART OF LOT 37, QUARTER TOWNSHIP 2, TOWNSHIP 2, RANGE 15
UNITED STATES MILITARY DISTRICT
TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO



LOCATION MAP AND BACKGROUND DRAWING
Not to Scale

Proposed Annexation
of 195.98 acres to the City of New Albany

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

Agent for Petitioners

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

Board of Licking County Commissioners

Petition Received _____ 20____
Petition Approved _____ 20____

Commissioner

Commissioner

Commissioner

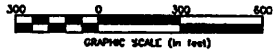
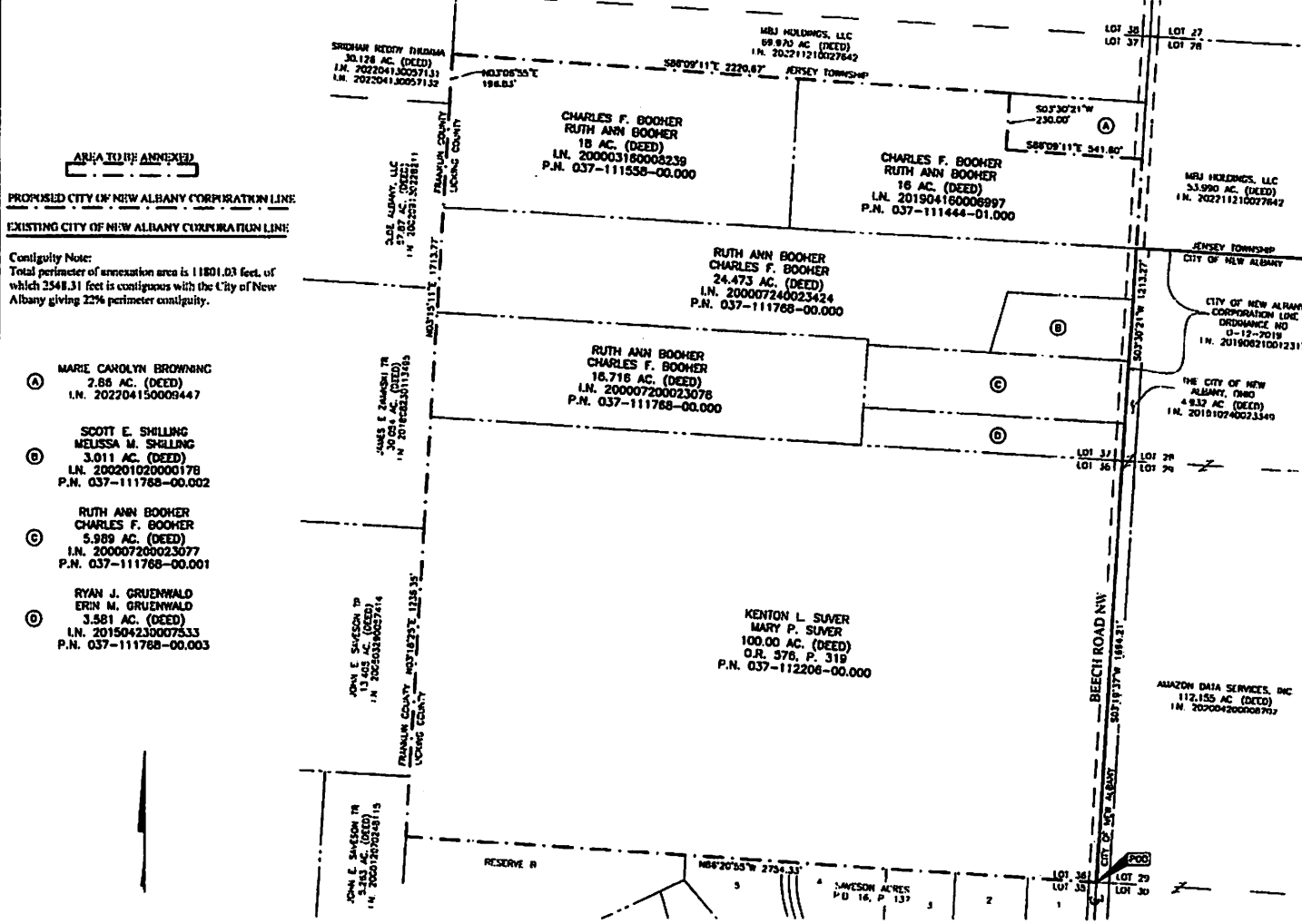
Transferred this _____ day of _____, 20____, upon the duplicates of this office.
Containing _____ recs.
Transfer Fee _____
Licking County Auditor

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

Plat Fee _____
Ordinance, etc. Fee _____
Licking County Recorder

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

Attest _____
Clerk, City of New Albany



By *Joshua M. Kleeseyer* 12/9/22
Joshua M. Kleeseyer
Professional Surveyor No. 8790
AJK@jmkcs.com

EMHT		Date: October 31, 2022
Fulton, Mechanicsville, Hillsdale & Elton, Inc. Engineers • Surveyors • Planners • Scientists 8300 New Albany Road, Columbus, OH 43204 Phone: 614.773.4333 Fax: 614.773.3444 emht.com		Scale: 1" = 300'
		Job No: 2022-0973
		Sheet: 1 of 1
REVISIONS		
MARK	DATE	DESCRIPTION
ADD	12/09/22	Amended Ownership from Freedom One, LLC to MBJ Holdings, LLC



ORDINANCE O-16-2023

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 195.98+/- ACRES OF LAND LOCATED ON THE WEST SIDE OF BEECH ROAD, FROM AGRICULTURAL (AG) TO LIMITED GENERAL EMPLOYMENT (L-GE) FOR AN AREA TO BE KNOWN AS "NORTHEAST BUSINESS PARK ZONING DISTRICT" AS REQUESTED BY MBJ HOLDINGS LLC, C/O AARON UNDERHILL

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

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

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

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

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

- A. A 195.98+/- acre site within Licking County, located on the west side of Beech Road, from its current zoning of Agricultural (AG) to Limited General Employment (L-GE).
- B. The zoning district's limitation 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 21 day of March, 2023.

Attest:



Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:	
Prepared:	02/23/2023
Introduced:	03/07/2023
Revised:	
Adopted:	03/21/2023
Effective:	04/20 2023

NORTHEAST BUSINESS PARK ZONING DISTRICT

LIMITATION (L-GE) TEXT

FEBRUARY 6, 2023

The Northeast Business Park Zoning District (hereinafter, the “Zoning District”) consists of 195.98+/- acres located to the west of and adjacent to Beech Road NW, generally to the north of Jug Street Road NW and to the south of Miller Road NW, and to the east of and adjacent to the Franklin County-Licking County boundary line. This rezoning serves to extend the same or similar zoning and development standards to property being annexed to the City as currently apply to much of the developed and undeveloped land in its general vicinity.

I. Zoning Designation: L-GE, Limited General Employment District

II. Permitted Uses: The permitted and conditional uses contained and described in the Codified Ordinances of the City of New Albany, GE, General Employment District, Sections 1153.02 and 1153.03, provided that conditional uses are approved in accordance with Chapter 1115, Conditional Uses. The following uses from these code sections shall be prohibited:

- A. Industrial product sales (See Section 1153.03(a)(1));
- B. Industrial service (See Section 1153.03(a)(2));
- C. Mini-warehouses (See Section 1153.03(a)(4)(c)). For purposes of clarification, this prohibition only applies to such facilities that are made available for rental to the general public;
- D. Personal service (See Section 1153.03(b)(2)) and retail product sales and service (See Section 1153.03(b)(3)), except that such uses shall be allowed as accessory uses to a permitted use in this Zoning District;
- E. Vehicle services (See Section 1153.03(b)(4));
- F. Radio/television broadcast facilities (See Section 1153.03(c)(1));
- G. Sexually-oriented businesses (See Section 1153.03(c)(3)); and
- H. Off-premises signs (See Section 1153.03(c)(2)).

III. Lot and Setback Commitments:

A. Lot Coverage: There shall be a maximum lot coverage in this Zoning District of 75%.

B. Setbacks:

- 1. Beech Road: There shall be a minimum pavement and building setback of 185 feet from the centerline of Beech Road.

2. Perimeter Boundaries: There shall be a minimum pavement and building setback of 25 feet from all perimeter boundaries for which another setback requirement is not provided in this text, except that the minimum pavement and building setback shall be 100 feet from any such perimeter boundary that is adjacent to property where residential uses are permitted.

3. Elimination of Setbacks: In the event that a parcel located within this Zoning District and an adjacent parcel located within or outside of this Zoning District (i) come under common ownership or control, (ii) are zoned to allow compatible non-residential uses, and (iii) are combined into a single parcel, then any minimum building, pavement, or landscaping setbacks set forth in this text as they apply to common property lines shall no longer apply with respect to these parcels. Section 1153.04(g) of the Codified Ordinances also shall apply to this Zoning District.

IV. Architectural Standards:

A. Building Height: The maximum building height for structures in this Zoning District shall be 65 feet, subject to Section 1165.03 of the Codified Ordinances.

B. Service and Loading Areas: Service areas and loading areas shall be screened in accordance with the Codified Ordinances.

C. Building Design:

1. Building designs shall not mix architectural elements or ornamentation from different styles.

2. Buildings shall be required to employ a comparable use of materials on all elevations.

3. The number, location, spacing, and shapes of windows and door openings shall be carefully considered. Primary entrances to buildings shall be made sufficiently prominent that they can be easily identified from a distance.

4. For office buildings and complexes, achieving a human or pedestrian scale is of less concern. When achieving such a scale is desired, it may be achieved by careful attention to width of facades, size and spacing of window and door openings, and floor to floor heights on exterior walls.

All elevations of a building that are visible from a public right-of-way shall receive similar treatment in terms of style, materials, and design so that such elevations are not of a lesser visual character than any other. 6. Use of elements such as shutters, cupolas, dormers, and roof balustrades

shall be avoided in building designs that are not based on traditional American architectural styles. Such elements may be employed only when they are common elements of a specific style, and this style shall be replicated in its entirety. When shutters are employed, even if they are non-operable, they must be sized and mounted in a way that gives the appearance of operability.

7. Elements such as meter boxes, utility conduits, roof and wall projections such as vent and exhaust pipes, basement window enclosures, and trash containers shall be designed, located, or screened so as to minimize their visibility and visual impact from off-site. Solar energy systems shall be excluded from the requirements of this section.

8. Accessory or ancillary buildings, whether attached or detached, shall be of similar design, materials and construction as the nearest primary structure. Fenestration themes that employ windows, panels and piers that are consistent with the architectural vocabulary of the building are encouraged. Accessory structures, generators, storage tanks, trash receptacles or any other similar improvement must be located behind a building façade that does not front on a public right-of-way.

D. Building Form:

1. All building elevations shall be designed to be compatible with each other and to reflect a consistent design approach.

2. Gable or hip roofs shall be avoided unless a building design replicates a traditional American architectural style that employs such roof forms. In non-stylistic contemporary designs, low or flat roofs may be employed. Roof visibility shall be minimized.

E. Materials:

1. Exterior building materials shall be appropriate for contemporary suburban designs and shall avoid overly reflective surfaces. Traditional materials such as, but not limited to, wood, stone, brick, and concrete shall be permitted, and contemporary materials such as, but not limited to, aluminum, metal, glass, stucco, or cementitious fiberboard (e.g., hardiplank or equivalent) shall be permitted on buildings not employing traditional styles. Architectural precast concrete panels and/or poured-in-place concrete tilt-up panels shall be permitted. The use of reflective or mirrored glass shall be prohibited.

2. Prefabricated metal buildings and untreated masonry block structures are prohibited. Notwithstanding the foregoing, ancillary structures built and operated for the purpose of enclosing equipment and which are not

occupied by tenants or persons on a regular basis may be constructed using pre-engineered metal.

3. Generally, the quantity of materials selected for a building shall be minimized.

4. Loading docks are not required to have the same degree of finish as a main entry unless they are visible from a public right-of-way.

5. Additional Standards for Uses Not Governed by DGRs: Buildings that are constructed to accommodate certain uses are not governed by the City's Design Guidelines and Requirements (DGRs). For example, buildings that are constructed for the operation of data centers, warehousing and/or distribution uses are not subject to the DGRs and can present challenges in meeting the community standard for architectural design. Such buildings are necessarily large and typically include long walls that together form a square or rectangular box. The goal for the development of buildings that are not subject to the DGRs is to balance the practical needs of these buildings with the desire to provide exterior designs that are attractive and complimentary to the architecture that will be found elsewhere in this Zoning District.

Architecture by its nature is a subjective medium, meaning that the adoption of strict objective standards in all instances may not provide the best means for achieving appropriate design. In recognition of this fact, the standards set forth herein provide guidelines and suggestions for designing buildings that are not subject to the DGRs in an effort to set expectations for the quality of architecture that will be expected for these structures. On the other hand, these standards are meant to allow for some flexibility to encourage innovative design provided that the spirit and intent of these provisions are met.

In conjunction with an application for a certificate of appropriateness for each building or structure in this Zoning District that is not subject to or governed by the DGRs, the applicant shall be required to submit to the City illustrations of the proposed exterior design of the building or structure for review and approval by the Design Review Committee contemplated in Section 1157.08(a)(1)(D) of the City Code. In designing such buildings, the user or applicant shall consider the following, which are intended to set a level of expectation for the quality of design:

a. Architectural design for all portions of a building or structure that are visible from a public right-of-way (excluding public rights-of-way whose primary purpose is to accommodate truck traffic or service loading areas) shall meet the community standard in terms of quality while considering the unique nature of the use(s) that will be found therein.

b. Uninterrupted blank wall facades shall be prohibited to the extent that they are visible from a public right-of-way. Design variations on long exterior walls shall be employed in order to create visual interest. Examples of such design variations include, but are not limited to, the use of offsets, recesses and/or projections, banding, windows, and/or reveals; scoring of building facades; color changes; texture or material changes; and variety in building height.

c. The use of one or more architectural or design elements may be used to soften the aesthetics of the building, such as but not limited to canopies, porticos, overhangs, arches, outdoor patios, community spaces, or similar devices.

d. Contemporary exterior designs, while not required, shall be encouraged in order to create architecture that does not look aged or dated even many years after the facility is built.

e. Landscaping and/or the use of existing vegetation shall be utilized where appropriate to enhance the aesthetics of the building and to lessen its visual impact when viewed from public rights-of-way.

6. Roof-Mounted Equipment: Complete screening of all roof-mounted equipment shall be required on all four sides of buildings with materials that are consistent and harmonious with the building's façade and character. Such screening shall be provided in order to screen the equipment from off-site view and to buffer sound generated by such equipment.

V. Access, Parking, Site Circulation, and Traffic Commitments:

A. Vehicular Access: The developer shall work with the City Manager or their designee to determine the need for appropriate timing and phasing of street improvements to serve this Zoning District. Subject to other provisions in this text, on public rights-of-way which exist on the date of this text the number, locations, and spacing of curbcuts shall be determined and approved by the City Manager or their designee in consultation with the developer at the time that a certificate of appropriateness is issued for a project in this Zoning District.

B. Parking and Loading: Parking and loading spaces shall be provided for each use per Chapter 1167 of the Codified Ordinances of the City of New Albany.

C. Rights-of-Way: The total right-of-way for Beech Road shall be 100 feet. The developer shall dedicate right-of-way for Beech Road to the City at a distance of 50 feet as measured from the existing centerline of Beech Road.

D. Private Roads: Any creation of private roads is subject to staff approval.

VI. Buffering, Landscaping, Open Space, and Screening: A landscaping plan shall be approved as part of the City's review of a certificate of appropriateness application for each portion of this Zoning District that is proposed for development. The following landscaping requirements shall apply to this Zoning District:

A. Tree Preservation: Standard tree preservation practices will be in place to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line.

B. Landscaping Required Adjacent to Residential Uses: For those perimeter boundaries which abut residentially zoned and used properties (if two contiguous properties have an intervening public street right-of-way between them, they shall still be considered to be abutting) that are not owned by the developer, then the required landscaping and/or mounding (or some combination thereof) within minimum required pavement setback areas shall be enhanced to provide an opacity of 75% on the date that is five (5) years after planting to a total height of 10 feet above ground level when viewed from off-site. Existing trees may be utilized to meet this opacity requirement.

C. Fencing: A standard New Albany white four-board horse fence may (but shall not be required to) be provided within the public right-of-way.

D. Stormwater Management: Wet and dry stormwater basins shall conform to the standards set forth in Section 1171.08 of the Codified Ordinances of the City of New Albany.

E. Street Trees: A street tree row shall be established along Beech Road and shall contain one (1) tree for every thirty (30) feet of road frontage. Trees may be grouped or regularly spaced. Street trees shall be located within the right-of-way. Minimum street tree size at installation shall be three (3) caliper inches. This requirement may be waived in areas where existing vegetation occurs or in areas subject to overhead electric transmission lines, subject to approval of the City Landscape Architect.

F. Parking Areas: Within this Zoning District, there shall be no less than one (1) tree planted for every ten (10) parking spaces located therein. At least five percent (5%) of the vehicular use area shall be landscaped or green space (or treed areas). Parking lots shall be designed to accommodate parking lot islands with tree(s) at the end of parking aisles.

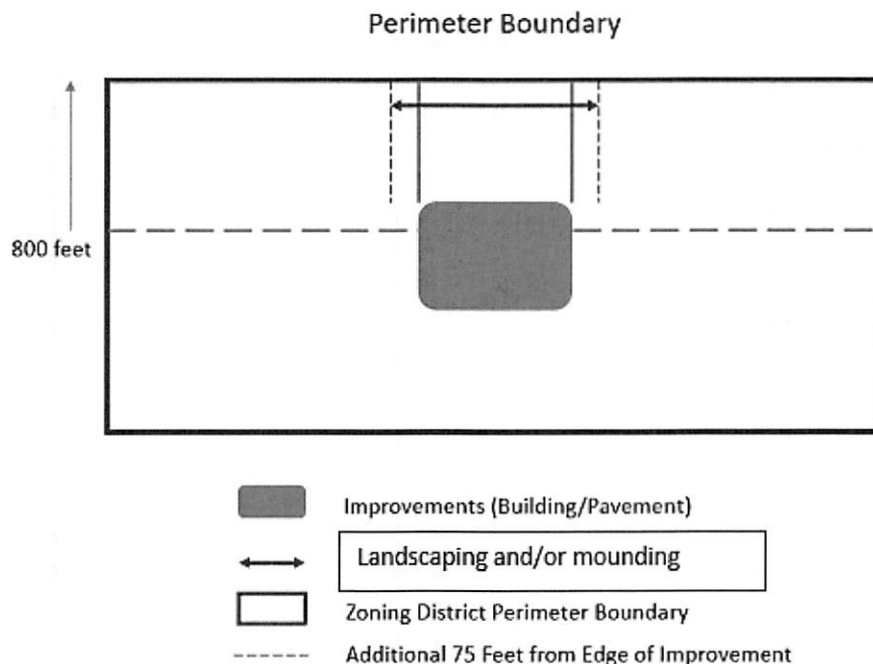
G. Pedestrian Circulation: An 8-foot-wide asphalt leisure trail is required to be installed along the Beach Street frontage of the site.

H. Minimum On-Site Tree Sizes: Unless otherwise set forth herein, minimum tree size at installation shall be no less than two and one half (2 ½) inches in caliper for shade trees, six (6) feet in height for evergreen trees, two (2) inches in caliper for

ornamental trees, and thirty (30) inches in height for shrubs. Caliper shall be measured six (6) inches above grade.

I. All street trees that are not installed prior to infrastructure acceptance shall be bonded to guarantee installation.

J. Phasing of Screening: In recognition of the significant amount of land area and the lengths of the perimeter boundaries contained within this Zoning District, for all portions of the Zoning District where there is required landscaping and/or mounding as contemplated in Section VI.B above, it may be installed in phases. For each phase of development in the Zoning District, such required landscaping and/or mounding shall be installed when it is anticipated (as provided in plans associated with relevant permits) that buildings, paved parking areas, or aboveground equipment or utility infrastructure, once constructed within that phase, will be located within 800 feet of the relevant perimeter boundary line. At a minimum for each phase, this landscaping and/or mounding shall be installed along the portion of the relevant perimeter boundary line of the Zoning District between two points which are determined by extending two straight lines from the perimeter boundary line of the Zoning District to the furthest distance on each side where planned improvements are to be constructed in that phase, and then adjusting those lines so that they are an additional distance of 150 apart. The following illustration is being provided as an example of this requirement:



K. Master Landscape Standards Plan: Unless a landscape and signage standards plan is developed for this specific area and approved by the Planning Commission, the City of New Albany Business Campus South – Beech Road South Landscape Standards

Master Plan which was previously created for the Beech Road corridor and approved by the Planning Commission on June 5, 2017 shall apply to the Beech Road frontage in this Zoning District. New landscaping and mounding installed within the pavement setback along Beech Road shall be coordinated and consistent throughout the length of the Zoning District's frontage and surrounding areas on that street.

L. Beech Road: Landscaping and mounding within the minimum required pavement setback along Beech Road shall be coordinated and consistent throughout this Zoning District and surrounding areas and shall be designed/maintained as contemplated in the District Framework & Landscape Design Standards for the Beech Road North District as adopted by the City.

VII. Lighting:

A. All parking lot and private driveway lighting shall be cut-off type fixtures and down cast. Parking lot lighting shall be from a controlled source in order to minimize light spilling beyond the boundaries of the site.

B. All parking lot light poles shall be black or New Albany green and constructed of metal. Light poles shall not exceed 30 feet in height.

C. Lighting details shall be included in the landscape plan which is subject to review and approval by the City Landscape Architect.

D. Landscape uplighting from a concealed source shall be subject to staff approval. All uplighting fixtures must be screened by landscaping. Lighting details shall be included in the landscape plan which is subject to review and approval by the City Landscape Architect.

E. No permanent colored lights or neon lights shall be used on the exterior of any building.

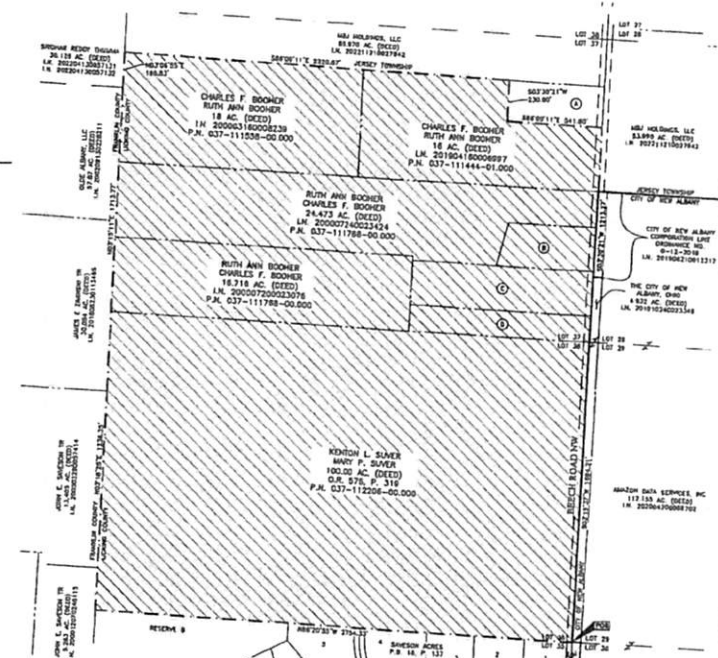
F. All other lighting on the site shall be in accordance with City Code. Street lighting must meet the City standards and specifications.

G. Solar Panels may be incorporate and installed as appropriate.

VIII. Signage: All signage shall conform to the standards set forth in the District Framework & Landscape Design Standards for the Beech Road North District as adopted by the City and Chapter 1169 of the Codified Ordinances of the City of New Albany.

IX. Utilities: All new utilities installed solely to serve this Zoning District shall be installed underground. High voltage distribution lines (i.e., 138kV and greater) to electrical substations shall be exempted from this requirement.

REZONING OF 195.98± ACRES



- ① MARI CAROLYN BROWNING
2.88 AC. (DEED)
I.N. 202204150009447
- ② SCOTT E. SHILLING
MELISSA M. SHILLING
3.911 AC. (DEED)
I.N. 2002011620000178
P.N. 037-111788-00.002
- ③ RUTH ANN BOOHER
CHARLES F. BOOHER
8.889 AC. (DEED)
I.N. 200007200023077
P.N. 037-111788-00.001
- ④ RONN J. GRIENWALD
ERIK M. GRIENWALD
3.581 AC. (DEED)
I.N. 20150430007533
P.N. 037-111788-00.003

The within map marked article "B" and make a part of the petition of annexation filed with the Board of Commissioners of Licking County, Ohio, on _____, 20____ under Chapter 709 of the Ohio Revised Code, is submitted as an assurance map of the territory as said petition described under the requirements of said Chapter 709 of the Ohio Revised Code.

Agree for Petitioners

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



By: *[Signature]* Date: 12/4/22
 Michael K. Klineberger
 Professional Surveyor No. 4790
 mklineberger@earthlink.net

EMHT		Date: December 31, 2022
Scale: 1" = 500'		
Project: 2022-00373		
Sheet: 1 of 1		
Revisions: 1 of 1		
NO. 1	DATE	DESCRIPTION



ORDINANCE O-24-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENTS FROM THE OWNER, JOSEPH W. FAGERSTROM, OF THE PROPERTY LOCATED AT 2721 MINK STREET IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Mink Street Project (the “Project”), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Mink Street and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibits, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-39-2022 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owner(s) have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easements from its owner, Joseph W. Fagerstrom, for the property located at 2721 Mink Street, for the public purpose of making, repairing, improving and constructing Mink Street and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described and depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel M14-WD).
- B. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 2 (Project Parcel M14-T1).
- C. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 2 (Project Parcel M14-T2).

Section 2. That Council hereby fixes the value of all the property and interests appropriated at One Hundred Fifty-nine Thousand Five Hundred Forty-seven Dollars (\$159,547.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owner of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owner of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owner to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent

of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. 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 Ohio Revised Code Section 121.22.

Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this 21 day of March, 2023.

Attest:




Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:	
Prepared:	02/24/2023
Introduced:	03/07/2023
Revised:	
Adopted:	03/21/2023
Effective:	03/21/2023

EXHIBIT A

**PARCEL M14-WD
1.527 ACRES**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lot 14 of the southerly division of the Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being part of that tract conveyed to Betty M. Fagerstrom by deeds of record in Deed Book 495, Page 295 and Deed Book 826, Page 989 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

BEGINNING at a magnetic nail set at the centerline intersection of Mink Street NW (County Road 41) (60 feet) and Jug Street Road NW (County Road 22) (60 feet), the northeasterly corner of said Fagerstrom tract, the southeasterly corner of that 2 acre tract conveyed to Jeff H. Peterman by deed of record in Official Record 357, Page 78, in the westerly line of that 4.016 acre tract conveyed to Branden Kern by deed of record in Instrument Number 201811200024727;

Thence South 22° 48' 23" West, with the centerline of said Mink Street NW, the easterly line of said Fagerstrom tract, the westerly line of said 4.016 acre tract, the westerly line of that 6 acre tract conveyed to Mojica Properties, LLC by deed of record in Instrument Number 201808100016539, and the westerly line of that 6 acre tract conveyed to Charles R. Salisbury by deed of record in Instrument Number 199808200031982, a distance of 691.92 feet to a magnetic nail set at the southeasterly corner of said Fagerstrom tract, the northeasterly corner of that 3.202 acre tract conveyed to The City Of New Albany, Ohio by deed of record in Instrument Number 202208250020865;

Thence North 86° 27' 03" West, with the line common to said Fagerstrom tract and said 3.202 acre tract, across said Mink Street NW, a distance of 74.15 feet to an iron pin set at an angle point in the westerly right-of-way line of said Mink Street, the northwesterly corner of said 3.202 acre tract and a northeasterly corner of that 93.790 acre tract conveyed to DBT-Data Jug & Mink LLC by deed of record in Instrument Number 202208250020881;

Thence crossing said Fagerstrom tract, the following courses and distances:

North 22° 48' 23" East, a distance of 584.07 feet to an iron pin set;

North 22° 14' 00" West, a distance of 37.42 feet to an iron pin set;

North 67° 11' 37" West, a distance of 27.48 feet to an iron pin set at a point of curvature;

With the arc of a curve to the left, having a central angle of 18° 47' 49", a radius of 464.50 feet, an arc length of 152.39 feet, a chord bearing of North 76° 35' 31" West and chord distance of 151.71 feet to an iron pin set at a point of tangency; and

North 85° 59' 26" West, a distance of 186.50 feet to an iron pin set in the line common to said Fagerstrom tract and that 93.790 acre tract conveyed to DBT-Data Jug & Mink LLC by

EXHIBIT A

**PARCEL M14-WD
1.527 ACRES**

-2-

deed of record in Instrument Number 202208250020881, the line common to said Lot 14 and Lot 2, Quarter Township 2 of said Range 15;

Thence North 03° 49' 56" East, with said common lines and across said Jug Street Road NW, a distance of 35.50 feet to a magnetic nail set in the centerline of said Jug Street NW at the northwesterly corner of said Fagerstrom tract, the northeasterly corner of said 93.790 acre tract, the southeasterly corner of that 2.7258 acre tract conveyed to Larry E. Thompson by deed of record in Instrument Number 202203080005919, the southwesterly corner of said 2 acre tract;

Thence South 85° 59' 26" East, with said centerline, the line common to said Fagerstrom tract and said 2 acre tract, a distance of 487.73 feet to the POINT OF BEGINNING, containing 1.527 acres, more or less, all of which is within Auditor's Parcel Number 037-111690-00.000, 0.466 acre is within the present road occupied by said Mink Street NW and 0.321 acre is within the present road occupied by said Jug Street Road NW.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street NW, having a bearing of South 22°48'23" West, is designated the "basis of bearings" for this survey.

This description is based on an actual field survey performed by or under the direct supervision of Joshua M. Meyer, Professional Surveyor Number 8485 in November and December, 2021, and April, 2022.



JMM:djf
M14-WD_1_527 ac 20220233-VS-BNDY.docx

EVANS, MECHWART, HAMBLETON & TILTON, INC.

A handwritten signature of Joshua M. Meyer in black ink.

Joshua M. Meyer
Professional Surveyor No. 8485

11-3-2022

Date

PRE-APPROVAL LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY: u17/aa	BS
DATE: 11/7/22	



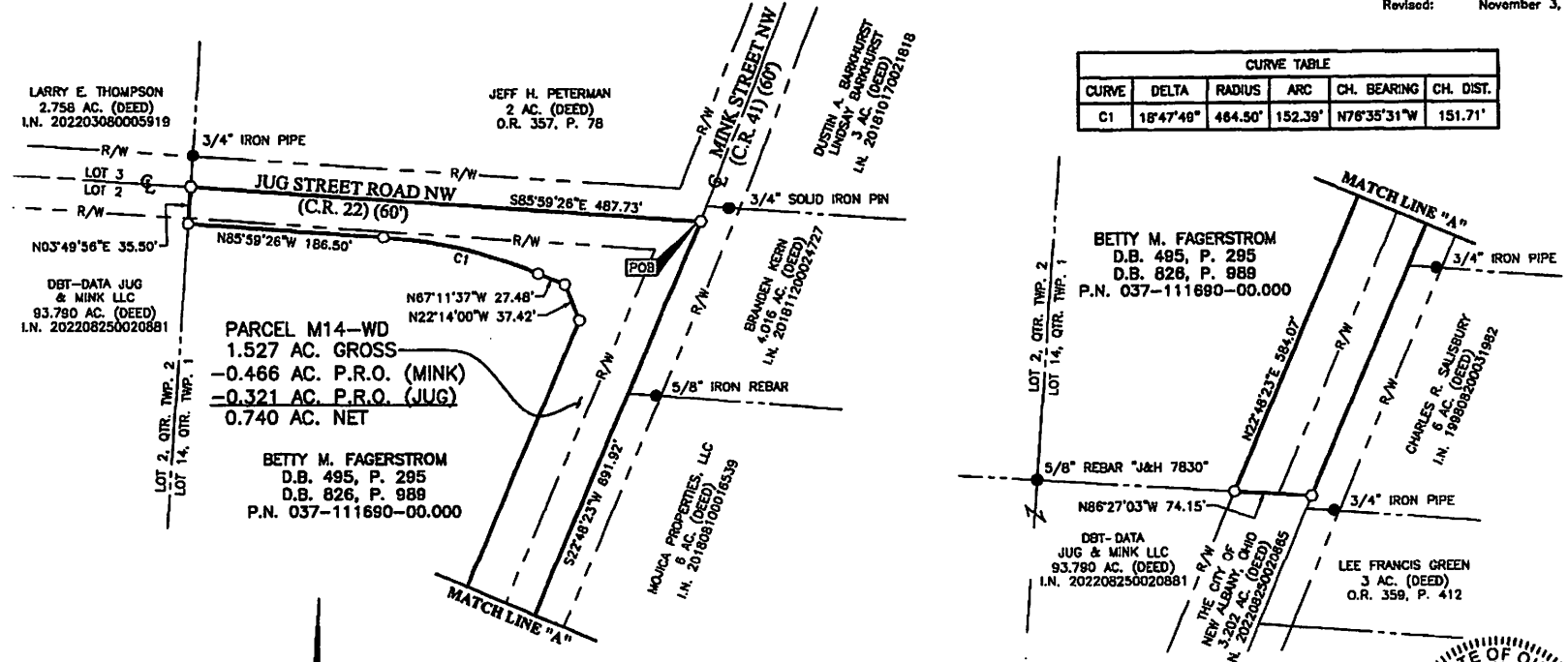
SURVEY OF ACREAGE PARCEL

**LOT 14, SOUTHERLY DIVISION OF THE MARSH SECTION,
QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15
UNITED STATES MILITARY DISTRICT
TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO**

Date: October 13, 2022
 Scale: 1" = 100'
 Job No: 2022-0233
 Sheet No: 1 of 1

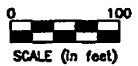
Revised: November 3, 2022

CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CH. BEARING	CH. DIST.
C1	18°47'48"	464.50'	152.39'	N76°35'31"W	151.71'



- Iron Pin Set
- Iron Pin Found
- Stone Found
- P.K. Nail Found
- Monument Found
- Magnetic Nail Set
- Magnetic Nail Found
- ▲ Railroad Spike Found

LP. Set are 13/16" I.D. iron pipes
30" long with cap inscribed EMHT INC.

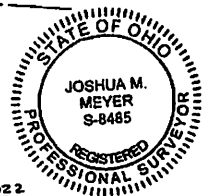


BASIS OF BEARINGS:
 The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street NW, having a bearing of South 22°48'23" West, is designated the "basis of bearings" for this survey.

SURVEY NOTE:
 This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey in November and December, 2021 and April, 2022.

By Joshua M. Meyer
 Joshua M. Meyer
 Professional Surveyor No. 8485
 jmeyer@emht.com

11-3-2022
 Date



Ordinance O-24-2023 EXHIBIT 1

20220233\Projects\2022\11-03-2022\11-03-2022\11-03-2022.dwg plotted by 10/20/2022, 10:00 AM on 11/4/2022 8:59:31 AM last saved by 10/20/2022 on 11/4/2022 8:59:25 AM

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL M14-T1, T2

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 037-111690-00.000

Prior Instrument Reference: Deed Book 495, Page 295 and Deed Book 826, Page 989, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Mink Street, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL M14-T1
0.045 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lot 14 of the southerly division of the Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being on, over and across that tract conveyed to Betty M. Fagerstrom by deeds of record in Deed Book 495, Page 295 and Deed Book 826, Page 989 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Mink Street NW (County Road 41) (60 feet) at the southeasterly corner of said Fagerstrom tract, the northeasterly corner of that 3.202 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202208250020865;

Thence North 86° 27' 03" West, across said Mink Street NW and with the line common to said Fagerstrom and 3.202 acre tracts, a distance of 74.15 feet to an angle point in the westerly right-of-way line of said Mink Street NW, the northwesterly corner of said 3.202 acre tract and a northeasterly corner of that 93.790 acre tract conveyed to DBT-Data Jug & Mink LLC by deed of record in Instrument Number 202208250020881, the TRUE POINT OF BEGINNING;

Thence North 86° 27' 03" West, with the line common to said Fagerstrom and 93.790 acre tracts, a distance of 6.36 feet to a point;

Thence across said Fagerstrom tract, the following courses and distances:

North 22° 48' 23" East, a distance of 327.93 feet to a point;

South 67° 11' 37" East, a distance of 6.00 feet to a point; and

South 22° 48' 23" West, a distance of 325.84 feet to the TRUE POINT OF BEGINNING, containing 0.045 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk

3 Nov 22

Matthew A. Kirk
Professional Surveyor No. 7865

Date

MAK:djf
M14-T1_0_045 ec 20220233-VS-ESMT-TEMP.docx



EXHIBIT A

**PARCEL M14-T2
0.115 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lot 14 of the southerly division of the Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being on, over and across that tract conveyed to Betty M. Fagerstrom by deeds of record in Deed Book 495, Page 295 and Deed Book 826, Page 989 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Jug Street Road NW (County Road 22) (60 feet) at the northwesterly corner of said Fagerstrom tract, the northeasterly corner of that 93.790 acre tract conveyed to DBT-Data Jug & Mink LLC by deed of record in Instrument Number 202208250020881;

Thence South 03° 49' 56" West, across said Jug Street Road NW and with the line common to said Fagerstrom and 93.790 acre tracts, a distance of 35.50 feet to a point, the TRUE POINT OF BEGINNING;

Thence across said Fagerstrom tract, the following courses and distances:

South 85° 59' 26" East, a distance of 186.50 feet to a point of curvature;

With the arc of a curve to the right, having a central angle of 18° 47' 49", a radius of 464.50 feet, an arc length of 152.39 feet, a chord bearing of South 76° 35' 31" East and chord distance of 151.71 feet to a point of tangency;

South 67° 11' 37" East, a distance of 27.48 feet to a point;

South 22° 14' 00" East, a distance of 37.42 feet to a point;

South 22° 48' 23" West, a distance of 108.24 feet to a point;

North 67° 11' 37" West, a distance of 3.00 feet to a point;

North 22° 48' 23" East, a distance of 44.45 feet to a point;

North 24° 44' 20" West, a distance of 35.16 feet to a point;

North 58° 13' 40" East, a distance of 32.69 feet to a point;

North 22° 48' 23" East, a distance of 6.85 feet to a point of curvature;

With the arc of a curve to the left, having a central angle of 90° 00' 00", a radius of 23.00 feet, an arc length of 36.13 feet, a chord bearing of North 22° 11' 37" West and chord distance of 32.53 feet to a point of tangency;

EXHIBIT A

**PARCEL M14-T2
0.115 ACRE**

-2-

North 67° 11' 37" West, a distance of 20.95 feet to a point of curvature;

With the arc of a curve to the left, having a central angle of 18° 47' 49", a radius of 454.50 feet, an arc length of 149.11 feet, a chord bearing of North 76° 35' 31" West and chord distance of 148.44 feet to a point of tangency; and

North 85° 59' 26" West, a distance of 186.47 feet to a point in said common line;

Thence North 03° 49' 56" East, with said common line, a distance of 10.00 feet to the TRUE POINT OF BEGINNING, containing 0.115 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

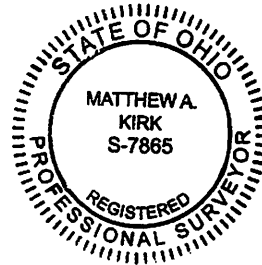
Matthew A Kirk

3 NOV 22

Matthew A. Kirk
Professional Surveyor No. 7865

Date

MAK:djf
M14-T2_0_115 ac 20220233-VS-ESMT-TEMP.docx





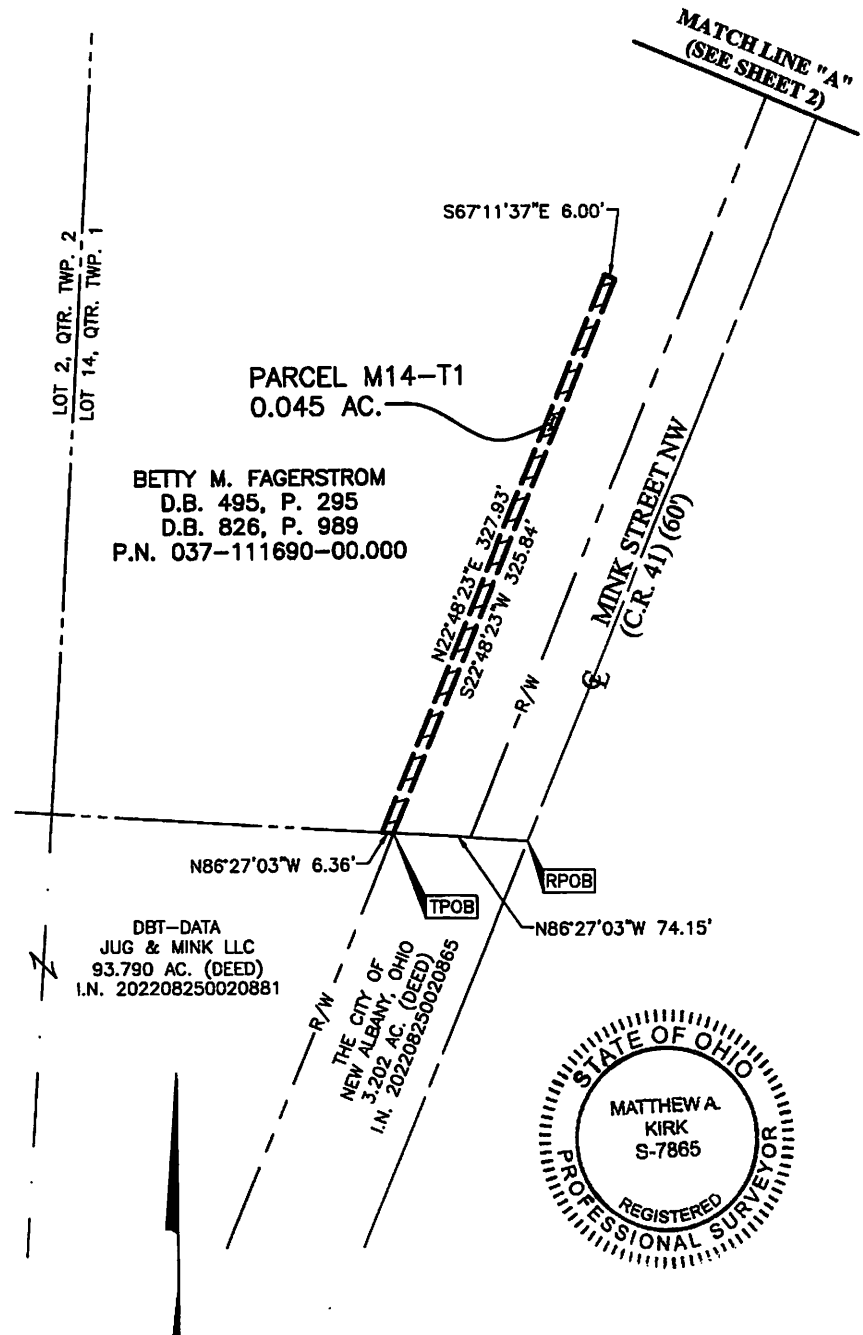
Evans, Meacham, Henshaw & Tibbo, Inc.
 Engineers - Surveyors - Planners - Scientists
 3800 New Albany Road, Columbus, OH 43224
 Phone: 614.775.4500 Fax: 614.775.4545
 emht.com

TEMPORARY EASEMENTS
 LOT 14, SOUTHERLY DIVISION OF THE MARSH SECTION,
 QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: October 3, 2022 Scale: 1" = 80' Job No: 2022-0233 Sheet No: 1 of 2

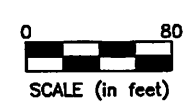
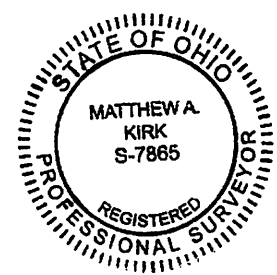
Revised: November 3, 2022

J:\2022\23\DWG\048\RETS\CASEMENTS\M14-T_20220233-VS-EMT-TEMP.DWG plotted by FEROLSON, DAVID on 11/27/2022 1:45:43 PM last saved by FEROLSON on 11/27/2022 1:43:40 PM



DBT-DATA
 JUG & MINK LLC
 93.790 AC. (DEED)
 I.N. 202208250020881

R/W
 THE CITY OF
 NEW ALBANY, OHIO
 3.202 AC. (DEED)
 I.N. 202208250020865



By Matthew A. Kirk Date 3 Nov 22
 Matthew A. Kirk
 Professional Surveyor No. 7865
 mkirk@emht.com



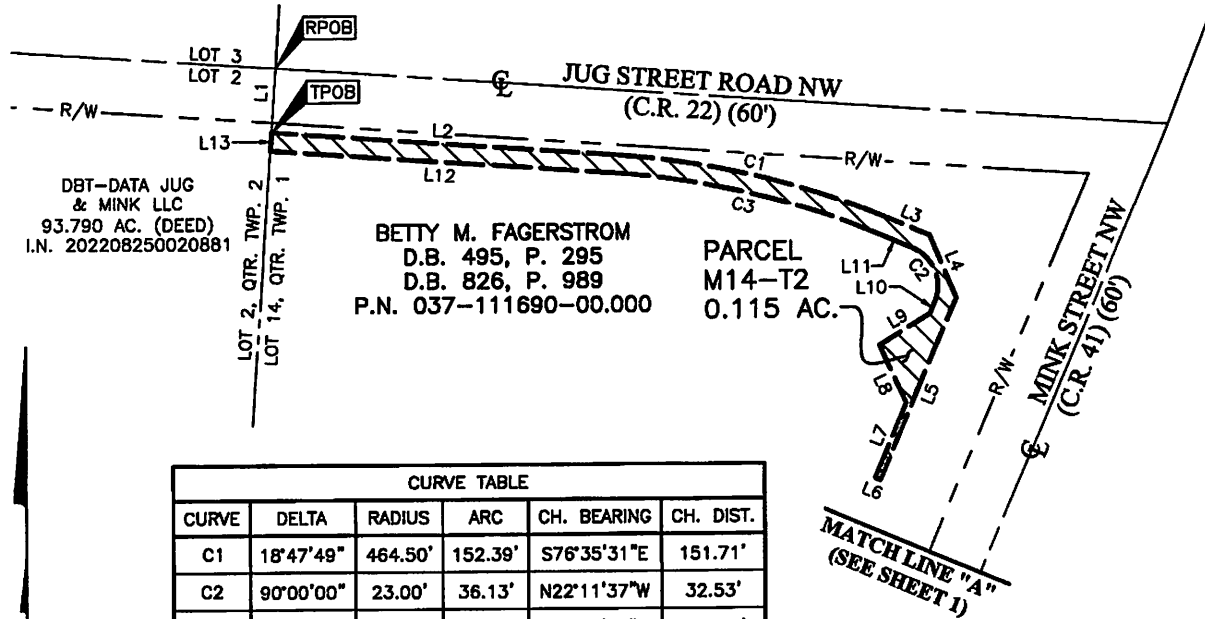
Evans, Machwar, Hambleton & Tilton, Inc.
 Engineers - Surveyors - Planners - Scientists
 5500 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4500 Toll Free: 888.775.3648
 emht.com

TEMPORARY EASEMENTS

LOT 14, SOUTHERLY DIVISION OF THE MARSH SECTION,
 QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: October 3, 2022
 Scale: 1" = 80'
 Job No: 2022-0233
 Sheet No: 2 of 2

Revised: November 3, 2022



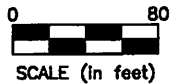
DBT-DATA JUG
 & MINK LLC
 93.790 AC. (DEED)
 I.N. 202208250020881

BETTY M. FAGERSTROM
 D.B. 495, P. 295
 D.B. 826, P. 989
 P.N. 037-111690-00.000

PARCEL
 M14-T2
 0.115 AC.

CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CH. BEARING	CH. DIST.
C1	18°47'49"	464.50'	152.39'	S76°35'31"E	151.71'
C2	90°00'00"	23.00'	36.13'	N22°11'37"W	32.53'
C3	18°47'49"	454.50'	149.11'	N76°35'31"W	148.44'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S03°49'56"W	35.50'
L2	S85°59'26"E	186.50'
L3	S67°11'37"E	27.48'
L4	S22°14'00"E	37.42'
L5	S22°48'23"W	108.24'
L6	N67°11'37"W	3.00'
L7	N22°48'23"E	44.45'
L8	N24°44'20"W	35.16'
L9	N58°13'40"E	32.69'
L10	N22°48'23"E	6.85'
L11	N67°11'37"W	20.95'
L12	N85°59'26"W	186.47'
L13	N03°49'56"E	10.00'



Ordinance O-24-2023 EXHIBIT 2

J:\2022\2023\DWG\04SHEETS\EASEMENTS\M14-T2_20220233-VS-ESMT-TEMP.DWG plotted by FERUGSON, DAVID on 11/3/2022 7:09:23 AM last saved by DFERUGSON on 11/3/2022 7:09:06 AM



ORDINANCE O-25-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNERS, PAUL ALLEN GABRENYA AND CARA RAE GABRENYA, OF THE PROPERTY LOCATED AT 2813 MINK STREET IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Mink Street Project (the “Project”), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Mink Street and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibits, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-39-2022 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owner(s) have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easement from its owners, Paul Allen Gabrenya and Cara Rae Gabrenya, for the property located at 2813 Mink Street, for the public purpose of making, repairing, improving and constructing Mink Street and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described and depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel M16-WD).
- B. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 2 (Project Parcel M16-T).

Section 2. That Council hereby fixes the value of all the property and interests appropriated at Twenty-Seven Thousand Nine Hundred Sixty-two Dollars (\$27,962.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owners of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owners of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owners to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. 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 Ohio Revised Code Section 121.22.

Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

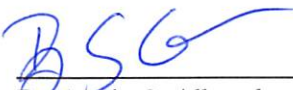
CERTIFIED AS ADOPTED this 21 day of March, 2023.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:


Benjamin S. Albrecht
Law Director

Legislation dates:	
Prepared:	02/24/2023
Introduced:	03/07/2023
Revised:	
Adopted:	03/21/2023
Effective:	03/21/2023

EXHIBIT A

**PARCEL M16-WD
0.332 ACRE**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lot 14 of the southerly division of the Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being part of that 3.597 acre tract conveyed to Paul Allen Gabrenya and Cara Rae Gabrenya by deed of record in Instrument Number 201906180011973 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a magnetic nail set at the centerline intersection of Mink Street NW (County Road 41) (60 feet) and Jug Street Road NW (County Road 22) (60 feet);

Thence North 21° 06' 23" East, with said Mink Street centerline, a distance of 175.91 feet to a magnetic nail set at the southeasterly corner of said 3.597 acre tract, the northeasterly corner of that 2 acre tract conveyed to Jeff H. Peterman by deed of record in Official Record 357, Page 78, in the westerly line of that 6.326 acre tract conveyed to Harry N. Green by deeds of record in Instrument Numbers 201512080026386 and 201905200009717, the TRUE POINT OF BEGINNING;

Thence North 86° 04' 58" West, with the line common to said 3.597 and 2 acre tracts, (passing a 5/8 inch rebar found at a distance of 31.30 feet) a total distance of 71.51 feet to an iron pin set on the arc of a curve;

Thence across said 3.597 acre tract, the following courses and distances:

With the arc of a curve to the right, having a central angle of 05° 40' 38", a radius of 1062.00 feet, an arc length of 105.23 feet, a chord bearing of North 27° 10' 29" East and chord distance of 105.19 feet to an iron pin set at a point of tangency;

North 30° 00' 48" East, a distance of 100.72 feet to an iron pin set at a point of curvature;
and

With the arc of a curve to the left, having a central angle of 06° 02' 22", a radius of 962.00 feet, an arc length of 101.40 feet, a chord bearing of North 26° 59' 37" East and chord distance of 101.35 feet to an iron pin set in the line common to said 3.597 acre tract and that 5.042 acre tract conveyed to Gregory P. Dingess by deed of record in Instrument Number 200808270019387;

Thence South 73° 40' 37" East, with said common line (passing a 5/8 inch rebar capped "S.A. England" found at a distance of 0.31 feet), a total distance of 31.31 feet to a magnetic nail set in said Mink Street centerline at the easterly common corner of said 3.597 and 5.042 acre tracts, in the westerly line of said 6.326 acre tract;

Thence South 21° 06' 23" West, with said centerline, the line common to said 3.597 and 6.326 acre tracts, a distance of 286.40 feet to the TRUE POINT OF BEGINNING, containing 0.332 acre, more or less, all of which is within Auditor's Parcel Number 037-112584-00.000 and 0.200 acre is located within the present roadway occupied.

EXHIBIT A

**PARCEL M16-WD
0.332 ACRE**

-2-

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street, having a bearing of North 21°06'23" East, is designated the "basis of bearings" for this survey.

This description is based on an actual field survey performed by or under the direct supervision of Joshua M. Meyer, Professional Surveyor Number 8485 in November and December, 2021 and April, 2022.



JMM:djf
M16-WD_0_332_62_20220713-VS-BNDY.docx

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Joshua M. Meyer
Professional Surveyor No. 8485

10-12-2022

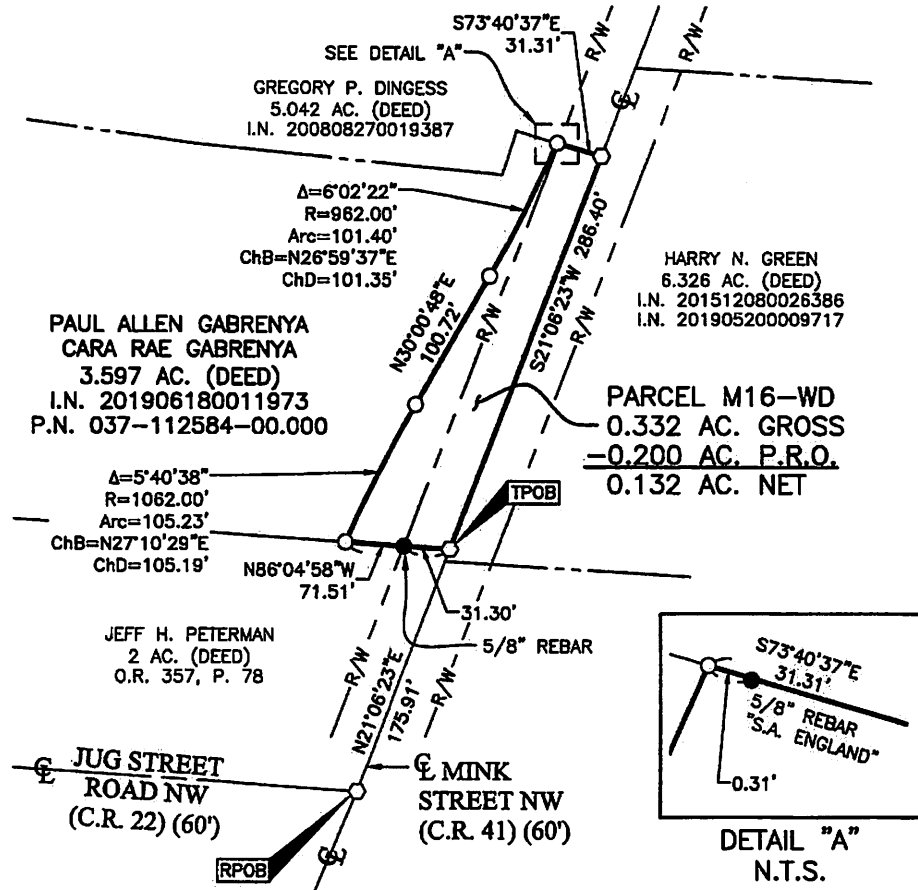
Date

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY:	BS
DATE:	10/17/22



SURVEY OF ACREAGE PARCEL
LOT 14, SOUTHERLY DIVISION OF THE MARSH SECTION,
QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15
UNITED STATES MILITARY DISTRICT
TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: October 5, 2022 Scale: 1" = 100' Job No: 2022-0233 Sheet No: 1 of 1



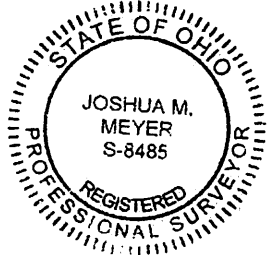
BASIS OF BEARINGS:
 The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street, having a bearing of North 21°06'23" East, is designated the "basis of bearings" for this survey.

SURVEY NOTE:
 This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey in November and December, 2021 and April, 2022.

0 100

 SCALE (in feet)

● = I.P. FND.
 ○ = I.P. SET
 ○ = MAG. NAIL SET
 I.P. Set are 13/16" I.D.
 iron pipes, 30" long with
 cap inscribed EMHT INC.



By 10-5-2022
 Joshua M. Meyer Date
 Professional Surveyor No. 8485
 jmeyer@emht.com

20220233.DWG SHEETS DOCUMENT M16-WD_20220233-05-0001.DWG plotted by FERROUSON, DAVID on 10/9/2022 8:43:57 AM text saved by FERROUSON on 10/9/2022 8:43:51 AM

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL M16-T

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 037-112584-00.000

Prior Instrument Reference: Instrument Number 201906180011973, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Mink Street, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL M16-T
0.039 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lot 14 of the southerly division of the Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being on, over and across that 3.597 acre tract conveyed to Paul Allen Gabrenya and Cara Rae Gabrenya by deed of record in Instrument Number 201906180011973 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at the southeasterly corner of said 3.597 acre tract, the northeasterly corner of that 2 acre tract conveyed to Jeff H. Peterman by deed of record in Official Record 357, Page 78, in the centerline of Mink Street NW (County Road 41) (60 feet);

Thence North 86° 04' 58" West, with the line common to said 3.597 and 2 acre tracts, a distance of 71.51 feet to the TRUE POINT OF BEGINNING;

Thence North 86° 04' 58" West, with said common line, a distance of 5.33 feet to a point on the arc of a curve;

Thence across said 3.597 acre tract, the following courses and distances:

With the arc of a curve to the right, having a central angle of 05° 46' 38", a radius of 1067.00 feet, an arc length of 107.59 feet, a chord bearing of North 27° 07' 29" East and chord distance of 107.54 feet to a point of tangency;

North 30° 00' 48" East, a distance of 45.92 feet to a point;

North 59° 59' 12" West, a distance of 12.00 feet to a point;

North 30° 00' 48" East, a distance of 24.00 feet to a point;

South 59° 59' 12" East, a distance of 13.00 feet to a point;

North 30° 00' 48" East, a distance of 30.80 feet to a point of curvature; and

With the arc of a curve to the left, having a central angle of 06° 00' 26", a radius of 958.00 feet, an arc length of 100.44 feet, a chord bearing of North 27° 00' 35" East and chord distance of 100.40 feet to a point in a northerly line of said 3.597 acre tract and in a southerly line of that 5.042 acre tract conveyed to Gregory P. Dingess by deed of record in Instrument Number 200808270019387;

Thence South 73° 40' 37" East, with the line common to said 3.597 and 5.042 acre tracts, a distance of 4.04 feet to a point on the arc of a curve;

Thence across said 3.597 acre tract, the following courses and distances:

EXHIBIT A

**PARCEL M16-T
0.039 ACRE**

-2-

With the arc of a curve to the right, having a central angle of $06^{\circ} 02' 22''$, a radius of 962.00 feet, an arc length of 101.40 feet, a chord bearing of South $26^{\circ} 59' 37''$ West and chord distance of 101.35 feet to a point of tangency;

South $30^{\circ} 00' 48''$ West, a distance of 100.72 feet to a point of curvature; and

With the arc of a curve to the left, having a central angle of $05^{\circ} 40' 38''$, a radius of 1062.00 feet, an arc length of 105.23 feet, a chord bearing of South $27^{\circ} 10' 29''$ West and chord distance of 105.19 feet to the TRUE POINT OF BEGINNING, containing 0.039 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk

5 OCT 22

Matthew A. Kirk
Professional Surveyor No. 7865

Date

MAK:djf
M16-T_0_039 ac 20220233-VS-ESMT-TEMP.docx

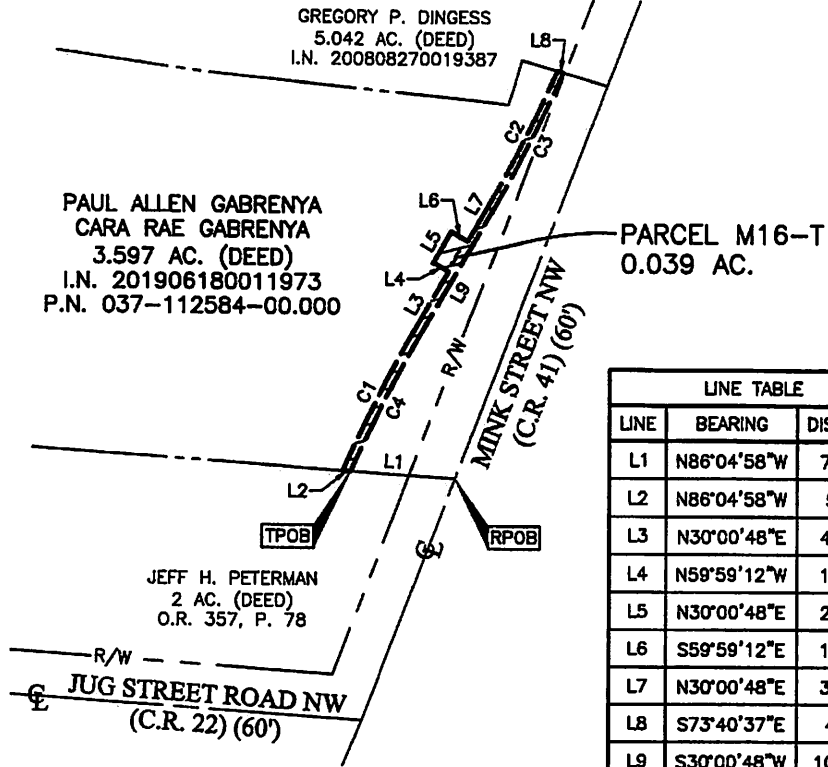




Evans, Mochwort, Hambleton & Thon, Inc.
 Engineers - Surveyors - Planners - Architects
 5400 New Albany Road, Columbus, OH 43254
 Phone: 614.773.4500 Fax: 614.773.4548
 www.emht.com

TEMPORARY EASEMENT
LOT 14, SOUTHERLY DIVISION OF THE MARSH SECTION,
QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15
UNITED STATES MILITARY DISTRICT
TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

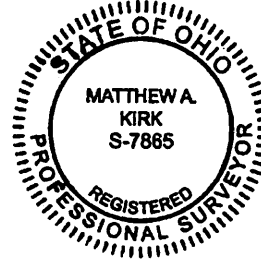
Date: October 5, 2022 Scale: 1" = 100' Job No: 2022-0233 Sheet No: 1 of 1



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N86°04'58"W	71.51'
L2	N86°04'58"W	5.33'
L3	N30°00'48"E	45.92'
L4	N59°59'12"W	12.00'
L5	N30°00'48"E	24.00'
L6	S59°59'12"E	13.00'
L7	N30°00'48"E	30.80'
L8	S73°40'37"E	4.04'
L9	S30°00'48"W	100.72'

CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CH. BEARING	CH. DIST.
C1	5°46'38"	1067.00'	107.59'	N27°07'29"E	107.54'
C2	6°00'26"	958.00'	100.44'	N27°00'35"E	100.40'
C3	6°02'22"	982.00'	101.40'	S26°59'37"W	101.35'
C4	5°40'38"	1062.00'	105.23'	S27°10'29"W	105.19'

A:\2022\0233\Draw\0233EMHT\16-T_20220233-16-EMHT.DWG plotted by PERISSONAKI, DAND on 10/07/2022 3:06:51 PM last saved by DPERISSONAKI on 10/07/2022 3:06:49 PM



By Matthew A. Kirk
 Matthew A. Kirk
 Professional Surveyor No. 7865
 mkirk@emht.com

Sept 22
 Date



ORDINANCE O-26-2023

AN ORDINANCE TO APPROPRIATE PROPERTY FROM THE OWNER, GREGORY P. DINGESS, OF THE PROPERTY LOCATED AT 2855 MINK STREET IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Mink Street Project (the "Project"), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Mink Street and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibit, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-39-2022 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owner(s) have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property from its owner, Gregory P. Dingess, for the property located at 2855 Mink Street, for the public purpose of making, repairing, improving and constructing Mink Street and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described and depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel M17-WD).

Section 2. That Council hereby fixes the value of all the property and interests appropriated at Three Hundred Dollars (\$300.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owner of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owner of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owner to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. 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 Ohio Revised Code Section 121.22.


Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this 21 day of March, 2023.

Attest:



Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:	
Prepared:	02/24/2023
Introduced:	03/07/2023
Revised:	
Adopted:	03/21/2023
Effective:	03/21/2023

EXHIBIT A

**PARCEL M17-WD
0.154 ACRE**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lot 14 of the southerly division of the Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being part of that 5.042 acre tract conveyed to Gregory P. Dingess by deed of record in Instrument Number 200808270019387 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a magnetic nail set at the centerline intersection of Mink Street NW (County Road 41) (60 feet) and Jug Street Road NW (County Road 22) (60 feet);

Thence North 21° 06' 23" East, with said Mink Street centerline, a distance of 462.31 feet to a magnetic nail set at a southeasterly corner of said 5.042 acre tract, a northeasterly corner of that 3.597 acre tract conveyed to Paul Allen Gabrenya and Cara Rae Gabrenya by deed of record in Instrument Number 201906180011973, in the westerly line of that 6.326 acre tract conveyed to Harry N. Green by deeds of record in Instrument Numbers 201512080026386 and 201905200009717, the TRUE POINT OF BEGINNING;

Thence North 73° 40' 37" West, with the line common to said 5.042 and 3.597 acre tracts, a distance of 30.10 feet to an iron pin set in the existing westerly right-of-way line of said Mink Street NW;

Thence with said right-of-way line, across said 5.042 acre tract, the following courses and distances:

North 21° 06' 23" East, a distance of 66.86 feet to an iron pin set; and

North 20° 54' 35" East, a distance of 154.97 feet to an iron pin set in the line common to said 5.042 acre tract and that 1.162 acre tract conveyed to Gregory Patrick Dingess and Ernestine Dingess by deed of record in Instrument Number 200712070031301;

Thence South 82° 03' 48" East, with a line common to said 5.042 and 1.162 acre tracts (passing a 5/8 inch rebar found at a distance of 5.05 feet), a total distance of 30.79 feet to a magnetic nail set in said centerline at a common corner of said 5.042 and 1.162 acre tracts, in the westerly line of that 6 acre tract conveyed to Nickolas J. Cotton and Dara M. Myser by deed of record in Instrument Number 202008060019783;

Thence South 20° 54' 35" West, continuing with said centerline, the line common to said 5.042 and 6 acre tracts, a distance of 161.93 feet to a magnetic nail set at the westerly common corner of said 6 and 6.326 acre tracts;

Thence South 21° 06' 23" West, continuing with said centerline, the line common to said 5.042 and 6 acre tracts, a distance of 64.40 feet to the TRUE POINT OF BEGINNING, containing 0.154 acre, more or less, all of which is within Auditor's Parcel Number 037-111600-00.001 and within the present roadway occupied.

EXHIBIT A

**PARCEL M17-WD
0.154 ACRE**

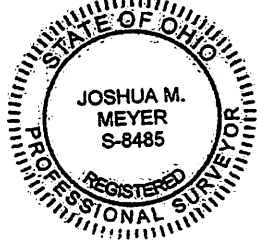
-2-

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street, having a bearing of North 21°06'23" East, is designated the "basis of bearings" for this survey.

This description is based on an actual field survey performed by or under the direct supervision of Joshua M. Meyer, Professional Surveyor Number 8485 in November and December, 2021, and April, 2022.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

11-15-2022

Joshua M. Meyer
Professional Surveyor No. 8485

Date

JMM:djf
M17-WD_0_154 ac 20220233-VS-BNDY.docx

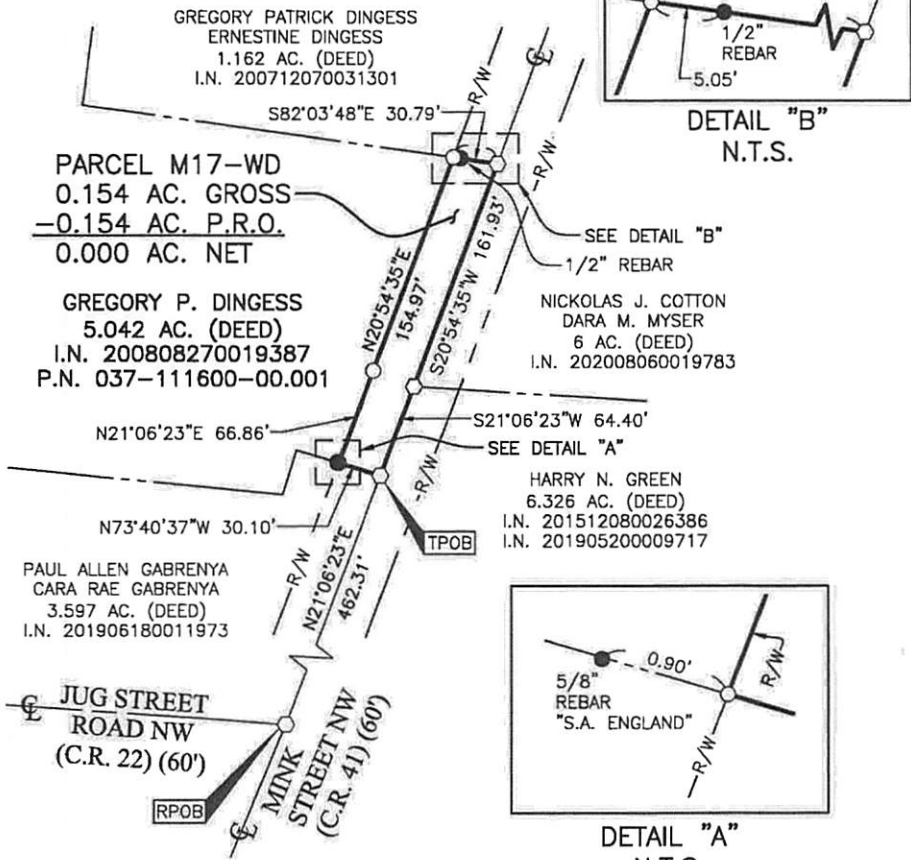
PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY:	<i>PM</i>
DATE:	11/16/22



Evans, Mechwart, Hamblen & Tilton, Inc.
 Engineers - Surveyors - Planners - Scientists
 3520 New Albany Road, Columbus, OH 43254
 Phone: 614.775.0250 Fax: 614.775.2448
 emht.com

SURVEY OF ACREAGE PARCEL
LOT 14, SOUTHERLY DIVISION OF THE MARSH SECTION
QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15
UNITED STATES MILITARY DISTRICT
TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: November 15, 2022 Scale: 1" = 100' Job No: 2022-0233 Sheet No: 1 of 1

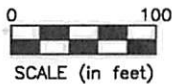


BASIS OF BEARINGS:

The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street, having a bearing of North 21°06'23" East, is designated the "basis of bearings" for this survey.

SURVEY NOTE:

This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey in November and December, 2021 and April, 2022.



- = I.P. FND.
 - = I.P. SET
 - = MAG. NAIL SET
- I.P. Set are 13/16" I.D.
 iron pipes, 30" long with
 cap inscribed EMHT INC.



By Joshua M. Meyer 11-15-2022
 Joshua M. Meyer Date
 Professional Surveyor No. 8485
 jmeyer@emht.com

J:\20220233\DWG\45HEETS\BOUNDARY\M17-WD_20220233-VS-BND7.DWG plotted by FERROUSON, DAVID on 11/15/2022 1:15:34 PM last saved by FERROUSON on 11/15/2022 1:15:32 PM



ORDINANCE O-27-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNER, GREGORY P. DINGESS, OF THE PROPERTY LOCATED AT 2877 MINK STREET IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Mink Street Project (the “Project”), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Mink Street and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibits, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-39-2022 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owner(s) have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easement from its owner, Gregory P. Dingess, for the property located at 2877 Mink Street, for the public purpose of making, repairing, improving and constructing Mink Street and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described and depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel M18-WD).
- B. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 2 (Project Parcel M18-T).

Section 2. That Council hereby fixes the value of all the property and interests appropriated at One Thousand Three Hundred Fifty-one Dollars (\$1,351.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owner of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owner of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owner to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. 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 Ohio Revised Code Section 121.22.


Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this 21 day of March, 2023.

Attest:




Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:	
Prepared:	02/24/2023
Introduced:	03/07/2023
Revised:	
Adopted:	03/21/2023
Effective:	03/21/2023

EXHIBIT A

**PARCEL M18-WD
0.123 ACRE**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, located in Lot 14 of the South Division of the Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being out of that 1.162 acre tract conveyed to Gregory Patrick Dingess and Ernestine Dingess by deed of record in Instrument Number 200712070031301 (all references refer to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a magnetic nail set marking the centerline intersection of Mink Street NW (County Road 41)(60 feet) and Jug Street Road NW (County Road 22) (60 feet) in the line common to said Lot 14 and Lot 15 of the Middle Division of the Marsh Section, at a common corner of that 5.102 acre tract conveyed to Carl H. Culberson and Denise M. Culberson by deed of record in Official Record 450, Page 420, that 4.999 acre tract conveyed to Carl H. Culberson and Denise M. Culberson by deed of record in Instrument Number 200805160011477, that 2.199 acre tract conveyed to Gregory P. Dingess by deed of record in Instrument Number 201209190021541 and that 1 acre tract conveyed to Thomas O. Bell and Winnona E. Bell by deed of record in Deed Book 756, Page 71;

Thence South 20° 54' 35" West, with the centerline of said Mink Street NW, the easterly line of said 2.199 acre tract, the westerly lines of said 1 acre tract and that 6 acre tract conveyed to Nickolas J. Cotton and Dara M. Myser by deed of record in Instrument Number 202008060019783, a distance of 281.70 feet to a magnetic nail set at the common corner of said 1.162 and 2.199 acre tracts, being the TRUE POINT OF BEGINNING;

Thence South 20° 54' 35" West, continuing with said centerline, and with the line common to said 1.162 and 6 acre tracts, a distance of 179.64 feet to a magnetic nail set at the common corner of said 1.162 acre tract and that 5.042 acre tract conveyed to Gregory P. Dingess by deed of record in Instrument Number 200808270019387;

Thence North 82° 03' 48" West, with the line common to said 1.162 and 5.042 acre tracts, and across said Mink Street NW, (passing a 1/2 inch iron rebar found at a distance of 25.74 feet) a total distance of 30.79 feet to an iron pin set in the westerly right-of-way line of said Mink Street NW;

Thence North 20° 54' 35" East, with said westerly right-of-way line and across said 1.162 acre tract, a distance of 177.44 feet to an iron pin set in the line common to said 1.162 and 2.199 acre tracts;

Thence South 85° 59' 00" East, with said common line and across said Mink Street NW, (passing a 3/4 inch iron pipe found at a distance of 3.16 feet) a total distance of 31.35 feet to the TRUE POINT OF BEGINNING, containing 0.123 acre, more or less, all of which is within Auditors Parcel Number 037-111600-00.000 and 0.123 acre is located within the present roadway occupied.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

EXHIBIT A

**PARCEL M18-WD
0.123 ACRE**

-2-

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street, having a bearing of South 20° 54' 35" West, is designated the "basis of bearings" for this description.

This description is based on an actual field survey performed by and under the direct supervision of Joshua M. Meyer, Professional Survey Number 8485 in November and December 2021 and April 2022.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

11-11-2022

Joshua M. Meyer
Professional Surveyor No. 8485

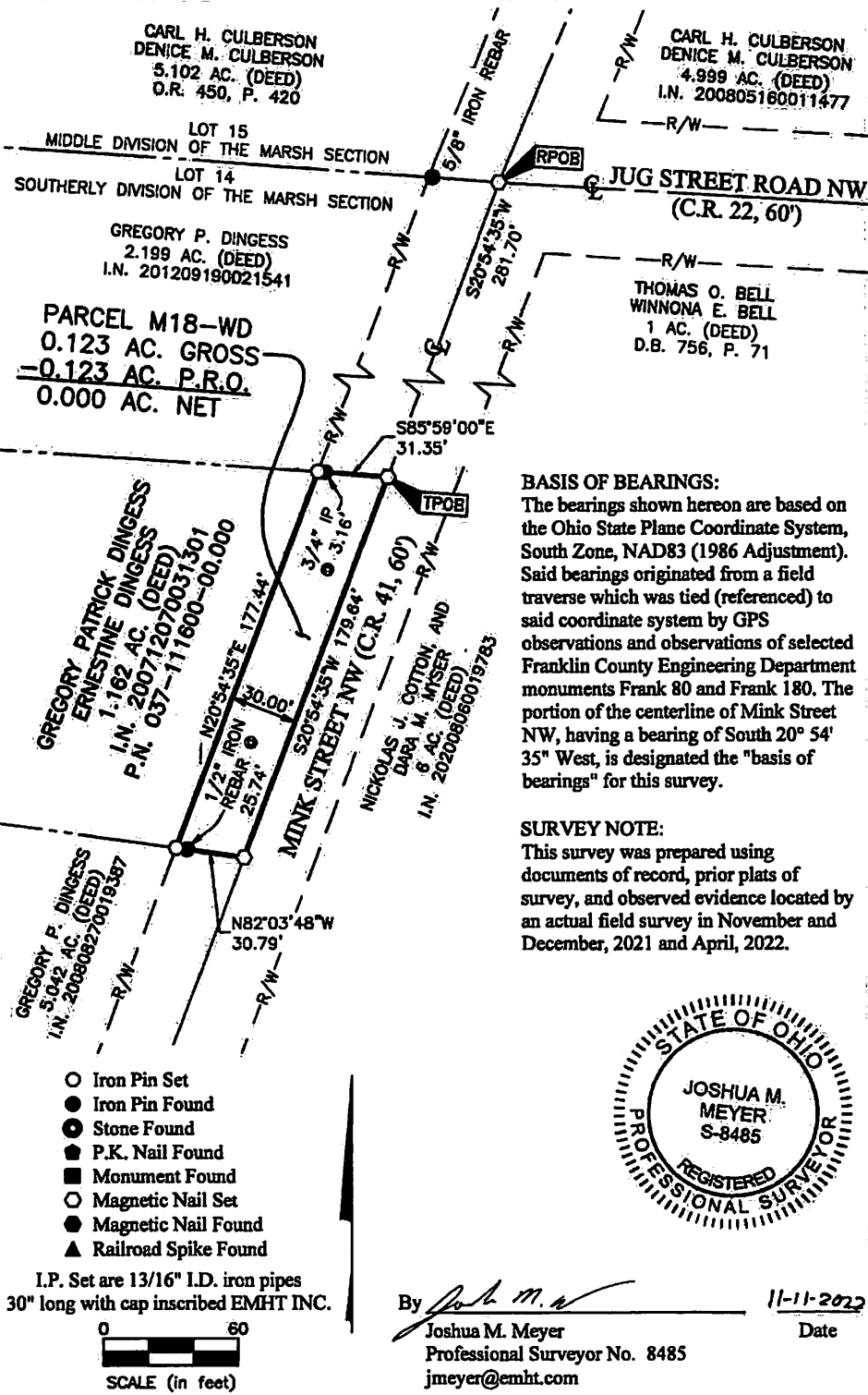
JMM: sp
M18-WD_0.123 ac 20220233-VS-ENDY.docx

PRE-APPROVAL LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY: <u>BS</u>	
DATE: <u>11/15/22</u>	



SURVEY OF ACREAGE PARCEL
LOT 14, SOUTHERLY DIVISION OF THE MARSH SECTION
QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15
UNITED STATES MILITARY DISTRICT
TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: November 11, 2022 Scale: 1" = 60' Job No: 2022-0233 Sheet No: 1 of 1

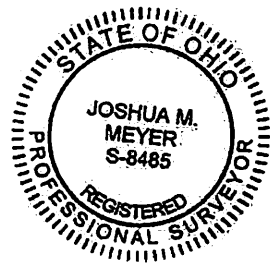
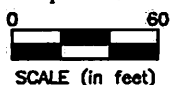


BASIS OF BEARINGS:
 The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street NW, having a bearing of South 20° 54' 35" West, is designated the "basis of bearings" for this survey.

SURVEY NOTE:
 This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey in November and December, 2021 and April, 2022.

- Iron Pin Set
- Iron Pin Found
- Stone Found
- P.K. Nail Found
- Monument Found
- Magnetic Nail Set
- Magnetic Nail Found
- ▲ Railroad Spike Found

I.P. Set are 13/16" I.D. iron pipes 30" long with cap inscribed EMHT INC.



By *Joshua M. Meyer* Date 11-11-2022
 Joshua M. Meyer
 Professional Surveyor No. 8485
 jmeyer@emht.com

20220233\JOB\GIS\SET\DOCUMENT\M18-WD_20220233-15-ENCL2022 10-25-2022 10:57:42 AM last saved by APHUPDTT on 11/11/2022 05:03:57 AM
 20220233\JOB\GIS\SET\DOCUMENT\M18-WD_20220233-15-ENCL2022 10-25-2022 10:57:42 AM last saved by PHILPOTT, ANDREW on 11/11/2022 05:17:42 AM last saved by APHUPDTT on 11/11/2022 05:03:57 AM

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL M18-T

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 037-111600-00.000

Prior Instrument Reference: Instrument No. 201209190021541, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Mink Street, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

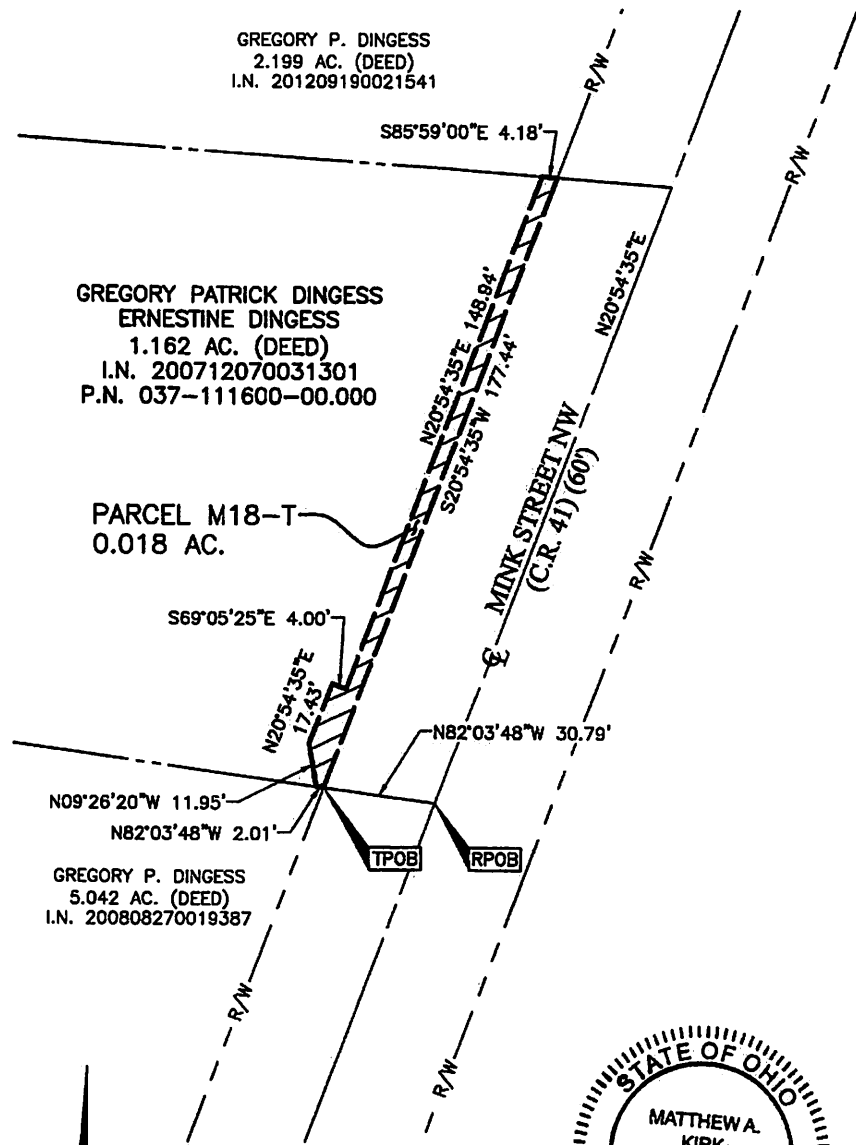
On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.



Evans, Mechwart, Hamilton & Thon, Inc.
 Engineers - Surveyors - Planners - Scientists
 5670 New Albany Road, Columbus, OH 43254
 Phone: 614.776.4300 Toll Free: 888.723.2648
 emht.com

TEMPORARY EASEMENT
LOT 14, SOUTHERLY DIVISION OF THE MARSH SECTION
QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15
UNITED STATES MILITARY DISTRICT
TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: October 13, 2022 Scale: 1" = 40' Job No: 2022-0233 Sheet No: 1 of 1



J:\2022\2023\DWG\ASHEETS\EASEMENTS\M18-T_20220233-15-ESMT-TEMP.DWG plotted by FERROUSON, DWG on 10/12/2022 6:23:52 PM last saved by FERROUSON on 10/12/2022 6:23:40 PM



By Matthew A. Kirk 13 Oct 22 Date
 Matthew A. Kirk
 Professional Surveyor No. 7865
 mkirk@emht.com



ORDINANCE O-28-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENTS FROM THE OWNER, GREGORY P. DINGESS, OF THE PROPERTY LOCATED AT 2921 MINK STREET IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Mink Street Project (the “Project”), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Mink Street and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibits, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-39-2022 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owner(s) have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easements from its owner, Gregory P. Dingess, for the property located at 2921 Mink Street, for the public purpose of making, repairing, improving and constructing Mink Street and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described and depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel M19-WD).
- B. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 2 (Project Parcel M19-T1).
- C. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 3 (Project Parcel M19-T2).

Section 2. That Council hereby fixes the value of all the property and interests appropriated at Five Hundred Twenty-six Dollars (\$526.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owner of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owner of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owner to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. 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 Ohio Revised Code Section 121.22.

Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this 21 day of March, 2023.

Attest:




Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:	
Prepared:	02/24/2023
Introduced:	03/07/2023
Revised:	
Adopted:	03/21/2023
Effective:	03/21/2023

EXHIBIT A

**PARCEL M19-WD
0.194 ACRE**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, located in Lot 14 of the South Division of the Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being out of that 2.199 acre tract conveyed to Gregory P. Dingess by deed of record in Instrument Number 201209190021541 (all references refer to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

BEGINNING at a magnetic nail set marking the centerline intersection of Mink Street NW (County Road 41)(60 feet) and Jug Street Road NW (County Road 22) (60 feet) in the line common to said Lot 14 and Lot 15 of the Middle Division of the Marsh Section, at a common corner of said 2.199 acre tract, that 5.102 acre tract conveyed to Carl H. Culberson and Denise M. Culberson by deed of record in Official Record 450, Page 420, that 4.999 acre tract conveyed to Carl H. Culberson and Denise M. Culberson by deed of record in Instrument Number 200805160011477 and that 1 acre tract conveyed to Thomas O. Bell and Winona E. Bell by deed of record in Deed Book 756, Page 71;

Thence South 20° 54' 35" West, with the centerline of said Mink Street NW, the easterly line of said 2.199 acre tract, the westerly lines of said 1 acre tract and that 6 acre tract conveyed to Nickolas J. Cotton and Dara M. Myser by deed of record in Instrument Number 202008060019783, a distance of 281.70 feet to a magnetic nail set at the common corner of said 2.199 acre tract and that 1.162 acre tract conveyed to Gregory Patrick Dingess and Ernestine Dingess by deed of record in Instrument Number 200712070031301;

Thence North 85° 59' 00" West, with the line common to said 2.199 and 1.162 acre tracts, and across said Mink Street NW, (passing a 3/4 inch iron pipe found at a distance of 28.20 feet) a total distance of 31.35 feet to an iron pin set in the westerly right-of-way line of said Mink Street NW;

Thence North 20° 54' 35" East, with said westerly right-of-way line and across said 2.199 acre tract, a distance of 281.72 feet to an iron pin set in the line common to said 2.199 and 5.102 acre tracts and said Lots 14 & 15;

Thence South 85° 57' 11" East, with said common lines and across said Mink Street NW, (passing a 5/8 inch iron rebar found at a distance of 1.53 feet) a total distance of 31.35 feet to the POINT OF BEGINNING, containing 0.194 acre, more or less, all of which is within Auditors Parcel Number 037-111990-00.000 and 0.194 acre is located within the present roadway occupied.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

EXHIBIT A

**PARCEL M19-WD
0.194 ACRE**

-2-

The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street, having a bearing of South 20° 54' 35" West, is designated the "basis of bearings" for this description.

This description is based on an actual field survey performed by and under the direct supervision of Joshua M. Meyer, Professional Survey Number 8485 in November and December 2021 and April 2022.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

11-11-2022

Joshua M. Meyer
Professional Surveyor No. 8485

JMM: ap
M19-WD-0.194 ac 20220233-VS-BNDY.docx

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY:	BS
DATE:	11/16/22

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL M19-T1

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 037-111990-00.000

Prior Instrument Reference: Instrument No. 201209190021541, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Mink Street, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL M19-T1
0.002 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lot 14 of the southerly division of the Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being on, over and across that 2.199 acre tract conveyed to Gregory P. Dingess by deed of record in Instrument Number 201209190021541 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at the centerline intersection of Mink Street NW (County Road 41) (60 feet) and Jug Street Road NW (County Road 22) (60 feet), the northeasterly corner of said 2.199 acre tract and the southeasterly corner of that 5.102 acre tract conveyed to Carl H. Culberson and Denice M. Culberson by deed of record in Official Record 450, Page 420, in the line common to said Lot 14 and Lot 15 of the middle division of the Marsh Section;

Thence North 85° 57' 11" West, across said Mink Street NW and with the line common to said 2.199 and 5.102 acre tracts, a distance of 31.35 feet to a point in the westerly right-of-way line of said Mink Street NW;

Thence South 20° 54' 35" West, across said 2.199 acre tract and with said westerly right-of-way line, a distance of 243.65 feet to the TRUE POINT OF BEGINNING;

Thence South 20° 54' 35" West, across said 2.199 acre tract and with said westerly right-of-way line, a distance of 38.07 feet to a point in the southerly line of said 2.199 acre tract and the northerly line of that 1.162 acre tract conveyed to Gregory Patrick Dingess and Ernestine Dingess by deed of record in Instrument Number 200712070031301;

Thence North 85° 59' 00" West, with the line common to said 2.199 and 1.162 acre tracts, a distance of 4.18 feet to a point;

Thence North 26° 43' 23" East, across said 2.199 acre tract, a distance of 39.49 feet to the TRUE POINT OF BEGINNING, containing 0.002 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk

13 OCT 22

Matthew A. Kirk
Professional Surveyor No. 7865



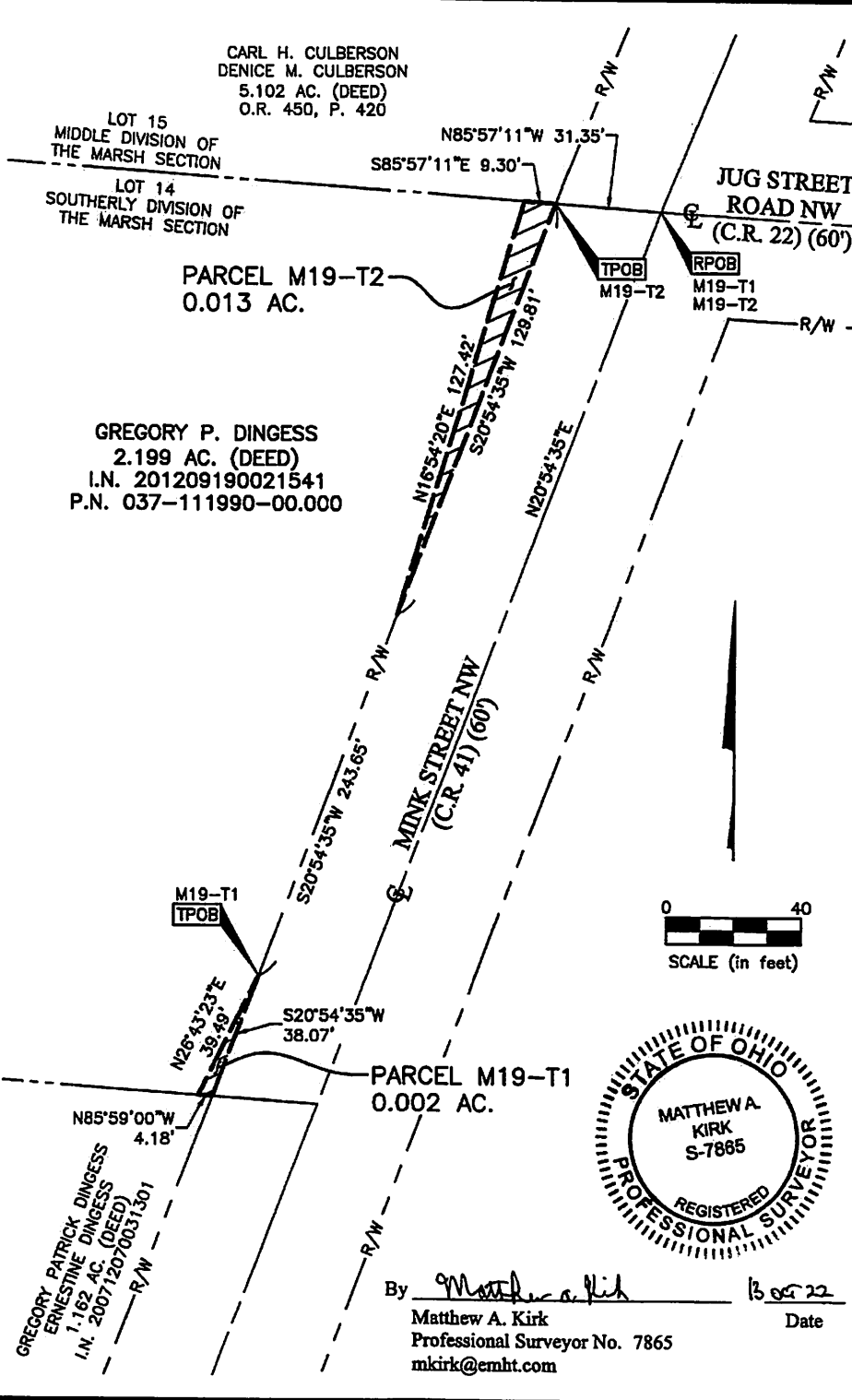
MAK:djf
M19-T1_0_002 ac 20220233-VS-ESMT-TEMP.docx



Evans, Meacham, Hamilton & Tilton, Inc.
 Engineers - Surveyors - Planners - Scientists
 5000 New Albany Road, Columbus, OH 43244
 Phone 614.273.4333 Toll Free 800.723.3666
 emht.com

TEMPORARY EASEMENT
LOT 14, SOUTHERLY DIVISION OF THE MARSH SECTION
QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15
UNITED STATES MILITARY DISTRICT
TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: October 13, 2022 Scale: 1" = 40' Job No: 2022-0233 Sheet No: 1 of 1



A:\2022\23\UNITS\ASSETS\TEMPORARY EASEMENTS\M19-T_20220233-VS-ESMT-TEMP.DWG plotted by: FERRELLSON, DAVED on 10/12/2022 6:54:29 PM last saved by: FERRELLSON on 10/12/2022 6:54:29 PM

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL M19-T2

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 037-111990-00.000

Prior Instrument Reference: Instrument No. 201209190021541, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Mink Street, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL M19-T2
0.013 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lot 14 of the southerly division of the Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being on, over and across that 2.199 acre tract conveyed to Gregory P. Dingess by deed of record in Instrument Number 201209190021541 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at the centerline intersection of Mink Street NW (County Road 41) (60 feet) and Jug Street Road NW (County Road 22) (60 feet), the northeasterly corner of said 2.199 acre tract and the southeasterly corner of that 5.102 acre tract conveyed to Carl H. Culberson and Denice M. Culberson by deed of record in Official Record 450, Page 420, in the line common to said Lot 14 and Lot 15 of the middle division of the Marsh Section;

Thence North 85° 57' 11" West, across said Mink Street NW and with the line common to said 2.199 and 5.102 acre tracts, a distance of 31.35 feet to a point in the westerly right-of-way line of said Mink Street NW, the TRUE POINT OF BEGINNING;

Thence South 20° 54' 35" West, across said 2.199 acre tract and with said westerly right-of-way line, a distance of 129.81 feet to a point;

Thence North 16° 54' 20" East, across said 2.199 acre tract, a distance of 127.42 feet to a point in the line common to said 2.199 and 5.102 acre tracts;

Thence South 85° 57' 11" East, with said common line, a distance of 9.30 feet to the TRUE POINT OF BEGINNING, containing 0.013 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk

13 Oct 22

Matthew A. Kirk
Professional Surveyor No. 7865

Date

MAK:djf
M19-T2_0_013 ac 20220233-VS-ESMT-TEMP.docx

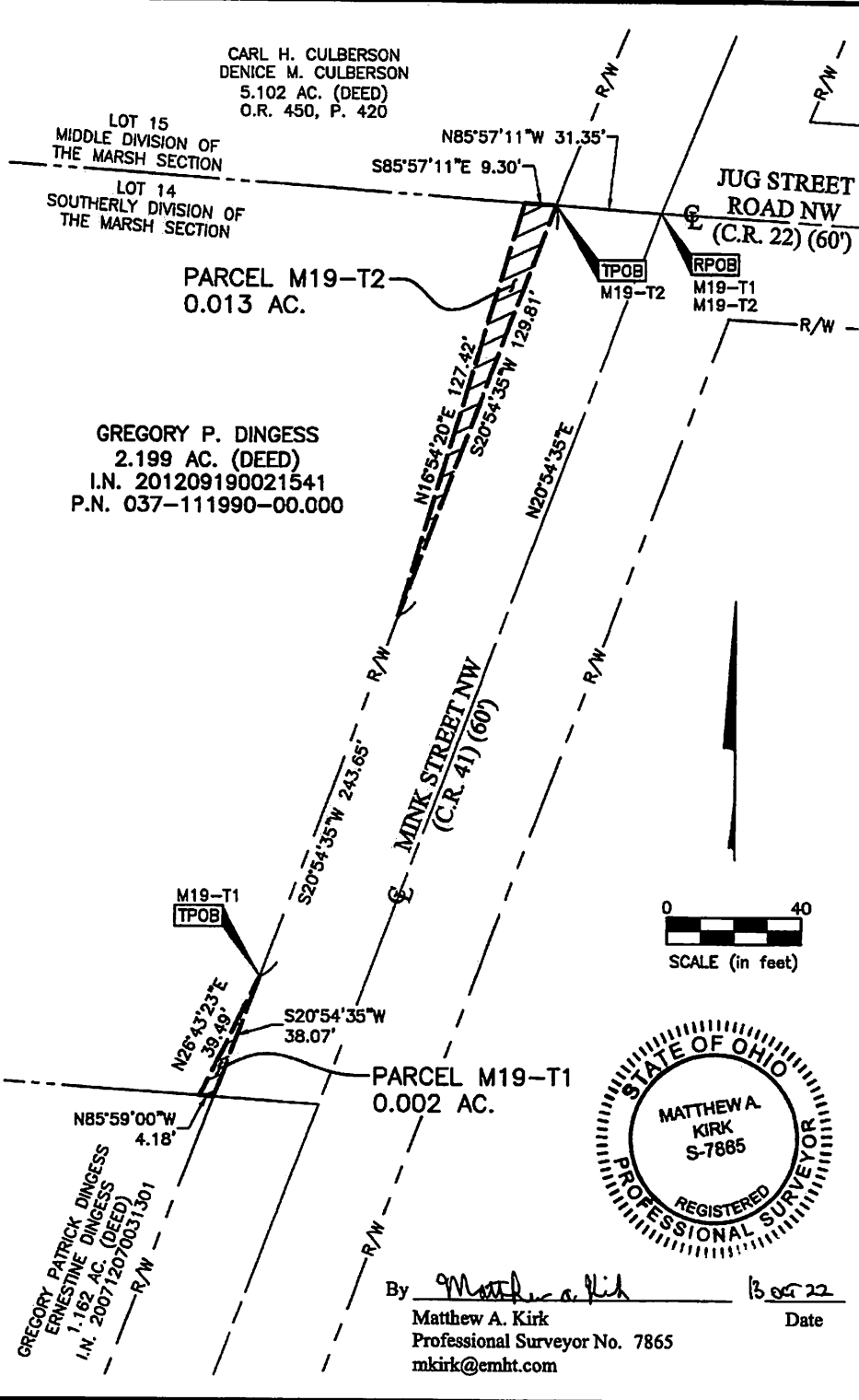




Evans, Machwar, Hamilton & Tilton, Inc.
 Engineers - Surveyors - Planners - Subdividers
 5200 New Albany Road, Columbus, OH 6254
 Phone: 614.778.6200 Fax: 614.778.6248
 emht.com

TEMPORARY EASEMENT
LOT 14, SOUTHERLY DIVISION OF THE MARSH SECTION
QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15
UNITED STATES MILITARY DISTRICT
TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: October 13, 2022 Scale: 1" = 40' Job No: 2022-0233 Sheet No: 1 of 1



A:\2022\2022\DWG\ASSETS\ASSETS\M19-T-20220233-VS-ESMT-TMP.DWG plotted by FERRELLSON on 10/12/2022 05:42:25 PM



By Matthew A. Kirk Date 10 Oct 22
 Matthew A. Kirk
 Professional Surveyor No. 7865
 mkirk@emht.com



ORDINANCE O-29-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNER, GERALDINE M. CAMPBELL, OF THE PROPERTY LOCATED AT 2983 MINK STREET IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Mink Street Project (the “Project”), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Mink Street and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibits, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-39-2022 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owner(s) have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easement from its owner, Geraldine M. Campbell, for the property located at 2983 Mink Street, for the public purpose of making, repairing, improving and constructing Mink Street and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described and depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel M21-WD).
- B. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 2 (Project Parcel M21-T).

Section 2. That Council hereby fixes the value of all the property and interests appropriated at Forty Thousand Nine Hundred Seventeen Dollars (\$40,917.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owner of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owner of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owner to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. 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 Ohio Revised Code Section 121.22.

Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this 21 day of March, 2023.

Attest:




Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared:	02/24/2023
Introduced:	03/07/2023
Revised:	
Adopted:	03/21/2023
Effective:	03/21/2023

EXHIBIT A

**PARCEL M21-WD
0.354 ACRE**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, located in Lot 15 in the Middle Division of Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being out of that 5.179 acre tract conveyed to Geraldine M. Campbell by deed of record in Official Record 706, Page 82 (all references refer to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a magnetic nail set marking the centerline intersection of Mink Street NW (County Road 41)(60 feet) and Jug Street Road NW (County Road 22)(60 feet) in the line common to said Lot 15 and Lot 14 of the Southerly Division of Marsh Section, at a corner common to that 5.102 acre tract conveyed to Carl H. Culberson and Denise M. Culberson by deed of record in Official Record 450, Page 420 and that 4.999 acre tract conveyed to Carl H. Culberson and Denise M. Culberson by deed of record in Instrument Number 200805160011477;

Thence with the centerline of said Mink Street NW, with the common line of said 5.102 and 4.999 acre tracts, with the arc of a curve to the right, having a central angle of $01^{\circ} 47' 44''$, a radius of 8606.28 feet, an arc length of 269.70 feet, a chord bearing of North $23^{\circ} 32' 50''$ East and a chord distance of 269.69 feet to a magnetic nail set at a southeasterly corner of said 5.179 acre tract, at a northeasterly corner of said 5.102 acre tract, being the TRUE POINT OF BEGINNING;

Thence North $86^{\circ} 03' 43''$ West, with the line common to said 5.179 and 5.102 acre tracts, (passing a 5/8 inch iron rebar found at 32.06 feet) a total distance of 49.88 feet to an iron pin set;

Thence North $15^{\circ} 38' 03''$ East, across said 5.179 acre tract, a distance of 53.35 feet to an iron pin set at a point of curvature;

Thence continuing across said 5.179 acre tract, with the arc of a curve to the right, having a central angle of $10^{\circ} 11' 29''$, a radius of 1062.00 feet, an arc length of 188.90 feet, a chord bearing of North $20^{\circ} 43' 48''$ East and chord distance of 188.65 feet to an iron pin set in the common line of said 5.179 acre tract and that 13.912 acre tract conveyed to Robert A. Carr and Deborah B. Carr by deed of record in Instrument Number 201109230017882;

Thence South $86^{\circ} 03' 51''$ East, with the line common to said 5.179 and 13.912 acre tracts, (passing a 5/8 inch iron rebar found bent at 43.49 feet), a total distance of 75.54 feet to a magnetic nail set on the arc of a curve in the centerline of said Mink Street NW and in the line common to said 5.179 acre tract and that 4.035 acre tract conveyed to William N. Slader and Sharon A. Slader by deed of record in Official Record 507, Page 126;

Thence with the centerline of said Mink Street NW, with the easterly line of said 5.179 acre tract and with the westerly lines of said 4.035 and 4.999 acre tracts, with the arc of a curve to the left, having a central angle of $01^{\circ} 39' 52''$, a radius of 8606.28 feet, an arc length of 250.00 feet, a chord bearing of South $25^{\circ} 16' 38''$ West and chord distance of 249.99 feet to the TRUE POINT OF BEGINNING, containing 0.354 acre, more or less, all of which is within Auditor's

EXHIBIT A

**PARCEL M21-WD
0.354 ACRE**

-2-

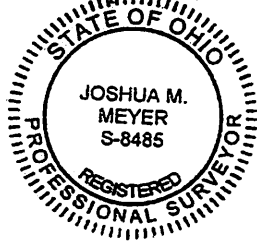
Parcel Number 037-112026-00.001 and of which 0.172 acre is located within the present roadway occupied.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street, having a bearing of South 27°47'52" West, is designated the "basis of bearings" for this description.

This description is based on an actual field survey performed by and under the direct supervision of Joshua M. Meyer, Professional Survey Number 8485 in November and December 2021 and April 2022.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

10-12-2022

Joshua M. Meyer
Professional Surveyor No. 8485

JMM:td
M21-WD_0_354 ac 20220233-VS-BNDY.docx

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY:	<i>BS</i>
DATE:	<i>10/17/22</i>

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL M21-T

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 037-112026-00.001

Prior Instrument Reference: Official Record 706, Page 82, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Mink Street, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL M21-T
0.103 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lot 15 of the Middle Division of Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being on, over and across that 5.179 acre tract conveyed to Geraldine M. Campbell by deed of record in Official Record 706, Page 82 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Mink Street NW (County Road 41) (60'), at a corner common to said 5.179 acre tract and that 5.102 acre tract conveyed to Carl H. Culberson and Denice M. Culberson by deed of record in Official Record 450, Page 420;

Thence North 86° 03' 43" West, with the common line of said 5.179 and 5.102 acre tracts and across the right-of-way of said Mink Street NW, a distance of 49.88 feet to the TRUE POINT OF BEGINNING;

Thence North 86° 03' 43" West, continuing with said common line, a distance of 12.76 feet to a point;

Thence across said 5.179 acre tract, the following courses and distances:

North 04° 19' 27" East, a distance of 23.49 feet to a point;

North 82° 22' 38" West, a distance of 14.35 feet to a point;

North 07° 09' 24" East, a distance of 13.13 feet to a point;

South 82° 22' 38" East, a distance of 15.40 feet to a point;

North 15° 38' 03" East, a distance of 19.77 feet to a point; and

With the arc of a curve to the right, having a central angle of 09° 48' 32", a radius of 1080.00 feet, an arc length of 184.89 feet, a chord bearing of North 20° 32' 17" East and chord distance of 184.67 feet to the common line of said 5.179 acre tract and that 13.912 acre tract as conveyed to Robert A. Carr and Deborah B. Carr by deed of record in Instrument Number 201109230017882;

Thence South 86° 03' 51" East, with said common line, a distance of 19.37 feet to a point on the arc of a curve;

Thence across said 5.179 acre tract, with the arc of a curve to the left, having a central angle of 10° 11' 29", a radius of 1062.00 feet, an arc length of 188.90 feet, a chord bearing of South 20° 43' 48" West and chord distance of 188.65 feet to a point;

Thence South 15° 38' 03" West, continuing across said 5.179 acre tract, a distance of 53.35 feet to the TRUE POINT OF BEGINNING, containing 0.103 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk

19 Oct 22

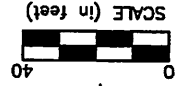
Matthew A. Kirk
Professional Surveyor No. 7865

Date

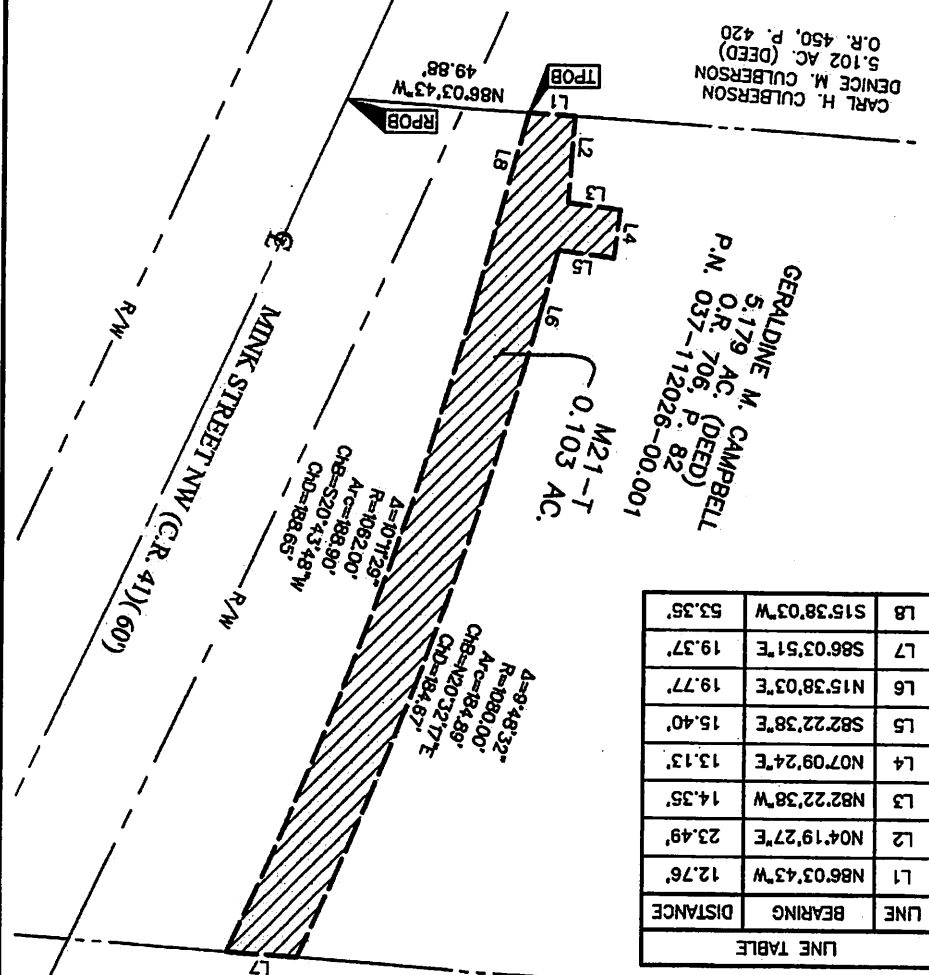
MAK:td
M21-T 0_103 20220233-VS-ESMT-TEMP-188x



A:\2022\2023\Drawings\ASSEMBLY\ASSEMBLY\2023-05-EST-TMP.DWG, plotted by GREGA, THIBREA on 10/20/2022 7:17:41 AM last saved by THIBREA on 10/19/2022 8:37:20 AM



By Matthew A. Kirk 9/19/22
 Professional Surveyor No. 7865
 Date 19 Sept 22
 mkirk@emht.com



LINE TABLE

LINE	BEARING	DISTANCE
L1	N86°03'43\"/>	

ROBERT A. CARR
 DEBORAH B. CARR
 13.912 AC. (DEED)
 I.N. 201109230017882

Date: October 19, 2022 Scale: 1" = 40' Job No: 2022-0233 Sheet No: 1 of 1

EMHT
 ENGINEERS, ARCHITECTS, SURVEYORS & PLANNERS
 5300 New Albany Road, Columbus, OH 43254
 Phone: (614) 775-8330 Fax: (614) 775-3444
 emht.com

TEMPORARY EASEMENT
 LOT 15, MIDDLE DIVISION OF MARSH SECTION,
 QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO



ORDINANCE O-30-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNERS, ANTHONY VERDONE AND WENDY VERDONE, OF THE PROPERTY LOCATED AT 3103 MINK STREET IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Mink Street Project (the “Project”), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Mink Street and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibits, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-39-2022 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owner(s) have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easement from its owners, Anthony Verdone and Wendy Verdone, for the property located at 3103 Mink Street, for the public purpose of making, repairing, improving and constructing Mink Street and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described and depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel M24-WD).
- B. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 2 (Project Parcel M24-T).

Section 2. That Council hereby fixes the value of all the property and interests appropriated at Four Thousand Two Hundred Fifty Dollars (\$4,250.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owners of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owners of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owners to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. 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 Ohio Revised Code Section 121.22.


Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this 21 day of March, 2023.

Attest:



Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:	
Prepared:	02/24/2023
Introduced:	03/07/2023
Revised:	
Adopted:	03/21/2023
Effective:	03/21/2023

EXHIBIT A

**PARCEL M24-WD
0.115 ACRE**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lots 12 and 13 of the Middle Division of the Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being part of that 1.663 acre tract conveyed to Anthony Verdone and Wendy Verdone by deed of record in Instrument Number 200503100007065 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a magnetic nail set at the centerline intersection of Mink Street NW (County Road 41) (60 feet) and Jug Street Road NW (County Road 22) (60 feet), in the line common to Lot 15 of the Middle Division of the Marsh Section and Lot 14 of the Southerly Division of the Marsh Section;

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

With the arc of a curve to the right, having a central angle of 05° 08' 54", a radius of 8606.28 feet, an arc length of 773.31 feet, a chord bearing of North 25° 13' 25" East and chord distance of 773.05 feet to a magnetic nail set at a point of tangency; and

North 27° 47' 52" East, a distance of 533.27 feet to a magnetic nail set at the southeasterly corner of said 1.663 acre tract, the northeasterly corner of that 11.865 acre tract conveyed to Louis R. Powell and Linda S. Powell, trustees of the Powell Family Trust dated June 20, 2016, by deed of record in Instrument Number 201706200012941, in the westerly line of that 5.180 acre tract conveyed to Robert Myers by deed of record in Official Record 220, Page 802, the TRUE POINT OF BEGINNING;

Thence North 86° 02' 58" West, with the line common to said 1.663 and 11.865 acre tracts (passing a 5/8 inch iron rebar found at a distance of 32.60 feet), a total distance of 32.80 feet to an iron pin set in the westerly right-of-way line of said Mink Street NW;

Thence across said 1.663 acre tract, the following courses and distances:

North 27° 47' 52" East, with said westerly right-of-way line, a distance of 33.19 feet to an iron pin set;

North 27° 44' 29" East, a distance of 59.70 feet to an iron pin set at a point of curvature; and

With the arc of a curve to the left, having a central angle of 04° 10' 06", a radius of 962.00 feet, an arc length of 69.99 feet, a chord bearing of North 25° 39' 27" East and chord distance of 69.97 feet to an iron pin set in the northerly line of said 1.663 acre tract, the southerly line of that 1.952 acre tract conveyed to Michael D. Sadilek and Christina K. Sadilek by deed of record in Instrument Number 201709150019732;

EXHIBIT A

**PARCEL M24-WD
0.115 ACRE**

-2-

Thence South 86° 02' 55" East, with the line common to said 1.663 and 1.952 acre tracts, (passing a 5/8 inch iron rebar found at a distance of 3.40 feet), a total distance of 35.72 feet to a magnetic nail set at the easterly common corner thereof, in the centerline of said Mink Street NW, in the westerly line of that 5.043 acre tract conveyed to Richard J. Ciraky and Chrystle L. Ciraky by deed of record in Official Record 110, Page 531;

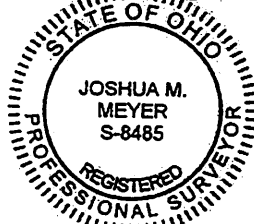
Thence South 27° 47' 52" West, with the centerline of said Mink Street NW, the easterly line of said 1.663 tract and the westerly lines of said 5.043 and 5.180 acre tracts, a distance of 163.99 feet to the TRUE POINT OF BEGINNING, containing 0.115 acre, more or less, all of which is within Auditor's Parcel Number 037-111936-00.002 and 0.113 acre is located within the present roadway occupied.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street, having a bearing of North 27°47'52" East, is designated the "basis of bearings" for this survey.

This description is based on an actual field survey performed by or under the direct supervision of Joshua M. Meyer, Professional Surveyor Number 8485 in November and December, 2021, and April, 2022.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

10-13-2022

Joshua M. Meyer
Professional Surveyor No. 8485

Date

JMM:djf
M24-WD_0_115 ac 20220233-VS-BNDY.docx

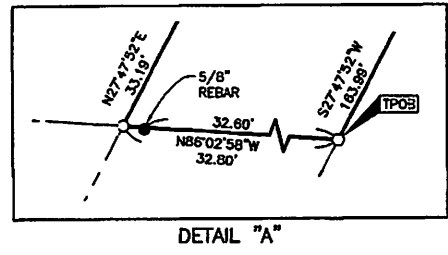
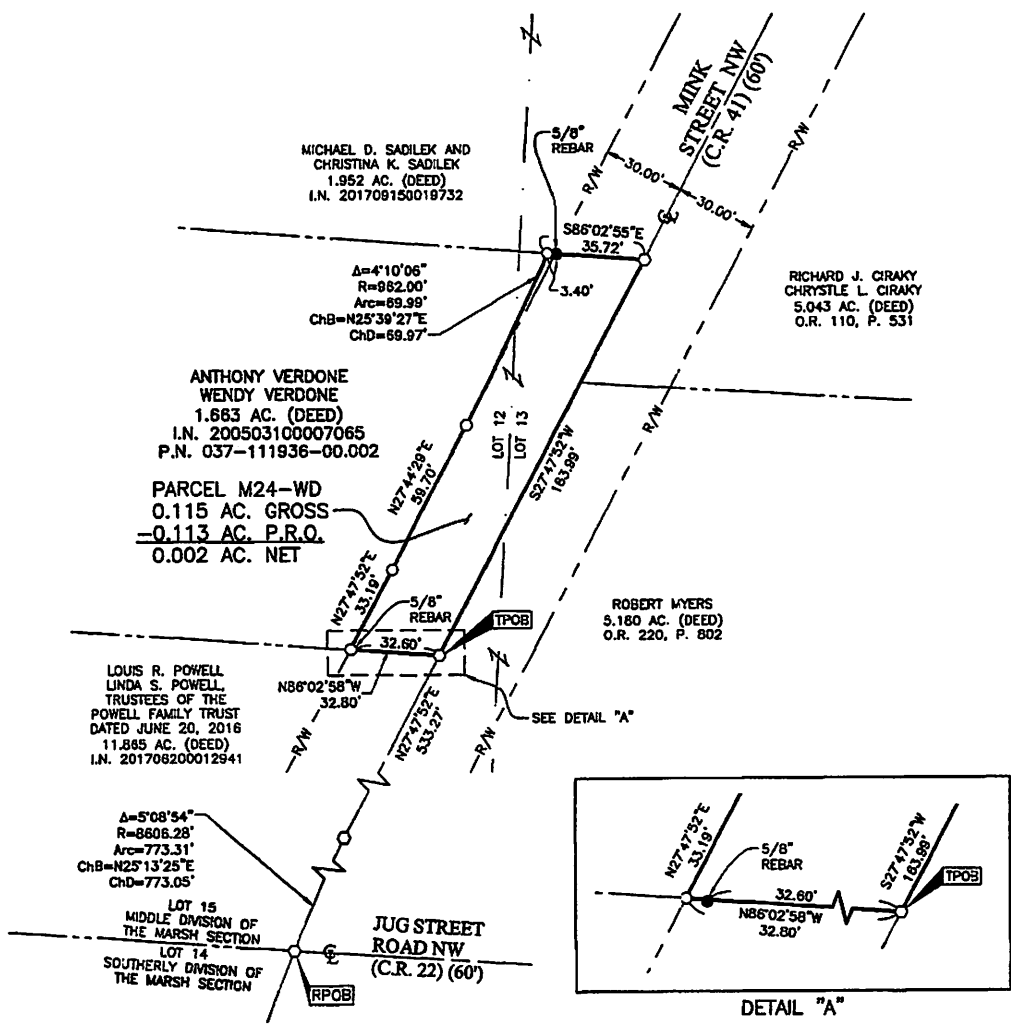
PRE-APPROVAL LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY: [Signature]	BS
DATE:	10/17/22



SURVEY OF ACREAGE PARCEL
LOTS 12 AND 13, MIDDLE DIVISION OF THE MARSH SECTION,
QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15
UNITED STATES MILITARY DISTRICT
TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

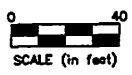
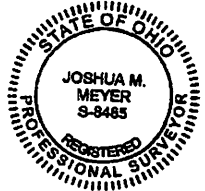
Date: October 13, 2022 Scale: 1" = 40' Job No: 2022-0233 Sheet No: 1 of 1

A:\projects\2022\20220233\20220233-01.dwg, 20221111 PM last saved by jmeyer on 10/12/2022 2:55:03 PM



SURVEY NOTE:
 This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey in November and December, 2021 and April, 2022.

BASIS OF BEARINGS:
 The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street, having a bearing of North 27°47'52" East, is designated the "basis of bearings" for this survey.



- Iron Pin Set
 - Iron Pin Found
 - Magnetic Nail Set
 - ▲ Railroad Spike Found
- L.P. Set are 13/16" I.D. iron pipes
 30" long with cap inscribed EMHT INC.

By *Joshua M. Meyer* 10-13-2022
 Joshua M. Meyer Professional Surveyor No. 8485 Date
 jmeyer@emht.com

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL M24-T

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 037-111936-00.002

Prior Instrument Reference: Instrument No. 200503100007065, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Mink Street, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL M24-T
0.049 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lots 12 and 13 of the Middle Division of the Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being on, over and across that 1.663 acre tract conveyed to Anthony Verdone and Wendy Verdone by deed of record in Instrument Number 200503100007065 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Mink Street NW (County Road 41) (60 feet) at the northeasterly corner of said 1.663 acre tract, the southeasterly corner of that 1.952 acre tract conveyed to Michael D. Sadilek and Christina K. Sadilek by deed of record in Instrument Number 201709150019732;

Thence North 86° 02' 55" West, across said Mink Street NW and with the line common to said 1.663 and 1.952 acre tracts, a distance of 35.72 feet to the TRUE POINT OF BEGINNING;

Thence across said 1.663 acre tract, the following courses and distances:

With the arc of a curve to the right, having a central angle of 04° 10' 06", a radius of 962.00 feet, an arc length of 69.99 feet, a chord bearing of South 25° 39' 27" West and chord distance of 69.97 feet to a point of tangency;

South 27° 44' 29" West, a distance of 59.70 feet to a point in the westerly right-of-way line of said Mink Street NW; and

South 27° 47' 52" West, a distance of 33.19 feet to a point in the southerly line of said 1.663 acre tract, the northerly line of that 11.865 acre tract conveyed to Louis R. Powell and Linda S. Powell, Trustees of The Powell Family Trust dated June 20, 2016 by deed of record in Instrument Number 201706200012941;

Thence North 86° 02' 58" West, with the line common to said 1.663 and 11.865 acre tracts, a distance of 6.52 feet to a point;

Thence across said 1.663 acre tract, the following courses and distances:

North 23° 47' 43" East, a distance of 75.58 feet to a point;

North 62° 15' 31" West, a distance of 17.83 feet to a point;

North 27° 54' 55" East, a distance of 33.48 feet to a point;

South 62° 15' 31" East, a distance of 18.83 feet to a point on the arc of a curve; and

EXHIBIT A

**PARCEL M24-T
0.049 ACRE**

-2-

With the arc of a curve to the left, having a central angle of $03^{\circ} 08' 57''$, a radius of 952.00 feet, an arc length of 52.32 feet, a chord bearing of North $25^{\circ} 21' 45''$ East and chord distance of 52.32 feet to a point in the line common to said 1.663 and 1.952 acre tracts;

Thence South $86^{\circ} 02' 55''$ East, with said common line, a distance of 10.62 feet to the TRUE POINT OF BEGINNING, containing 0.049 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk

19 Oct 22

Matthew A. Kirk
Professional Surveyor No. 7865

Date

MAK:djf
M24-T_0_049 ac 20220233-VS-ESMT-TEMP.docx

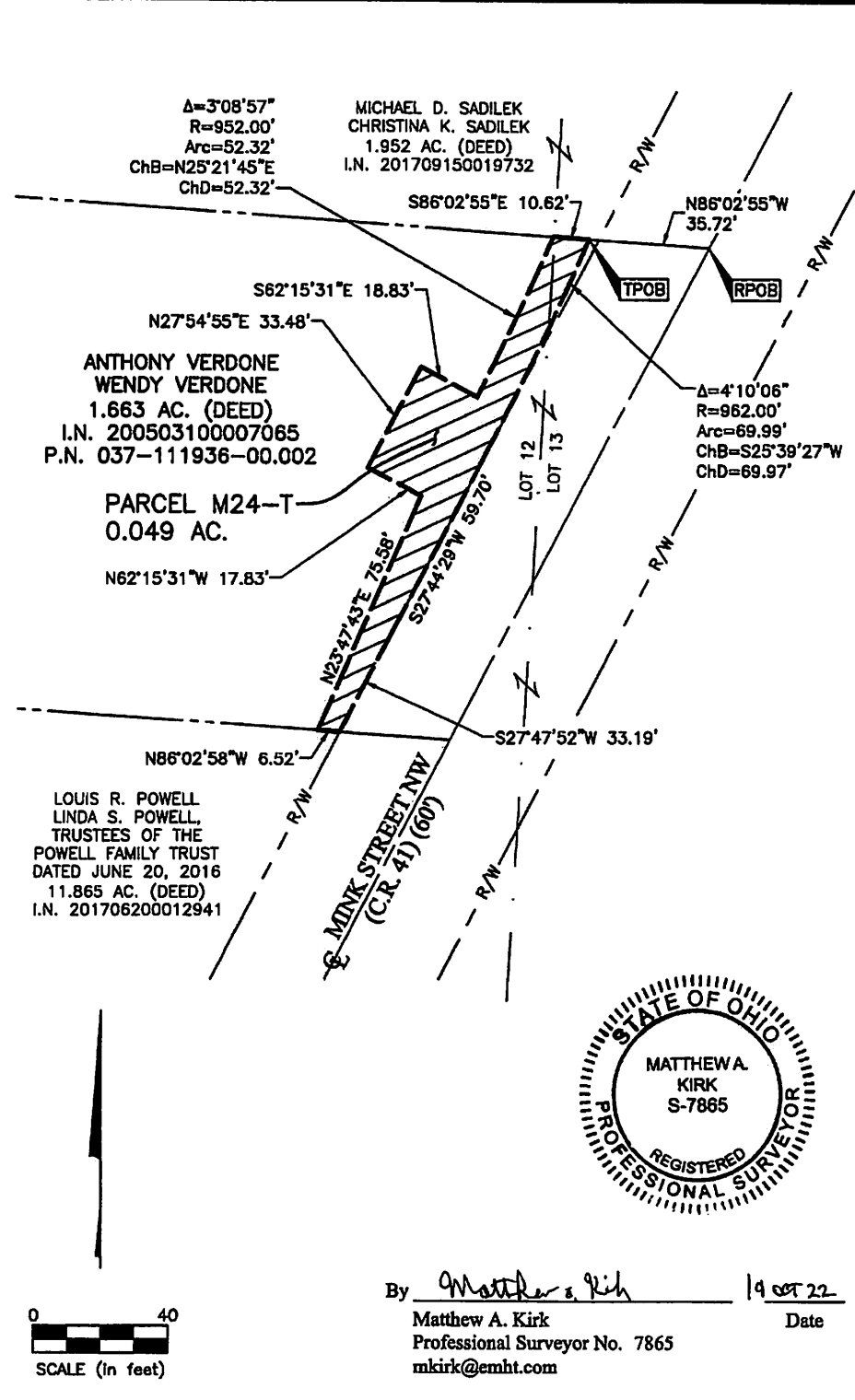




Evans, Mechwart, Hambleton & Tilton, Inc.
 5200 West 12th Street • Surveyors • Planners • Engineers
 3600 New Albany Road, Columbus, OH 43224
 Phone: 614.773.0200 Fax: 614.773.2466
 emht.com

TEMPORARY EASEMENT
LOTS 12 AND 13, MIDDLE DIVISION OF THE MARSH SECTION
QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15
UNITED STATES MILITARY DISTRICT
TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: October 19, 2022 Scale: 1" = 40' Job No: 2022-0233 Sheet No: 1 of 1



J:\2022\213\WORKSHEETS\EASEMENTS\M24-T_20220233-05-ESMT-TEMP.DWG plotted by: FERDUSON, DAVID on: 10/19/2022 12:28:41 PM last saved by: FERDUSON on: 10/19/2022 12:28:38 PM



ORDINANCE O-31-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNERS, MICHAEL D. SADILEK AND CHRISTINA K. SADILEK, OF THE PROPERTY LOCATED AT 3801 MINK STREET IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Mink Street Project (the “Project”), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Mink Street and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibits, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-39-2022 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owner(s) have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easement from its owners, Michael D. Sadilek and Christina K. Sadilek, for the property located at 3801 Mink Street, for the public purpose of making, repairing, improving and constructing Mink Street and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described and depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel M25-WD).
- B. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 2 (Project Parcel M25-T).

Section 2. That Council hereby fixes the value of all the property and interests appropriated at Twenty Thousand Six Hundred and Sixty-six Dollars (\$20,666.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owners of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owners of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owners to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. 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 Ohio Revised Code Section 121.22.

Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this 21 day of March, 2023.

Attest:

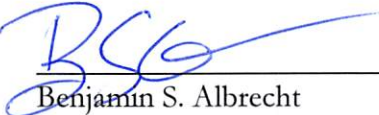


Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:	
Prepared:	02/24/2023
Introduced:	03/07/2023
Revised:	
Adopted:	03/21/2023
Effective:	03/21/2023

EXHIBIT A

**PARCEL M25-WD
0.166 ACRE**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lot 13, Middle Division of the Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being part of that 1.952 acre tract conveyed to Michael D. Sadilek and Christina K. Sadilek by deed of record in Instrument Number 201709150019732 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a magnetic nail set at the centerline intersection of Mink Street NW (County Road 41) (60 feet) and Jug Street Road NW (County Road 22) (60 feet), in the line common to Lot 15 of the Middle Division of the Marsh Section and Lot 14 of the Southerly Division of the Marsh Section;

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

With the arc of a curve to the right, having a central angle of 05° 08' 54", a radius of 8606.28 feet, an arc length of 773.31 feet, a chord bearing of North 25° 13' 25" East and chord distance of 773.05 feet to a magnetic nail set at a point of tangency; and

North 27° 47' 52" East, a distance of 697.26 feet to a magnetic nail set at the southeasterly corner of said 1.952 acre tract, the northeasterly corner of that 1.663 acre tract conveyed to Anthony Verdone and Wendy Verdone by deed of record in Instrument Number 200503100007065, in the westerly line of that 5.043 acre tract conveyed to Richard J. Ciraky and Chrystle L. Ciraky by deed of record in Official Record 110, Page 531, the TRUE POINT OF BEGINNING;

Thence North 86° 02' 55" West, with the line common to said 1.952 and 1.663 acre tracts (passing a 5/8 inch iron rebar found at a distance of 32.32 feet), a total distance of 35.72 feet to an iron pin set on the arc of a curve;

Thence across said 1.952 acre tract, the following courses and distances:

With the arc of a curve to the left, having a central angle of 05° 27' 27", a radius of 962.00 feet, an arc length of 91.63 feet, a chord bearing of North 20° 50' 40" East and chord distance of 91.59 feet to an iron pin set at point of tangency; and

North 18° 06' 57" East, a distance of 68.97 feet to an iron in set in the northerly line of said 1.952 acre tract, the southerly line of that 35.745 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202207200017782, in the line common to said Lot 13 and Lot 10 of said Quarter Township 1;

Thence South 86° 02' 58" East, with the line common to said 1.952 and 35.745 acre tracts, and said common lot line (passing a 5/8 inch iron rebar found at a distance of 33.96 feet), a total distance of 60.53 feet to a railroad spike found in the centerline of said Mink Street NW at

EXHIBIT A

**PARCEL M25-WD
0.166 ACRE**

-2-

the easterly common corner of said 1.952 and 35.745 acre tracts, the southwesterly corner of that 8.716 acre tract conveyed to Kenneth W. Boggs by deed of record in Instrument Number 202105070013656 and the northwesterly corner of said 5.043 acre tract;

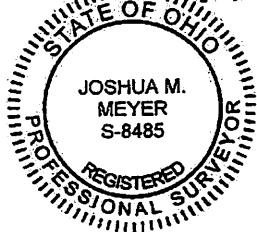
Thence South 27° 47' 52" West, with the centerline of said Mink Street NW, the line common to said 1.952 and 5.043 acre tracts, a distance of 168.94 feet to the TRUE POINT OF BEGINNING, containing 0.166 acre, more or less, all of which is within Auditor's Parcel Number 037-111936-00.001 and 0.116 acre is located within the present roadway occupied.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street, having a bearing of North 27°47'52" East, is designated the "basis of bearings" for this survey.

This description is based on an actual field survey performed by or under the direct supervision of Joshua M. Meyer, Professional Surveyor Number 8485 in November and December, 2021 and April, 2022.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Joshua M. Meyer
Professional Surveyor No. 8485

10-13-2022

Date

JMM:djf
M25-WD_0_166 ac 20220233-VS-BNDY.docx

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED	CONDITIONAL
<input checked="" type="checkbox"/>	<input type="checkbox"/>
APPROVED BY:	BS
DATE:	10/17/22

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL M25-T

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 037-111936-00.001

Prior Instrument Reference: Instrument No. 201709150019732, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Mink Street, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL M25-T
0.037 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lots 12 and 13 of the Middle Division of the Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being on, over and across that 1.952 acre tract conveyed to Michael D. Sadilek and Christina K. Sadilek by deed of record in Instrument Number 201709150019732 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Mink Street NW (County Road 41) (60 feet) at the southeasterly corner of said 1.952 acre tract, the northeasterly corner of that 1.663 acre tract conveyed to Anthony Verdone and Wendy Verdone by deed of record in Instrument Number 200503100007065;

Thence North 86° 02' 55" West, across said Mink Street NW and with the line common to said 1.952 and 1.663 acre tracts, a distance of 35.72 feet to the TRUE POINT OF BEGINNING;

Thence North 86° 02' 55" West, with said common line, a distance of 21.65 feet to a point;

Thence across said 1.952 acre tract, the following courses and distances:

North 02° 52' 53" East, a distance of 25.26 feet to a point;

South 87° 07' 07" East, a distance of 23.52 feet to a point on the arc of a curve;

With the arc of a curve to the left, having a central angle of 03° 58' 38", a radius of 955.00 feet, an arc length of 66.29 feet, a chord bearing of North 20° 06' 16" East and chord distance of 66.28 feet to a point of tangency; and

North 18° 06' 57" East, a distance of 67.21 feet to a point in the northerly line of said 1.952 acre tract and the southerly line of that 35.745 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 202207200017782;

Thence South 86° 02' 58" East, with the line common to said 1.952 and 35.745 acre tracts, a distance of 7.22 feet to a point;

Thence across said 1.952 acre tract, the following courses and distances:

South 18° 06' 57" West, a distance of 68.97 feet to a point of curvature; and

With the arc of a curve to the right, having a central angle of 05° 27' 27", a radius of 962.00 feet, an arc length of 91.63 feet, a chord bearing of South 20° 50' 40" West and chord distance of 91.59 feet to the TRUE POINT OF BEGINNING, containing 0.037 acre, more or less.

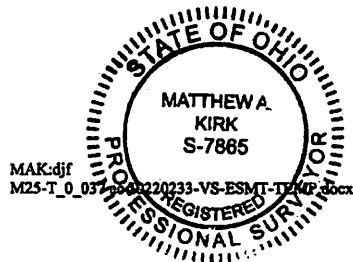
EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk

19 Oct 22

Matthew A. Kirk
Professional Surveyor No. 7865

Date

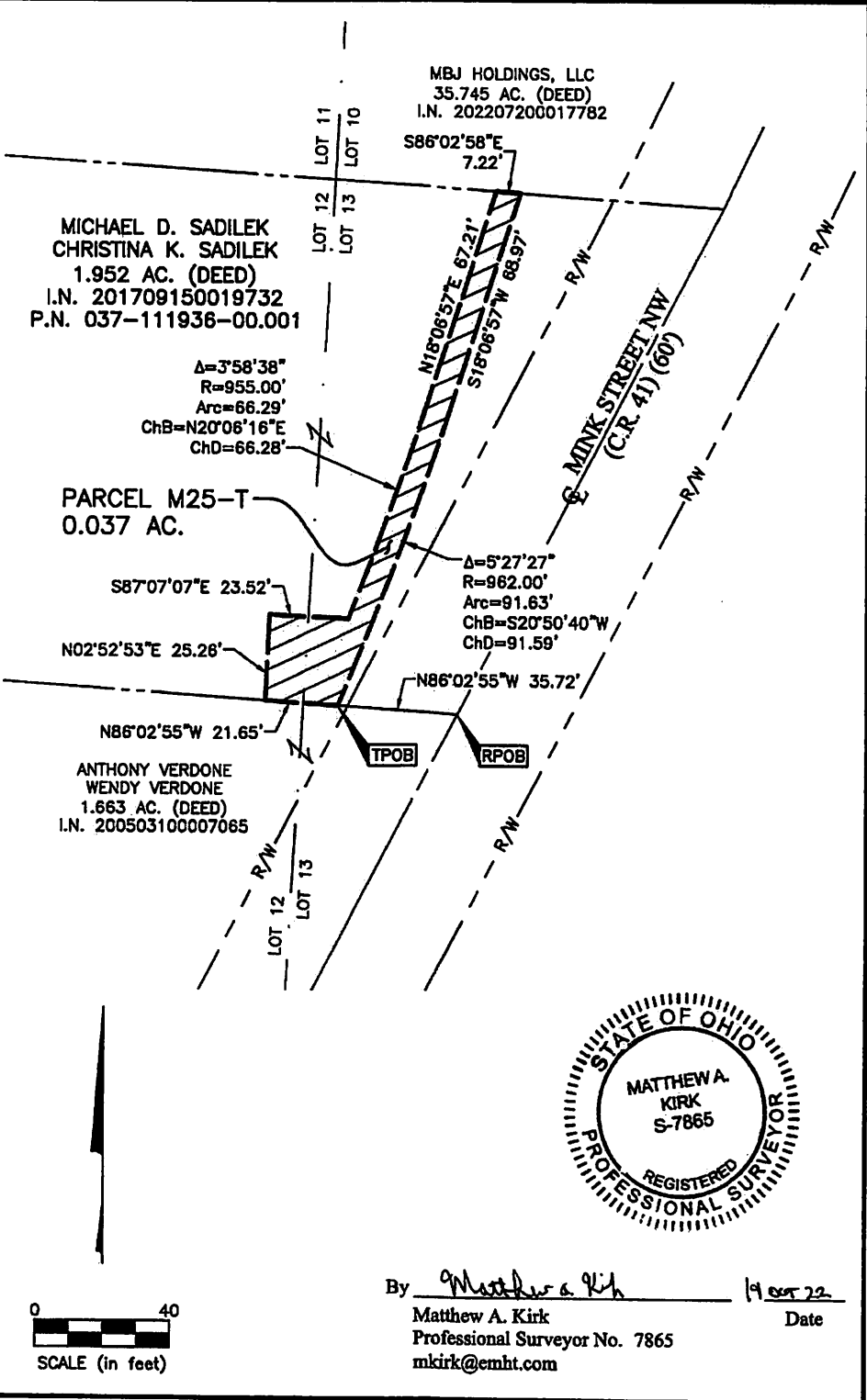




Evans, Mechwart, Hamilton & Thies, Inc.
 Engineers - Surveyors - Planners - Scientists
 5000 New Albany Road, Columbus, OH 43264
 Phone: 614.773.4300 Toll Free: 800.773.3448
 emht.com

TEMPORARY EASEMENT
LOTS 12 AND 13, MIDDLE DIVISION OF THE MARSH SECTION
QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15
UNITED STATES MILITARY DISTRICT
TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: October 19, 2022 Scale: 1" = 40' Job No: 2022-0233 Sheet No: 1 of 1



A:\2022\2023\DWG\CASES\TEMP EASEMENTS\M25-T_20220233-VS-EMHT-TEMP.DWG plotted by FERDINSON, DAVID on 10/19/2022 12:06:10 PM last saved by FERDINSON on 10/19/2022 12:06:13 PM



ORDINANCE O-32-2023

AN ORDINANCE TO APPROPRIATE PROPERTY FROM THE OWNERS, CHAD B. HARRISON AND AMY L. HARRISON, OF THE PROPERTY LOCATED AT 11076 GREEN CHAPEL ROAD IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Mink Street Project (the “Project”), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Mink Street and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibit, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-39-2022 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owner(s) have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property from its owners, Chad B. Harrison and Amy L. Harrison, for the property located at 11076 Green Chapel Road, for the public purpose of making, repairing, improving and constructing Mink Street and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described and depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel M29-WD).

Section 2. That Council hereby fixes the value of all the property and interests appropriated at One Hundred Thirty-six Thousand Two Hundred Fifty-two Dollars (\$136,252.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owners of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owners of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owners to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. 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 Ohio Revised Code Section 121.22.


Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this 21 day of March, 2023.

Attest:




Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:	
Prepared:	02/24/2023
Introduced:	03/07/2023
Revised:	
Adopted:	03/21/2023
Effective:	03/21/2023

EXHIBIT A

**PARCEL M29-WD
0.857 ACRE**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Lot 7 (First Range of Lots), Quarter Township 4, Township 3, Range 15, United States Military District, being part of that 3.322 acre tract conveyed to Chad B. Harrison and Amy L. Harrison by deed of record in Instrument Number 200801080000490 (all references refer to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

BEGINNING at a magnetic nail set at the centerline intersection of Mink Street NW (County Road 41) (60 feet) and Green Chapel Road NW (Township Road 63) at a southerly common corner of said Lot 7 and Lot 7 (Second Range of Lots), in the line common to said Township 3 and Township 2 of said Range 15, at a corner common to said 3.322 acre tract, that 2.853 acre tract conveyed to Shelli Writesel aka Shelli S. Writesel by deed of record in Instrument Number 201910020021346, that 27.733 acre tract conveyed to The City of New Albany by deed of record in Instrument Number 202206210015339 and that 73.71 acre tract conveyed to Anne Evans by deed of record in Official Record 667, Page 805;

Thence North 86° 35' 51" West, with the common line of said 3.322 and 27.753 acre tract, said common township line, and with the centerline of said Green Chapel Road NW a distance of 435.95 feet to a magnetic nail set at the southeast corner of that 60.308 acre tract conveyed to The Heimerl Family, LLC by deed of record in Instrument Number 201112120024225;

Thence North 03° 26' 48" East, with the common line of said 3.322 and 60.308 acre tracts and across said Green Chapel Road NW, a distance of 20.00 feet to an iron pin set;

Thence across said 3.322 acre tract, the following courses and distances:

South 86° 35' 51" East, a distance of 115.94 feet to an iron pin set at a point of curvature;

With the arc of a curve to the left, having a central angle of 22° 10' 44", a radius of 479.00 feet, an arc length of 185.42 feet, a chord bearing of North 82° 18' 48" East and chord distance of 184.26 feet to an iron pin set at a point of compound curvature;

With the arc of a curve to the left, having a central angle of 25° 54' 16", a radius of 79.00 feet, an arc length of 35.72 feet, a chord bearing of North 58° 16' 18" East and chord distance of 35.41 feet to an iron pin set at a point of tangency;

North 45° 19' 09" East, a distance of 17.32 feet to an iron pin set at a point of curvature;

With the arc of a curve to the left, having a central angle of 04° 40' 47", a radius of 99.00 feet, an arc length of 8.09 feet, a chord bearing of North 42° 58' 46" East and chord distance of 8.08 feet to an iron pin set;

North 15° 43' 40" East, a distance of 108.83 feet to an iron pin set at a point on the arc of a curve;

EXHIBIT A

**PARCEL M29-WD
0.857 ACRE**

-2-

With the arc of a curve to the right, having a central angle of 01° 15' 50", a radius of 394.00 feet, an arc length of 13.10 feet, a chord bearing of North 10° 00' 06" East and chord distance of 13.10 feet to an iron pin set at a point of reserve curvature; and

With the arc of a curve to the left, having a central angle of 01° 50' 59", a radius of 3451.00 feet, an arc length of 111.41 feet, a chord bearing of North 09° 42' 31" East and chord distance of 111.40 feet to an iron pin set in a southerly line of said 60.308 acre tract;

Thence South 86° 28' 18" East, with the common line of said 3.322 and 60.308 acre tracts (passing a 5/8 iron rebar found at a distance of 39.86 feet) a total distance of 60.50 feet to a magnetic nail set in the centerline of said Mink Road NW, the line common to said Lot 7 (First Range of Lots) and Lot 7 (Second Range of Lots) in the westerly line of that 0.888 acre tract conveyed to Cheryl L. Botkin Trustee and Kevin P. Johnson by deeds of record in Instrument Numbers 200607060019589 and 202210210025553;

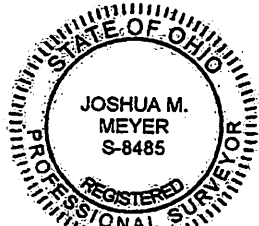
Thence South 04° 06' 18" West, with said centerline, said common lot line, the easterly line of said 3.332 acre tract and the westerly lines of said 0.888 and 2.853 acre tracts, a distance of 324.90 feet to the POINT OF BEGINNING, containing 0.857 acre, more or less, all of which is within Auditor's Parcel Number 052-173958-00.001 and 0.088 acre is located within the present roadway occupied by Green Chapel Road NW and 0.224 acre is located within the present roadway occupied by Mink Street NW.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street, having a bearing of South 04° 06' 18" West, is designated the "basis of bearings" for this description.

This description is based on an actual field survey performed by and under the direct supervision of Joshua M. Meyer, Professional Survey Number 8485 in November and December, 2021 and April, 2022.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

11-8-2022

Joshua M. Meyer
Professional Surveyor No. 8485

JMM-smh
M29-WD_0.857 ac 20220233-VS-BNDY.docx

PRE-APPROVAL LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY: DATE:	 4/10/22



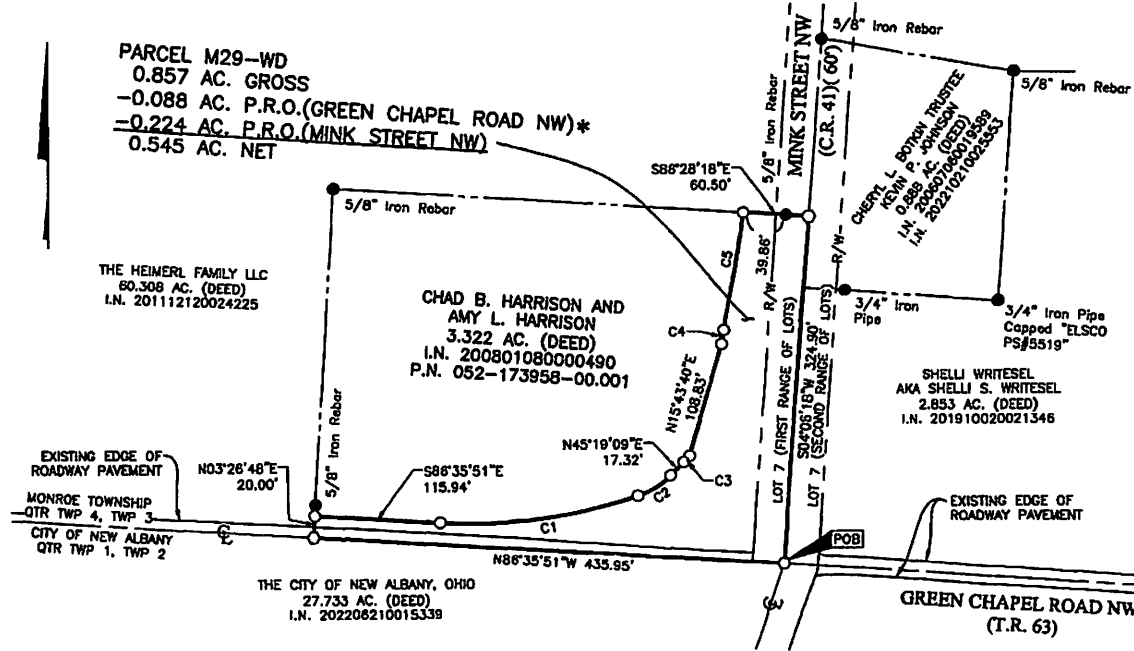
Ernst, Meacham, Henselton & Thon, Inc.
 Engineers • Surveyors • Planners • Scientists
 6320 New Albany Road, Columbus, OH 43254
 Phone: 614.778.4320 Toll Free: 866.778.2648
 emht.com

SURVEY OF ACREAGE PARCEL

LOT 7 (FIRST RANGE OF LOTS), QUARTER TOWNSHIP 4, TOWNSHIP 3, RANGE 15 UNITED STATES MILITARY DISTRICT TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date: October 13, 2022
 Scale: 1" = 100'
 Job No: 2022-0233
 Sheet No: 1 of 1

Revised: November 8, 2022



BASIS OF BEARINGS:

The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street NW, having a bearing of North 04° 06' 18" East, is designated the "basis of bearings" for this survey.

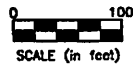
*** ROAD RIGHT OF WAY NOTES:**

The existing right-of-way width for Green Chapel Road has not been specified since neither a Road Record nor a Commissioner Road Folder could be found in the Licking County Engineer's office. The existing edge of roadway pavement was used to calculate the Present Road Occupied (P.R.O.) for this Road.

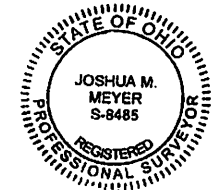
SURVEY NOTE:

This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey in November and December, 2021, and April, 2022.

CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CH. BEARING	CH. DIST.
C1	22°10'44"	479.00'	185.42'	N82°18'48"E	184.28'
C2	25°54'16"	79.00'	35.72'	N58°18'16"E	35.41'
C3	4°40'47"	99.00'	8.09'	N42°58'46"E	8.08'
C4	1°15'50"	594.00'	13.10'	N10°00'08"E	13.10'
C5	1°50'59"	3451.00'	111.41'	N09°42'31"E	111.40'



- Iron Pin Set
 - Iron Pin Pound
 - Magnetic Nail Set
- I.P. Set are 13/16" I.D. Iron pipes
 30" long with cap inscribed EMHT INC.



By Joshua M. Meyer
 Joshua M. Meyer
 Professional Surveyor No. 8485
 jmeyer@emht.com

11-8-2022
 Date

Ordinance O-32-2023 EXHIBIT 1



ORDINANCE O-33-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNER, SHELLI S. WRITESSEL, OF THE PROPERTY LOCATED AT 10902 GREEN CHAPEL ROAD IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Mink Street Project (the “Project”), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Mink Street and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibits, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-39-2022 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owner(s) have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easement from its owner, Shelli S. Writesel, for the property located at 10902 Green Chapel Road, for the public purpose of making, repairing, improving and constructing Mink Street and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described and depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel M36-WD).
- B. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 2 (Project Parcel M36-T).

Section 2. That Council hereby fixes the value of all the property and interests appropriated at Thirty-Seven Thousand Nine Hundred Twenty-two Dollars (\$37,922.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owner of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owner of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owner to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.


Section 7. 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 Ohio Revised Code Section 121.22.

Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this 21 day of March, 2023.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:


Benjamin S. Albrecht
Law Director

Legislation dates:	
Prepared:	02/24/2023
Introduced:	03/07/2023
Revised:	
Adopted:	03/21/2023
Effective:	03/21/2023

EXHIBIT A

**PARCEL M36-WD
0.371 ACRE**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Lot 7 (Second Range of Lots), Quarter Township 4, Township 3, Range 15, United States Military District, being out of that 2.853 acre tract conveyed to Shelli Writesel aka Shelli S. Writesel by deed of record in Instrument Number 201910020021346 (all references refer to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

BEGINNING at a magnetic nail set at the centerline intersection of Mink Street NW (County Road 41) (60 feet) and Green Chapel Road NW (Township Road 63) at the southerly common corner of said Lot 7 (Second Range of Lots) and Lot 7 (First Range of Lots) in the line common to said Township 3 and Township 2, of said Range 15 and at a corner common to said 2.853 acre tract, that 3.322 acre tract conveyed to Chad B. Harrison and Amy L. Harrison by deed of record in Instrument Number 20080108000490, that 27.733 acre tract conveyed to The City of New Albany by deed of record in Instrument Number 202206210015339, and that 73.71 acre tract conveyed to Anne Evans by deed of record in Official Record 667, Page 805;

Thence North 04° 06' 18" East, with the common line of said 2.853 and 3.322 acre tracts and said centerline of Mink Street NW and with the line common to said Lot 7 (Second Range of Lots) and Lot 7 (First Range of Lots), a distance of 258.00 feet to a magnetic nail set at the common corner of said 2.853 acre tract and that 0.888 acre tract conveyed to Cheryl L. Botkin Trustee and Kevin P. Johnson by deeds of record in Instrument Numbers 200607060019589 and 202210210025553;

Thence South 85° 54' 26" East, across the right-of-way of said Mink Street NW and with the common line of said 2.853 and 0.888 acre tracts, a distance of 30.00 feet to an iron pin set in the easterly right-of-way line of said Mink Street NW;

Thence across said 2.853 acre tract, the following courses and distances:

South 04° 06' 18" West, with said easterly right-of-way line, a distance of 184.47 feet to an iron pin set at a point on the arc of a curve;

With the arc of a curve to the left, having a central angle of 03° 15' 25", a radius of 479.00 feet, an arc length of 27.23 feet, a chord bearing of South 07° 01' 37" East and chord distance of 27.22 feet to an iron pin set at a point of compound curvature;

With the arc of a curve to the left, having a central angle of 46° 03' 13", a radius of 19.00 feet, an arc length of 15.27 feet, a chord bearing of South 31° 40' 55" East and chord distance of 14.86 feet to an iron pin set at the point of tangency;

South 54° 42' 32" East, a distance of 8.98 feet to an iron pin set at a point of curvature;

With the arc of a curve to the left, having a central angle of 12° 03' 30", a radius of 99.00 feet, an arc length of 20.84 feet, a chord bearing of South 60° 44' 17" East and chord distance of 20.80 feet to an iron pin set at a point;

EXHIBIT A

**PARCEL M36-WD
0.371 ACRE**

-2-

South 84° 08' 05" East, a distance of 61.53 feet to an iron pin set at a point on the arc of a curve;

With the arc of a curve to the right, having a central angle of 02° 37' 32", a radius of 594.00 feet, an arc length of 27.22 feet, a chord bearing of North 86° 04' 44" East and chord distance of 27.22 feet to an iron pin set at a point of tangency;

North 87° 23' 30" East, a distance of 69.78 feet to an iron pin set; and

South 86° 13' 54" East, a distance of 116.37 feet to a point in the common line of said 2.853 acre tract and that 2.222 acre tract conveyed to Mavis B. Cole by deeds of record in Official Record 799, Page 382 and Instrument Number 202209150022484 (reference a 5/8" iron rebar found 0.38 feet northerly);

Thence South 03° 58' 47" West, with the common line of said 2.222 and 2.853 acre tracts a distance of 30.00 feet to a common corner thereof in the northerly line of said 73.71 acre tract, in the centerline of Green Chapel Road NW, in the line common to said Township 2 and 3 (reference a railroad spike found 0.33 feet northerly);

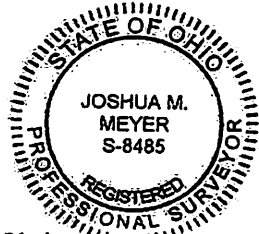
Thence North 86° 13' 54" West, with said centerline, the line common to said 2.853 and 73.71 acre tracts and with said common Township lines, a distance of 344.65 feet to the POINT OF BEGINNING, containing 0.371 acre, more or less, all of which is within Auditor's Parcel Number 052-173880-00.000 and 0.067 acre is located within the present roadway occupied by Green Chapel Road NW and 0.178 acre is located within the present roadway occupied by Mink Street NW.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street NW, having a bearing of North 04° 06' 18" East, is designated the "basis of bearings" for this description.

This description is based on an actual field survey performed by and under the direct supervision of Joshua M. Meyer, Professional Survey Number 8485 in November and December, 2021 and April, 2022.



JMM:smb
M36-WD_0_371 ac 20220233-VS-BNDY.docx

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Joshua M. Meyer
Professional Surveyor No. 8485

11-8-2022

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED	CONDITIONAL
<input checked="" type="checkbox"/>	<input type="checkbox"/>
APPROVED BY:	<u>BJS</u>
DATE:	<u>11/10/22</u>



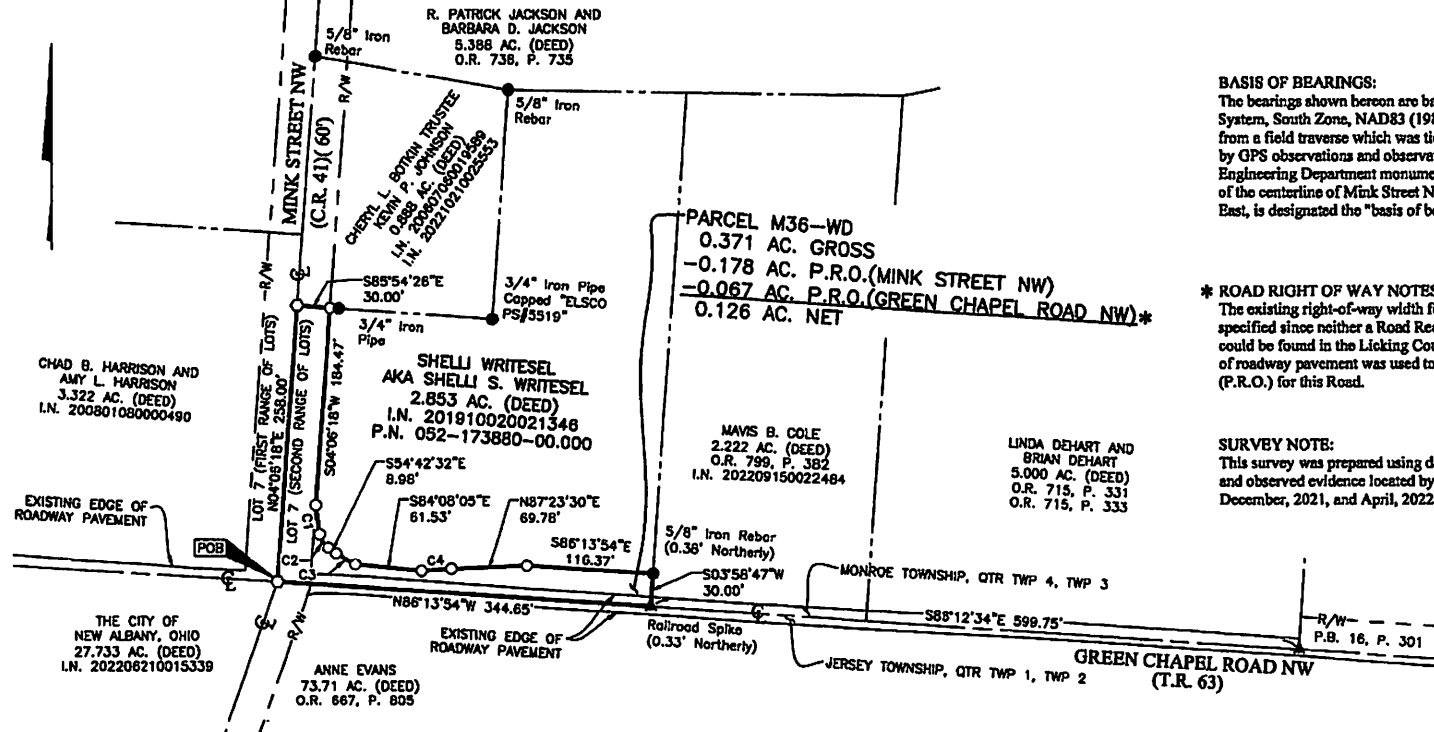
EMHT
 Evans, Meacham, Hamilton & Thon, Inc.
 Engineers • Surveyors • Planners • Scientists
 8350 New Albany Road, Columbus, OH 43254
 Phone: 614.776.6200 Fax: 614.776.6248
 embt.com

SURVEY OF ACREAGE PARCEL

LOT 7 (SECOND RANGE OF LOTS), QUARTER TOWNSHIP 4, TOWNSHIP 3, RANGE 15 UNITED STATES MILITARY DISTRICT TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date: October 13, 2022
 Scale: 1" = 100'
 Job No: 2022-0233
 Sheet No: 1 of 1

Revised: November 8, 2022



BASIS OF BEARINGS:

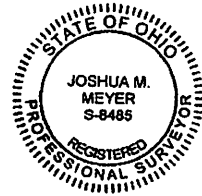
The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street NW, having a bearing of North 04° 06' 18" East, is designated the "basis of bearings" for this survey.

*** ROAD RIGHT OF WAY NOTES:**

The existing right-of-way width for Green Chapel Road has not been specified since neither a Road Record nor a Commissioner Road Folder could be found in the Licking County Engineer's office. The existing edge of roadway pavement was used to calculate the Present Road Occupied (P.R.O.) for this Road.

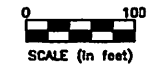
SURVEY NOTE:

This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey in November and December, 2021, and April, 2022.



CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CH. BEARING	CH. DIST.
C1	3°15'25"	479.00'	27.23'	S07°01'37"E	27.22'
C2	46°03'13"	19.00'	15.27'	S31°40'55"E	14.88'
C3	12°03'30"	99.00'	20.84'	S60°44'17"E	20.80'
C4	2°37'32"	594.00'	27.22'	N85°04'44"E	27.22'

- Iron Pin Set
 - Iron Pin Found
 - Magnetic Nail Set
 - ▲ Railroad Spike Found
- L.P. Set are 13/16" I.D. iron pins
 30" long with cap inscribed EMHT INC.



By *J.M. Meyer*
 Joshua M. Meyer
 Professional Surveyor No. 8485
 jmeyer@emht.com

11-8-2022
 Date

Ordinance O-33-2023 EXHIBIT 1

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL M36-T

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 052-173880-00.000

Prior Instrument Reference: Instrument No. 201910020021346, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Mink Street, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL M36-T
0.002 ACRE**

TEMPORARY EASEMENT

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Lot 7 (Second Range of Lots), Quarter Township 4, Township 3, Range 15, United States Military District, being on, over and across that tract conveyed to Shelli Writesel aka Shelli S. Writesel by deed of record in Instrument Number 201910020021346 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline intersection of Mink Street NW (County Road 41) (60 feet) and Green Chapel Road NW (Township Road 63) at the southerly common corner of said Lot 7 (Second Range of Lots) and Lot 7 (First Range of Lots) in the line common to said Quarter Township 4, Township 3 and Quarter Township 1, Township 2, of said Range 15 and at the southwesterly corner of said 2.853 acre tract;

Thence South 86° 13' 54" East, along the centerline of said Green Chapel Road NW (Township Road 63), the southerly line of said 2.853 acre tract and the line common to said Townships 2 and 3, a distance of 98.43 feet to a point;

Thence North 03° 46' 06" East, leaving the centerline of said Green Chapel Road NW (Township Road 63) and across said 2.853 acre tract, a distance of 19.84 feet to a point, the TRUE POINT OF BEGINNING;

Thence continuing across said 2.853 acre tract, the following courses and distances:

North 06° 53' 14" East, a distance of 5.41 feet to a point;

South 79° 10' 23" East, a distance of 22.78 feet to a point;

South 06° 11' 24" East, a distance of 3.52 feet to a point;

North 84° 08' 05" West, a distance of 23.52 feet to the TRUE POINT OF BEGINNING, containing 0.002 acre, more or less.



JMM:smh
M36-T 0.002 ac 20220233-VS-ESMT-TEMP.docx

EVANS, MECHWART, HAMBLETON & TILTON, INC.

A handwritten signature in black ink, appearing to read "Josh M. Meyer".

Joshua M. Meyer
Professional Surveyor No. 8485

11-4-2022

Date

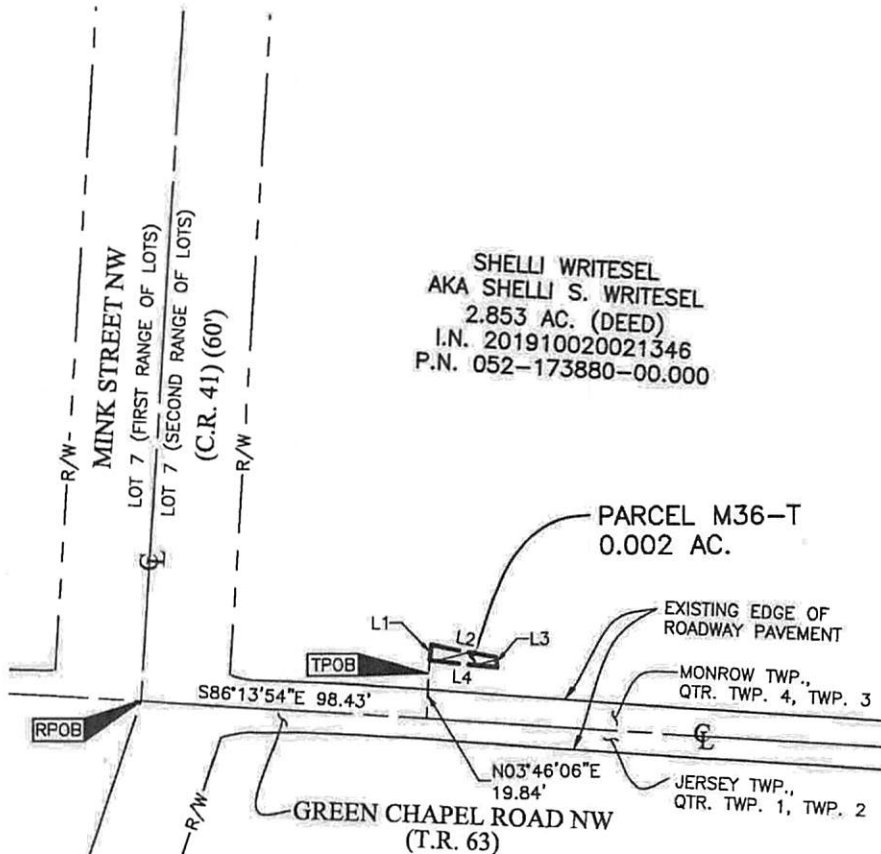


Evans, Mächwart, Hambleton & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 5800 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4500 Fax: 614.775.5148
 emht.com

TEMPORARY EASEMENT

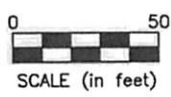
LOT 7 (SECOND RANGE OF LOTS)
 QUARTER TOWNSHIP 4, TOWNSHIP 3, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date: October 20, 2022 Scale: 1" = 50' Job No: 2022-0233 Sheet No: 1 of 1
 Revised: November 4, 2022



SHELLI WRITESSEL
 AKA SHELLI S. WRITESSEL
 2.853 AC. (DEED)
 I.N. 201910020021346
 P.N. 052-173880-00.000

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N06°53'14"E	5.41'
L2	S79°10'23"E	22.78'
L3	S06°11'24"E	3.52'
L4	N84°08'05"W	23.52'



By Joshua M. Meyer 11-4-2022 Date
 Joshua M. Meyer
 Professional Surveyor No. 8485
 jmeyer@emht.com

J:\2022\0233\DWG\04SHEETS\EASEMENTS\A09-T_20220233-v8-EMT-TEMP.DWG plotted by JAGRES, STDEVN on 11/4/2022 1:10:21 PM last saved by SHARRIS on 11/4/2022 1:09:42 PM



ORDINANCE O-34-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNERS, ANDREW SPENCER AND ASHLEE SPENCER, OF THE PROPERTY LOCATED AT 10832 GREEN CHAPEL ROAD IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Mink Street Project (the “Project”), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Mink Street and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibits, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-39-2022 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owner(s) have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easement from its owners, Andrew Spencer and Ashlee Spencer, for the property located at 10832 Green Chapel Road, for the public purpose of making, repairing, improving and constructing Mink Street and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described and depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel M37-WD).
- B. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 2 (Project Parcel M37-T).

Section 2. That Council hereby fixes the value of all the property and interests appropriated at Twenty-Seven Thousand Three Hundred Thirty-seven Dollars (\$27,337.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owners of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owners of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owners to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. 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 Ohio Revised Code Section 121.22.


Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this 21 day of March, 2023.

Attest:



Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:	
Prepared:	02/24/2023
Introduced:	03/07/2023
Revised:	
Adopted:	03/21/2023
Effective:	03/21/2023

EXHIBIT A

**PARCEL M37-WD
0.138 ACRE**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Lot 7 (Second Range of Lots), Quarter Township 4, Township 3, Range 15, United States Military District, being out of that 2.222 acre tract conveyed to Andrew Spencer and Ashlee Spencer by deed of record in Instrument Number 202212010028226 (all references refer to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a magnetic nail set at the centerline intersection of Mink Street NW (County Road 41) (60 feet) and Green Chapel Road NW (Township Road 63) at the southerly common corner of said Lot 7 (Second Range of Lots) and Lot 7 (First Range of Lots) in the line common to said Township 3 and Township 2, of said Range 15 and at a corner common to that 2.853 acre tract conveyed to Shelli Writsesel aka Shelli S. Writsesel by deed of record in Instrument Number 201910020021346, that 3.322 acre tract conveyed to Chad B. Harrison and Amy L. Harrison by deed of record in Instrument Number 20080108000490, that 27.733 acre tract conveyed to The City of New Albany by deed of record in Instrument Number 202206210015339, and that 73.71 acre tract conveyed to Anne Evans by deed of record in Official Record 667, Page 805;

Thence South 86° 13' 54" East, with the common line of said 2.853 and 73.71 acre tracts and said centerline of Green Chapel Road NW and with the line common to said Township 2 and 3, a distance of 344.65 to the common corner of said 2.222 and 2.853 acre tracts (reference a railroad spike found 0.33 feet northerly), the TRUE POINT OF BEGINNING;

Thence North 03° 58' 47" East, with the common line of said 2.222 and 2.853 acre tracts, a distance of 30.00 feet to a point (reference a 5/8" iron rebar found 0.38 feet northerly);

Thence South 86° 13' 54" East, crossing said 2.222 acre tract, a distance of 199.80 feet to an iron pin set in the common line of said 2.222 acre tract and that 5.000 acre tract conveyed to Priya Vardhan LLC by deed of record in Instrument Number 202210190025341;

Thence South 04° 01' 27" West, with the common line of said 2.222 and 5.000 acre tracts, a distance of 30.00 feet to a common corner thereof in the northerly line of said 73.71 acre tract in the centerline of said Green Chapel Road NW the common line of said Townships 2 and 3 (reference a railroad spike found 0.80 feet northerly);

Thence North 86° 13' 54" West, with said centerline, the common line of said 2.222 and 73.71 acre tracts, and with said common Township line, a distance of 199.78 feet to the TRUE POINT OF BEGINNING, containing 0.138 acre, more or less, all of which is within Auditor's Parcel Number 052-173880-00.001 and 0.041 acre is located within the present roadway occupied by Green Chapel Road NW.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

EXHIBIT A

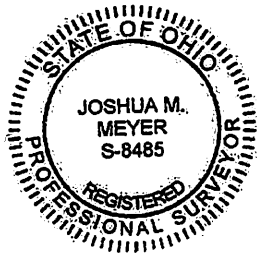
**PARCEL M37-WD
0.138 ACRE**

-2-

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Green Chapel Road NW, having a bearing of South 86° 13' 54" East, is designated the "basis of bearings" for this description.

This description is based on an actual field survey performed by and under the direct supervision of Joshua M. Meyer, Professional Survey Number 8485 in November and December, 2021 and April, 2022.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

12-7-2022

Joshua M. Meyer
Professional Surveyor No. 8485

JMM: smh
M37-WD_0_138 ac 20220233-VS-BNDY.docx

PRE-APPROVAL LICKING COUNTY ENGINEER	
APPROVED	CONDITIONAL
<input checked="" type="checkbox"/>	<input type="checkbox"/>
APPROVED BY:	<i>BS</i>
DATE:	<i>12/7/22</i>



Evans, Mechwart, Hamblen & Tilton, Inc.
 Engineers - Surveyors - Planners - Scientists
 5300 New Albany Road, Columbus, OH 43264
 Phone: 614.776.4523 Fax: 614.776.3448
 emht.com

SURVEY OF ACREAGE PARCEL

LOT 7 (SECOND RANGE OF LOTS), QUARTER TOWNSHIP 4, TOWNSHIP 3, RANGE 15 UNITED STATES MILITARY DISTRICT TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date:	December 7, 2022
Scale:	1" = 100'
Job No:	2022-0233
Sheet No:	1 of 1

BASIS OF BEARINGS:

The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Green Chapel Road NW, having a bearing of South 86° 13' 54" East, is designated the "basis of bearings" for this survey.

*** ROAD RIGHT OF WAY NOTES:**

The existing right-of-way width for Green Chapel Road has not been specified since neither a Road Record nor a Commissioner Road Folder could be found in the Licking County Engineer's office. The existing edge of roadway pavement was used to calculate the Present Road Occupied (P.R.O.) for this Road.

SURVEY NOTE:

This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey in November and December, 2021, and April, 2022.

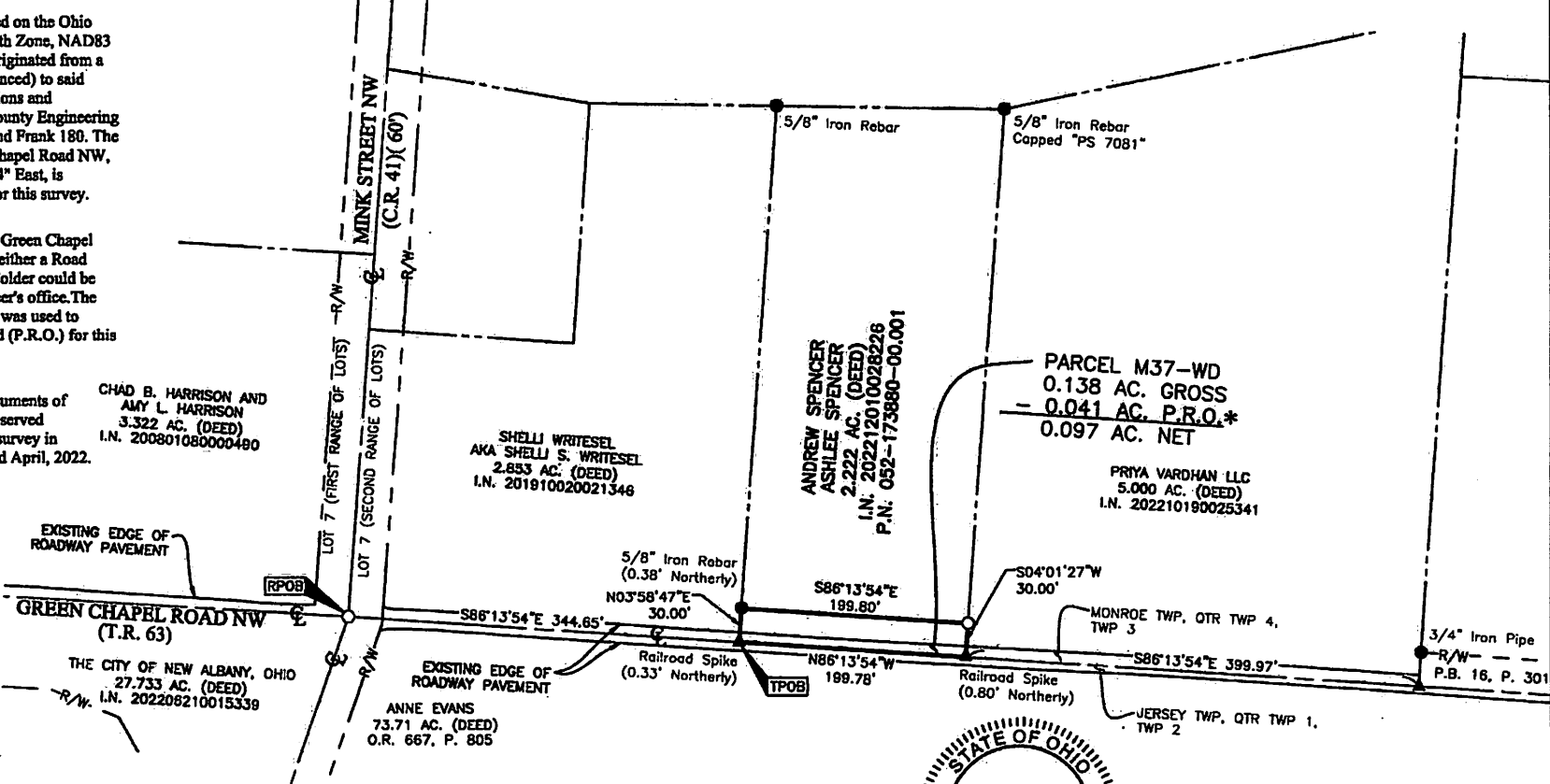
CHAD B. HARRISON AND
 AMY L. HARRISON
 3.322 AC. (DEED)
 I.N. 200801080000480

SHELLI WRITSEL
 AKA SHELLI S. WRITSEL
 2.853 AC. (DEED)
 I.N. 201910020021348

ANDREW SPENCER
 ASHLEE SPENCER
 2.222 AC. (DEED)
 I.N. 202212010028226
 P.N. 052-173880-00.001

PARCEL M37-WD
 0.138 AC. GROSS
 - 0.041 AC. P.R.O.*
 0.097 AC. NET

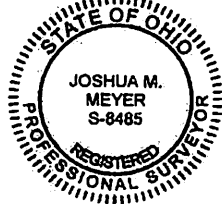
PRIYA VARDHAN LLC
 5.000 AC. (DEED)
 I.N. 202210190025341



EXISTING EDGE OF ROADWAY PAVEMENT
 GREEN CHAPEL ROAD NW (T.R. 63)
 THE CITY OF NEW ALBANY, OHIO
 27.733 AC. (DEED)
 I.N. 202208210013339

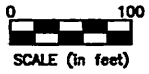
EXISTING EDGE OF ROADWAY PAVEMENT
 ANNE EVANS
 73.71 AC. (DEED)
 O.R. 667, P. 805

MONROE TWP. QTR TWP 4, TWP 3
 JERSEY TWP. QTR TWP 1, TWP 2



By *JM*
 Joshua M. Meyer
 Professional Surveyor No. 8485
 jmeyer@emht.com

12-7-2022
 Date



- Iron Pin Set
- Iron Pin Found
- Magnetic Nail Set
- ▲ Railroad Spike Found

L.P. Set are 13/16" I.D. iron pipes
 30" long with cap inscribed EMHT INC.

Ordinance O-34-2023 EXHIBIT 1

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL M37-T

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 052-173880-00.001

Prior Instrument Reference: Instrument No. 202212010028226, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Mink Street, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL M37-T
0.012 ACRE**

TEMPORARY EASEMENT

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Lot 7 (Second Range of Lots), Quarter Township 4, Township 3, Range 15, United States Military District, being on, over and across that tract conveyed to Andrew Spencer and Ashlee Spencer by deed of record in Instrument Number 202212010028226 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at the common corner of said 2.222 acre tract and that 5.000 acre tract conveyed to Priya Vardhan LLC by deed of record in Instrument Number 202210190025341, in the centerline of Green Chapel Road NW (Township Road 63) and the common line of said Township 3 and Township 2 of said Range 15;

Thence North 04° 01' 27" East, leaving the centerline of said Green Chapel Road NW (Township Road 63) and with the common line of said 2.222 and 5.000 acre tracts, a distance of 30.00 feet to a point;

Thence North 86° 13' 54" West, across said 2.222 acre tract, a distance of 23.18 feet to the TRUE POINT OF BEGINNING;

Thence across said 2.222 acre tract, the following courses and distances:

North 86° 13' 54" West, a distance of 19.62 feet to a point;

North 03° 46' 06" East, a distance of 27.00 feet to a point;

South 86° 13' 54" East, a distance of 19.62 feet to a point; and

South 03° 46' 06" West, a distance of 27.00 feet to the TRUE POINT OF BEGINNING, containing 0.012 acre, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Joshua M. Meyer
Professional Surveyor No. 8485

12-7-2022

Date

JMM:smh
M37-T_0_012 ac 20220233-VS-ESMT-TEMP.docx



ORDINANCE O-35-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNER, PRIYA VARDHAN, LLC, OF THE PROPERTY LOCATED AT 10820 GREEN CHAPEL ROAD IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Mink Street Project (the “Project”), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Mink Street and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibits, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-39-2022 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owner(s) have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easement from its owner, Priya Vardhan, LLC, for the property located at 10820 Green Chapel Road, for the public purpose of making, repairing, improving and constructing Mink Street and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described and depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel M38-WD).
- B. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 2 (Project Parcel M38-T).

Section 2. That Council hereby fixes the value of all the property and interests appropriated at Thirty-One Thousand Seven Hundred Eighty-two Dollars (\$31,782.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owner of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owner of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owner to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. 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 Ohio Revised Code Section 121.22.


Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this 21 day of March, 2023.

Attest:



Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:	
Prepared:	02/24/2023
Introduced:	03/07/2023
Revised:	
Adopted:	03/21/2023
Effective:	03/21/2023

EXHIBIT A

**PARCEL M38-WD
0.275 ACRE**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Lot 7 (Second Range of Lots), Quarter Township 4, Township 3, Range 15, United States Military District, being out of that 5.000 acre tract conveyed to Priya Vardhan LLC by deed of record in Instrument Number 202210190025341 (all references refer to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a magnetic nail set at the centerline intersection of Mink Street NW (County Road 41) (60 feet) and Green Chapel Road NW (Township Road 63) at the southerly common corner of said Lot 7 (Second Range of Lots) and Lot 7 (First Range of Lots) in the line common to said Township 3 and Township 2, of said Range 15 and at a corner common to that 2.853 acre tract conveyed to Shelli Writesel aka Shelli S. Writesel by deed of record in Instrument Number 201910020021346, that 3.322 acre tract conveyed to Chad B. Harrison and Amy L. Harrison by deed of record in Instrument Number 20080108000490, that 27.733 acre tract conveyed to The City of New Albany by deed of record in Instrument Number 202206210015339, and that 73.71 acre tract conveyed to Anne Evans by deed of record in Official Record 667, Page 805;

Thence South 86° 13' 54" East, with the southerly line of said 2.853 acre tract and that 2.222 acre tract conveyed to Mavis B. Cole by deeds of record in Official Record 799, Page 382 and Instrument Number 202209150022484, the northerly line of said 73.71 acre tract, the said centerline of said Green Chapel Road NW and with the line common to said Townships 2 and 3, a distance of 544.43 feet to the common corner of said 5.000 and 2.222 acre tracts, the TRUE POINT OF BEGINNING (reference a railroad spike 0.80 feet northerly);

Thence North 04° 01' 27" East, with the common line of said 5.000 and 2.222 acre tracts, a distance of 30.00 feet to an iron pin set;

Thence South 86° 13' 54" East, crossing said 5.000 acre tract, a distance of 399.96 feet to a 3/4 inch iron pipe found in the common line of said 5.000 acre tract and that subdivision titled "Ravines of Monroe", of record in Plat Book 16, Page 301 and Instrument Number 200408200030188;

Thence South 03° 59' 56" West, with the common line of said 5.000 acre tract and said "Ravines of Monroe" (passing a 5/8 inch iron rebar found at a distance of 9.13 feet), a total distance of 30.00 feet to a railroad spike found at the common corner thereof, in the northerly line of said 73.71 acre tract, in the centerline of Green Chapel Road NW and the common line of said Townships 2 and 3;

Thence North 86° 13' 54" West, with the centerline of said Green Chapel Road NW, the common line of said 5.000 and 73.71 acre tracts and the common line of said Townships 2 and 3, a distance of 399.97 feet to the TRUE POINT OF BEGINNING, containing 0.275 acre, more or less, all of which is within Auditor's Parcel Number 052-173874-00.001 and 0.095 acre is located within the present roadway occupied by Green Chapel Road NW.

EXHIBIT A

**PARCEL M38-WD
0.275 ACRE**

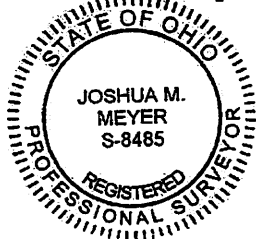
-2-

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Green Chapel Road NW, having a bearing of South 86° 13' 54" East, is designated the "basis of bearings" for this description.

This description is based on an actual field survey performed by and under the direct supervision of Joshua M. Meyer, Professional Survey Number 8485 in November and December, 2021 and April, 2022.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

10-24-2022

Joshua M. Meyer
Professional Surveyor No. 8485

JMM: smh
M37-WD_0_138 ac 20220233-VS-BNDY.docx

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY:	<u>BS</u>
DATE:	<u>10/25/22</u>



Evans, Mechwart, Hamilton & Tibbitts, Inc.
 Engineers - Surveyors - Planners - Scientists
 5600 New Albany Road, Columbus, OH 43254
 Phone: 614.775.4500 Fax: 614.775.2648
 emht.com

SURVEY OF ACREAGE PARCEL

LOT 7 (SECOND RANGE OF LOTS), QUARTER TOWNSHIP 4, TOWNSHIP 3, RANGE 15 UNITED STATES MILITARY DISTRICT TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date:	October 24, 2022
Scale:	1" = 100'
Job No:	2022-0233
Sheet No:	1 of 1

BASIS OF BEARINGS:

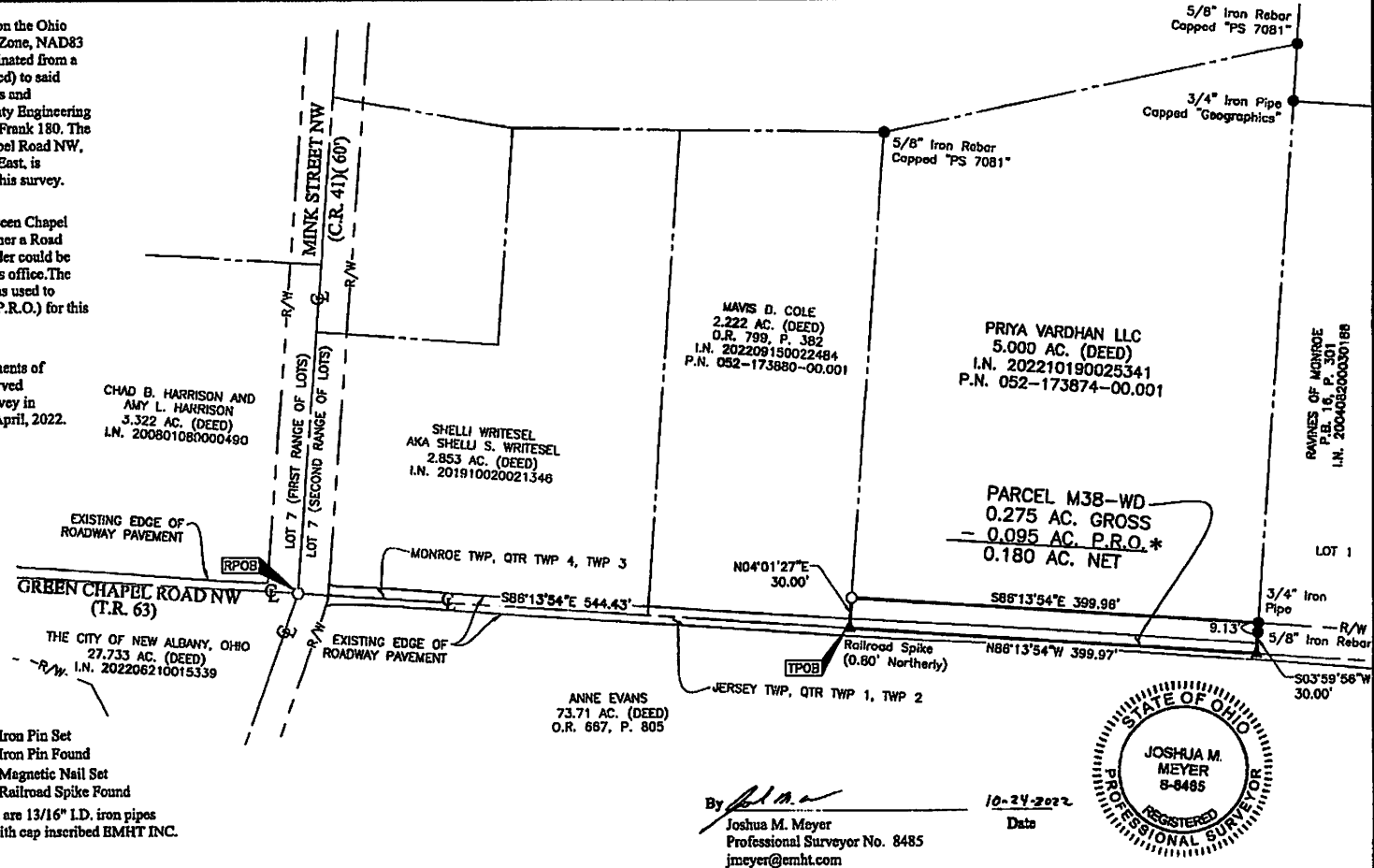
The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Green Chapel Road NW, having a bearing of South 86° 13' 54" East, is designated the "basis of bearings" for this survey.

*** ROAD RIGHT OF WAY NOTES:**

The existing right-of-way width for Green Chapel Road has not been specified since neither a Road Record nor a Commissioner Road Folder could be found in the Licking County Engineer's office. The existing edge of roadway pavement was used to calculate the Present Road Occupied (P.R.O.) for this Road.

SURVEY NOTE:

This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey in November and December, 2021, and April, 2022.



- Iron Pin Set
 - Iron Pin Found
 - Magnetic Nail Set
 - ▲ Railroad Spike Found
- L.P. Set are 13/16" I.D. iron pipes
 30" long with cap inscribed EMHT INC.



By *Joshua M. Meyer* 10-24-2022 Date
 Joshua M. Meyer
 Professional Surveyor No. 8485
 jmeyer@emht.com



Ordinance O-3-5-2023 EXHIBIT 1

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL M38-T

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 052-173874-00.001

Prior Instrument Reference: Instrument No. 202210190025341, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Mink Street, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL M38-T
0.008 ACRE**

TEMPORARY EASEMENT

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Lot 7 (Second Range of Lots), Quarter Township 4, Township 3, Range 15, United States Military District, being on, over and across that 5.000 acre tract conveyed to Priya Vardhan LLC by deed of record in Instrument Number 202210190025341 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at the common corner of said 5.000 acre tract and that 2.222 acre tract conveyed to Mavis B. Cole by deeds of record in Official Record 799, Page 382 and Instrument Number 202209150022484, in the common line of said Township 3 and Township 2 of said Range 15 and the centerline of said Green Chapel Road NW;

Thence North 04° 01' 27" East, leaving the centerline of said Green Chapel Road NW (Township Road 63) and with the common line of said 5.000 and 2.222 acre tracts, a distance of 30.00 feet to a point;

Thence South 86° 13' 54" East, crossing said 5.000 acre tract a distance of 22.03 feet to the TRUE POINT OF BEGINNING;

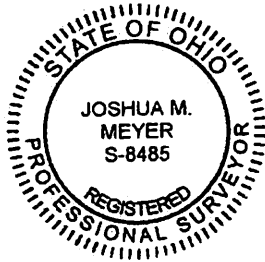
Thence across said 5.000 acre tract, the following courses and distances:

North 03° 46' 06" East, a distance of 17.00 feet to a point;

South 86° 13' 54" East, a distance of 19.56 feet to a point;

South 03° 46' 06" West, a distance of 17.00 feet to a point; and

North 86° 13' 54" West, a distance of 19.56 feet to the TRUE POINT OF BEGINNING, containing 0.008 acre, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Joshua M. Meyer
Professional Surveyor No. 8485

10-24-2022

Date

JMM:smh
M38-T_0_008 ac 20220233-VS-ESMT-TEMP.docx



Evans, Machwerdt, Hamilton & Tabor, Inc.
 Engineers - Surveyors - Planners - Scientists
 5500 New Albany Road, Columbus, OH 43264
 Phone: 614.733.4300 Toll Free: 800.773.3646
 emht.com

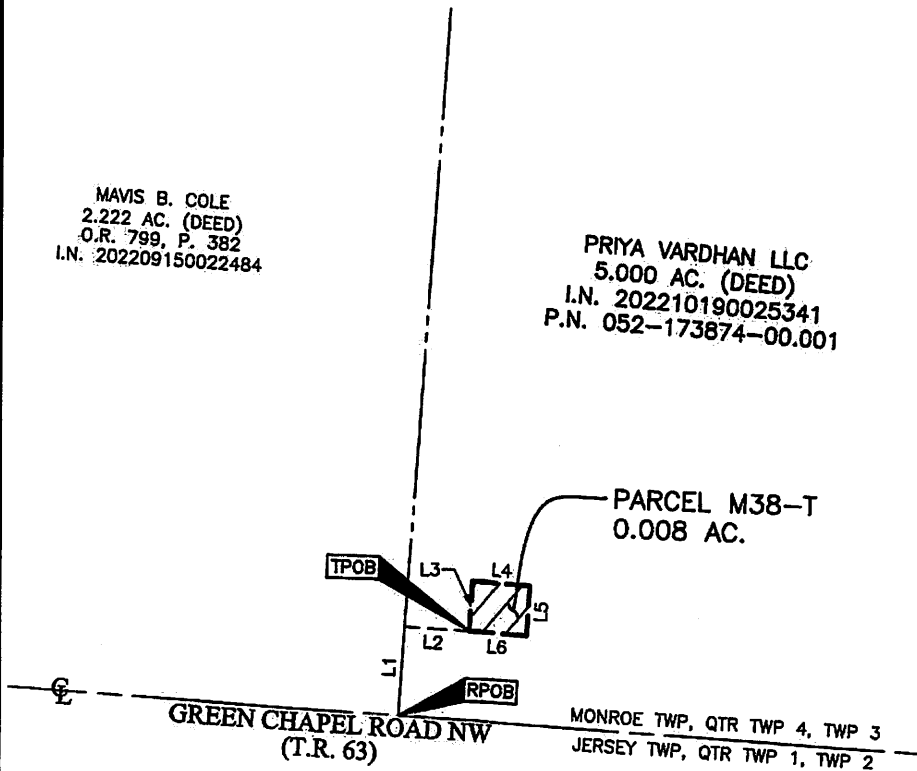
TEMPORARY EASEMENT
LOT 7 (SECOND RANGE OF LOTS)
QUARTER TOWNSHIP 4, TOWNSHIP 3, RANGE 15
UNITED STATES MILITARY DISTRICT
TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date: October 24, 2022 Scale: 1" = 50' Job No: 2022-0233 Sheet No: 1 of 1

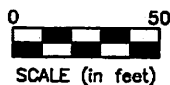
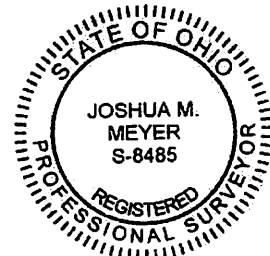
MAVIS B. COLE
 2.222 AC. (DEED)
 O.R. 799, P. 382
 I.N. 202209150022484

PRIYA VARDHAN LLC
 5.000 AC. (DEED)
 I.N. 202210190025341
 P.N. 052-173874-00.001

PARCEL M38-T
 0.008 AC.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N04°01'27"E	30.00'
L2	S86°13'54"E	22.03'
L3	N03°46'06"E	17.00'
L4	S86°13'54"E	19.56'
L5	S03°46'06"W	17.00'
L6	N86°13'54"W	19.56'



By Joshua M. Meyer 10-24-2022
 Joshua M. Meyer Professional Surveyor No. 8485 Date
 jmeyer@emht.com

\A 20220233.DWG \ASSETS\ASSETS\M38-T_20220233-15-ESMT-TEMP.DWG plotted by FEROUNSI, DAVID on 10/24/2022 11:23:34 AM last saved by FEROUNSI on 10/24/2022 11:23:31 AM



ORDINANCE O-36-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENTS FROM THE OWNER, ANNE EVANS, OF THE PROPERTY LOCATED AT 10745 GREEN CHAPEL ROAD IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Mink Street Project (the “Project”), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Mink Street and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibits, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-39-2022 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owner(s) have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easements from its owner, Anne Evans, for the property located at 10745 Green Chapel Road, for the public purpose of making, repairing, improving and constructing Mink Street and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described and depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel M39-WD).
- B. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 2 (Project Parcel M39-T1).
- C. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 3 (Project Parcel M39-T2).
- D. Permanent easement as described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 4 (Project Parcel M39-S).

Section 2. That Council hereby fixes the value of all the property and interests appropriated at Seventy Thousand Nine Hundred Fifteen Dollars (\$70,915.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owner of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owner of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owner to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent

of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. 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 Ohio Revised Code Section 121.22.

Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this 21 day of March, 2023.

Attest:



Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared:	02/24/2023
Introduced:	03/07/2023
Revised:	
Adopted:	03/21/2023
Effective:	03/21/2023

EXHIBIT A

**PARCEL M39-WD
2.009 ACRE**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Quarter Township 1, Township 2, Range 15, United States Military District, being part of that 73.71 acre tract conveyed to Anne Evans by deed of record in Official Record 667, Page 805; (all references refer to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

BEGINNING at a magnetic nail set at the centerline intersection of Mink Street NW (County Road 41) (width varies) and Green Chapel Road NW (Township Road 63) at the southerly common corner of Lot 7 (Second Range of Lots) and Lot 7 (First Range of Lots) in the line common to said Township 2 and Township 3 of said Range 15 and at the common corner of said 73.71 acre tract, that 2.853 acre tract conveyed to Shelli Writesel aka Shelli S. Writesel by deed of record in Instrument Number 201910020021346, that 3.322 acre tract conveyed to Chad B. Harrison and Amy L. Harrison by deed of record in Instrument Number 20080108000490, and that 27.733 acre tract conveyed to The City of New Albany by deed of record in Instrument Number 202206210015339;

Thence South 86° 13' 54" East, with the centerline of said Green Chapel Road NW, the northerly line of said 73.71 acre tract, the southerly lines of said 2.853 acre tract, that 2.222 acre tract conveyed Mavis B. Cole by deed of record in Instrument Number 202209150022484 and that 5.000 acre tract conveyed to Linda Dehart and Brian Dehart by deed of record in Official Record 715, Page 331, (passing a railroad spike found 0.33 feet north at a distance of 344.65 feet and a railroad spike found 0.80 feet north at a distance of 544.43 feet) a total distance of 944.40 feet to railroad spike found at the common corner of said 5.00 acre tract and that subdivision titled "Ravines of Monroe", of record in Plat book 16, Page 301 and Instrument Number 200408200030188;

Thence across said 73.71 acre tract, the following courses and distances:

South 03° 46' 06" West, a distance of 30.00 feet to an iron pin set;

North 86° 13' 54" West, a distance of 370.53 feet to an iron pin set;

South 87° 23' 30" West, a distance of 412.11 feet to an iron pin set at a point of curvature;

With the arc of a curve to the left, having a central angle of 18° 42' 51", a radius of 479.00 feet, an arc length of 156.45 feet, a chord bearing of South 78° 02' 04" West and chord distance of 155.76 feet to an iron pin set at a point of compound curvature; and

With the arc of a curve to the left, having a central angle of 16° 42' 00", a radius of 79.00 feet, an arc length of 23.03 feet, a chord bearing of South 60° 19' 39" West and chord distance of 22.94 feet to an iron pin set at a point of non-tangency in the easterly right-of-way line of said Mink Street NW;

Thence with said easterly right-of-way line of said Mink Street NW and across said 73.71 acre tract, the following courses and distances:

South 19° 07' 08" West, a distance of 115.15 feet to an iron pin set;

EXHIBIT A

PARCEL M39-WD
2.009 ACRE

-2-

South 23° 42' 08" West, a distance of 301.12 feet to an iron pin set;

South 23° 24' 08" West, a distance of 199.65 feet to an iron pin set; and

South 24° 28' 38" West, a distance of 610.14 feet to an iron pin set in the line common to said 73.71 acre tract and that 88.622 acre tract conveyed as Parcel VII to Green Chapel Properties, LLC by deed of record in Instrument Number 200612260036775;

Thence North 86° 11' 43" West, with said common line and across said Mink Street NW, (passing a 5/8 inch iron rebar capped "J&H#7900" found at a distance of 0.75 feet), a total distance of 32.06 feet to a magnetic nail set at the common corner of said 73.71 and 88.622 acre tracts, in the centerline of said Mink Street NW and the easterly line of said 27.733 acre tract;

Thence with said centerline and the line common to said 73.71 and 27.733 acre tracts, the following courses and distances:

North 24° 28' 38" East, a distance of 621.18 feet to a magnetic nail set;

North 23° 24' 08" East, a distance of 199.45 feet to a magnetic nail set;

North 23° 42' 08" East, a distance of 300.00 feet to a magnetic nail set; and

North 19° 07' 08" East, a distance of 241.20 feet to the POINT OF BEGINNING, containing 2.009 acres, more or less, all of which is within Auditors Parcel Number 037-111396-00.000, and 0.938 acre is within the present roadway occupied by Mink Street NW and 0.145 acre is within the present roadway occupied by Green Chapel Road NW.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street NW, having a bearing of North 24° 28' 38" East, is designated the "basis of bearings" for this description.

This description is based on an actual field survey performed by and under the direct supervision of Joshua M. Meyer, Professional Survey Number 8485 in November and December, 2021 and April, 2022.



JMM:mp
M39-WD_2_009 ac 20220233-VS-BNDY.docx

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Josh M. Meyer

10-17-2022

Joshua M. Meyer
Professional Surveyor No. 8485

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED	CONDITIONAL
<input checked="" type="checkbox"/>	<input type="checkbox"/>
APPROVED BY:	BS
DATE:	10/23/22



Evans, Mechwart, Hamblen & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4500 Toll Free: 888.775.3648
 emht.com

SURVEY OF ACREAGE PARCEL

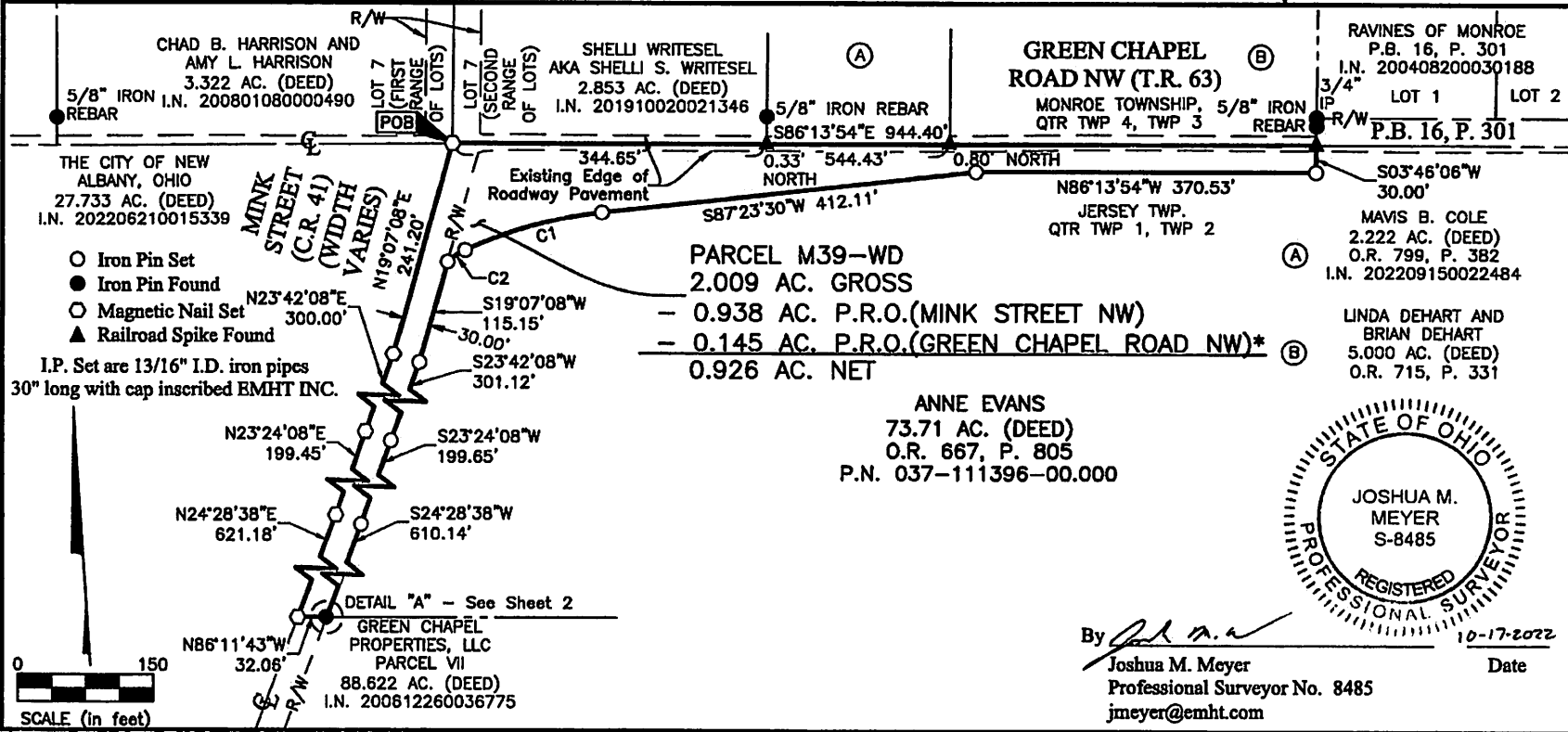
QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: October 17, 2022

Scale: 1" = 150'

Job No: 2022-0233

Sheet No: 1 of 2



Ordinance O-36-2023 EXHIBIT 1

A:\2022\2023\DWG\CASHIERS\BOUNDARY\MSO-WD_2022\2023-V8-BNDY.DWG plotted by FERUSON, DAMD on 10/17/2022 11:23:12 AM last saved by DFERUSON on 10/17/2022 11:23:09 AM



SURVEY OF ACREAGE PARCEL
 QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: October 17, 2022 | Scale: 1" = 150' | Job No: 2022-0233 | Sheet No: 2 of 2

BASIS OF BEARINGS:

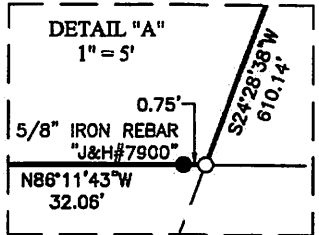
The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street NW, having a bearing of North 24° 28' 38" East, is designated the "basis of bearings" for this survey.

***ROAD RIGHT OF WAY NOTES:**

The existing right-of-way width for Green Chapel Road has not been specified since neither a Road Record nor a Commissioner Road Folder could be found in the Licking County Engineer's office. The existing edge of roadway pavement was used to calculate the Present Road Occupied (P.R.O.) for this Road.

SURVEY NOTE:

This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey in November and December, 2021, and April, 2022.



CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CH. BEARING	CH. DIST.
C1	18°42'51"	479.00'	156.45'	S78°02'04"W	155.76'
C2	16°42'00"	79.00'	23.03'	S60°19'39"W	22.94'

J:\20220233\DWG\ASSETS\BOUNDARY\M39-WL_20220233-V6-BARY.DWG plotted by FERGLUSON, DAVID on 10/17/2022 11:23:13 AM last saved by FERGLUSON on 10/17/2022 11:23:09 AM

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL M39-T1

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 037-111396-00.000

Prior Instrument Reference: Volume 667, Page 805, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Mink Street, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL M39-T1
0.005 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Quarter Township 1, Township 2, Range 15, United States Military District, being on, over and across that 73.71 acre tract conveyed to Anne Evans by deed of record in Official Record 667, Page 805; (all references refer to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a common corner of said 73.71 acre tract and that 88.622 acre tract conveyed as Parcel VII to Green Chapel Properties, LLC by deed of record in Instrument Number 200612260036775, in the easterly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339 and the centerline of Mink Street (C.R. 41) (width varies);

Thence South 86° 11' 43" East, with the line common to said 73.71 and 88.622 acre tracts and across said Mink Street, a distance of 32.06 feet to a point in the easterly right-of-way line of said Mink Street, being the TRUE POINT OF BEGINNING;

Thence across said 73.71 acre tract, the following courses and distances:

North 24° 28' 38" East, with said easterly right-of-way line, a distance of 35.24 feet to a point;

North 61° 49' 57" East, a distance of 9.89 feet to a point; and

South 24° 28' 38" West, a distance of 40.83 feet to a point in said common line;

Thence North 86° 11' 43" West, with said common line, a distance of 6.41 feet to the TRUE POINT OF BEGINNING, containing 0.005 acre, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Joshua M. Meyer
Professional Surveyor No. 8485

10-19-2022

Date

JMM:amp
M39-T1_0_005 ac 20220233-VS-ESMT-TEMP.docx

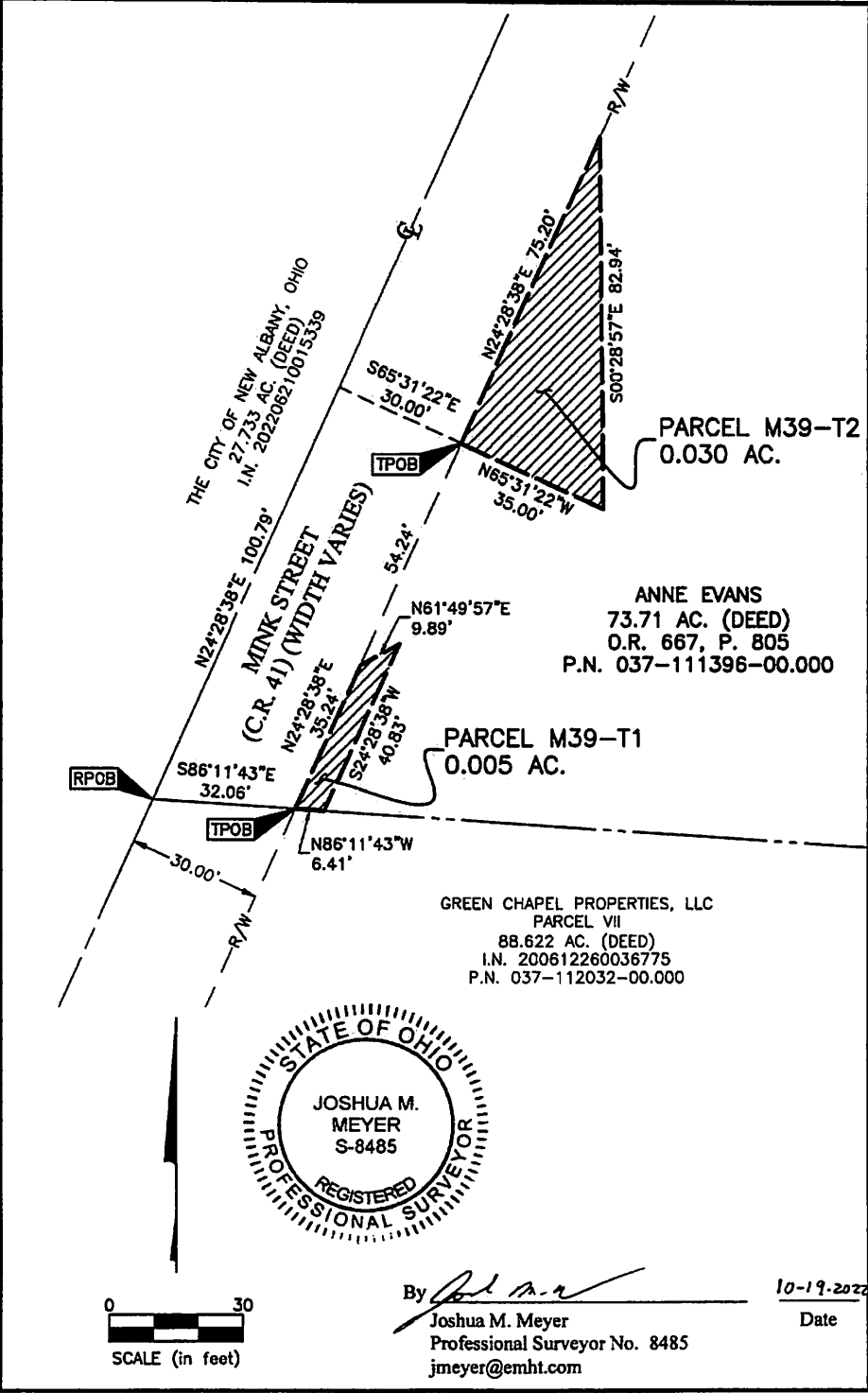


Evans, Mechwart, Hambleton & Tilton, Inc.
 Eng. neers • Survayors • Plannars • Sclerists
 3300 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4333 Fax: 614.775.3648
 emht.com

TEMPORARY EASEMENT
 QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: October 19, 2022 Scale: 1" = 30' Job No: 2022-0233 Sheet No: 1 of 1

J:\2022\0233\DWG\CAD\DWG\TEMP\DWG\TEMP.DWG plotted by PHILIPOTT on 10/19/2022 1:02:50 PM last saved by PHILIPOTT on 10/19/2022 1:02:41 PM



**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL M39-T2

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 037-111396-00.000

Prior Instrument Reference: Volume 667, Page 805, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Mink Street, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL M39-T2
0.030 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Quarter Township 1, Township 2, Range 15, United States Military District, being on, over and across that 73.71 acre tract conveyed to Anne Evans by deed of record in Official Record 667, Page 805; (all references refer to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a common corner of said 73.71 acre tract and that 88.622 acre tract conveyed as Parcel VII to Green Chapel Properties, LLC by deed of record in Instrument Number 200612260036775, in the easterly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339 and the centerline of Mink Street (C.R. 41) (width varies);

Thence North 24° 28' 38" East, with the centerline of said Mink Street and the line common to said 73.71 and 27.733 acre tracts, a distance of 100.79 feet to a point;

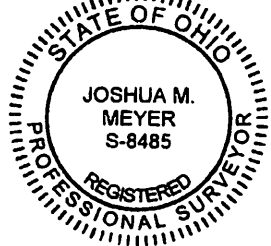
Thence South 65° 31' 22" East, across said Mink Street and said 73.71 acre tract, a distance of 30.00 feet to a point in the easterly right-of-way line of said Mink Street, being the TRUE POINT OF BEGINNING;

Thence continuing across said 73.71 acre tract, the following courses and distances:

North 24° 28' 38" East, with said easterly right-of-way, a distance of 75.20 feet to a point;

South 00° 28' 57" East, a distance of 82.94 feet to a point; and

North 65° 31' 22" West, a distance of 35.00 feet to the TRUE POINT OF BEGINNING, containing 0.030 acre, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Joshua M. Meyer
Professional Surveyor No. 8485

10-19-2022

Date

JMM:amp
M39-T2_0_030 ac 20220233-VS-ESMT-TEMP.docx

EASEMENT

PARCEL M39-S

A perpetual non-exclusive easement granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to occupy for drainage, stormwater management, utilities and appurtenances necessary for the establishment, construction, reconstruction, widening, repair or maintenance and use of a public road (the “Project”) the following described real estate (“Easement Area”) and for other purposes described herein:

SEE EXHIBIT A ATTACHED

Licking County Current Tax Parcel No. 037-111396-00.000

Prior Instrument Reference: V. 667 P. 805, Licking County, Ohio Recorder’s Office

The purpose of the easement is for drainage, stormwater management and utilities appurtenant to a public road, together with the right to construct, reconstruct, operate, maintain, repair, replace, and/or remove said drainage, stormwater and utility facilities that may be necessary or convenient for the providing of such drainage, stormwater and utility services, in, upon, across, over, under, and through the Easement Area, together with ingress and egress thereto. The City may assign this Easement to parties who may be responsible for the proper use, operation, and maintenance of the utility and public roadway that required this Easement.

Upon completion of any construction of any drainage, stormwater and utilities in the Easement Area, the Easement Area will be graded, seeded or erosion control measures shall be installed and the Easement Area shall be returned as reasonably practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. The City shall restore the initial construction in the Easement Area in accordance with the roadway improvement plans and specifications on file at the Licking County Engineer’s Office.

The Owner shall not unreasonably interfere with the drainage, stormwater or utility easement or its purposes and shall not convey any other easement within the Easement Area; place any additional structures of a temporary or permanent type on, above, or under the Easement Area; add or remove any dirt, stone, fill, trees or other vegetation or materials within the Easement Area; or disturb or alter any slopes, drainage courses or water flows within the Easement Area. However, the Owner may continue to enjoy the use of said property for any purposes which do not interfere with or prevent the use of this Easement by the City including ingress and egress over said Easement not inconsistent with its intended use.

EXHIBIT A

**PARCEL M39-S
0.025 ACRE**

EASEMENT

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Quarter Township 1, Township 2, Range 15, United States Military District, being on, over and across that 73.71 acre tract conveyed to Anne Evans by deed of record in Official Record 667, Page 805; (all references refer to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a common corner of said 73.71 acre tract and that 88.622 acre tract conveyed as Parcel VII to Green Chapel Properties, LLC by deed of record in Instrument Number 200612260036775, in the easterly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339 and the centerline of Mink Street (C.R. 41) (width varies);

Thence North 24° 28' 38" East, with the centerline of said Mink Street and the line common to said 73.71 and 27.733 acre tracts, a distance of 100.79 feet to a point;

Thence South 65° 31' 22" East, across said Mink Street and said 73.71 acre tract, a distance of 30.00 feet to a point in the easterly right-of-way line of said Mink Street, being the TRUE POINT OF BEGINNING;

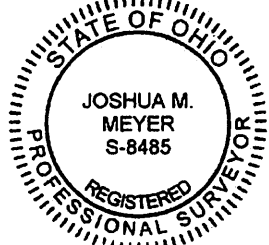
Thence continuing across said 73.71 acre tract, the following courses and distances:

South 65° 31' 22" East, a distance of 35.00 feet to a point;

South 24° 28' 38" West, a distance of 8.38 feet to a point;

South 61° 49' 57" West, a distance of 57.68 feet to a point in said easterly right-of-way line; and

North 24° 28' 38" East, with said easterly right-of-way line, a distance of 54.24 feet to the TRUE POINT OF BEGINNING, containing 0.025 acre, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

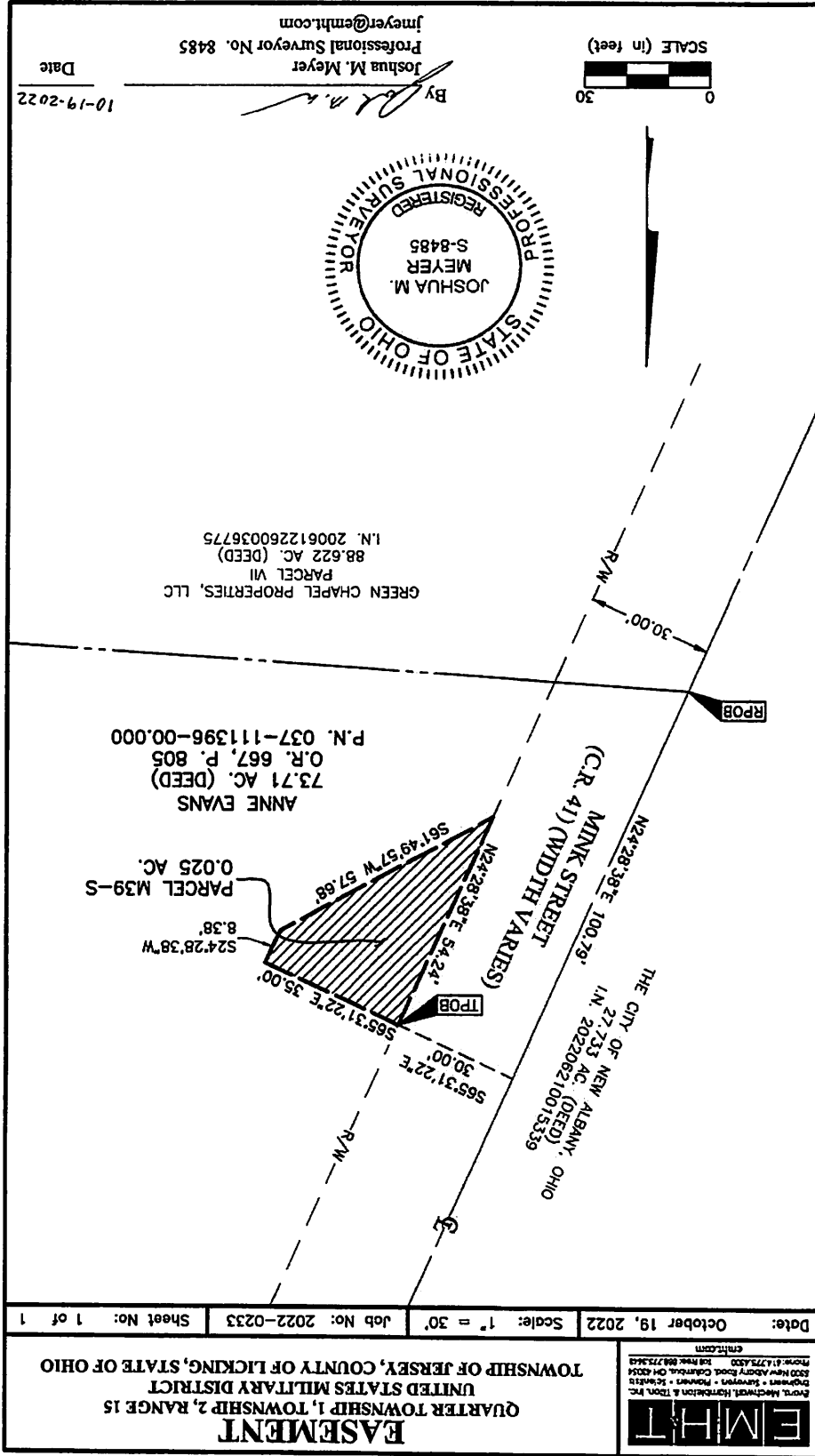
A handwritten signature in black ink, appearing to read "Joshua M. Meyer".

Joshua M. Meyer
Professional Surveyor No. 8485

10-19-2022

Date

JMM:anp
M39-S_0_025 ac 20220233-VS-ESMT-DRNG.docx





ORDINANCE O-37-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNERS, NICOLE LAUREN VERBECK AND JEREMY LEE OSTERHOUT, OF THE PROPERTY LOCATED AT 4366 MINK STREET IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Mink Street Project (the “Project”), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Mink Street and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibits, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-2-2023 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owners have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easement from its owners, Nicole Lauren Verbeck and Jeremy Lee Osterhout, for the property located at 4366 Mink Street, for the public purpose of making, repairing, improving and constructing Mink Street and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described and depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel M41-WD).
- B. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 2 (Project Parcel M41-T).

Section 2. That Council hereby fixes the value of all the property and interests appropriated at Three Hundred Dollars (\$300.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owners of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owners of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owners to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. 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 Ohio Revised Code Section 121.22.

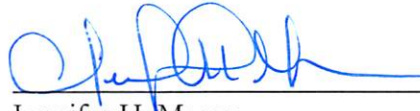
Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this 21 day of March, 2023.

Attest:



Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared:	02/24/2023
Introduced:	03/07/2023
Revised:	
Adopted:	03/21/2023
Effective:	03/21/2023

EXHIBIT A

**PARCEL M41-WD
0.273 ACRES**

**ALL RIGHT, TITLE AND INTEREST IN THE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, Quarter Township 1, Township 2, Range 15, United States Military District, being part of that 4.648 acre tract conveyed to Nicole Lauren Verbeck and Jeremy Lee Osterhout by deed of record in Instrument Number 201108030014236 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a railroad spike found at the centerline intersection of Mink Street NW (C.R. 41) (Width Varies) and Miller Road NW (T.R. 89) in the line common to Lot 2 of the Marsh Heirs Lands (Reference Partition Book C-7), and Lot 1 of the Middle Division of the Marsh Section (Reference Partition Book A, P. 124) and at a corner common to that 2.582 acre tract conveyed to Heimert Farms, Ltd. by deed of record in Instrument Number 201710020021005, those 17.937 and 86.23 acre tracts conveyed to James R. Heimert and Katherine E. Heimert by deeds of record in Deed Book 784, Page 359 and Instrument Number 201109120016889, and that 10.192 acre tract conveyed to Heimert Farms Ltd by deeds of record in Instrument Numbers 201211060026173 and 201211060026174;

Thence North 23° 19' 29" East, with said Mink Street NW centerline, a distance of 1637.22 feet to a point;
Thence North 23° 36' 42" East, continuing with said centerline, a distance of 1175.21 feet to a magnetic nail set at the common corner of said 4.648 acre tract and that 4.228 acre tract conveyed to Jennifer L. Mischel and Todd Mischel by deed of record in Instrument Number 199909270039835, being in the easterly line of that 27.733 acre tract conveyed to the City of New Albany, Ohio by deed of record in Instrument Number 202206210015339 being the TRUE POINT OF BEGINNING;

Thence North 23° 36' 42" East, continuing with said centerline and the common line of said 4.648 and 27.733 acre tracts, a distance of 87.39 feet to a railroad spike found;
Thence North 24° 28' 38" East, continuing with said centerline and said common line, a distance of 303.85 feet to a magnetic nail set at common corner to said 4.648 acre tract and that 88.622 acre tract conveyed as Parcel VII to Green Chapel Properties, LLC by deed of record in Instrument Number 2006122260036775;

Thence South 86° 39' 59" East, with the line common to said 4.648 and 88.622 acre tracts and crossing said Mink Street NW (passing a 5/8 inch bent iron rebar found 0.60 feet northerly at a distance of 29.62), a total distance of 32.17 to an iron pin set in the easterly right-of-way line of said Mink Street NW;

Thence South 24° 28' 38" West, with said easterly right-of-way line and crossing said 4.648 acre tract, a distance of 315.23 feet to an iron pin set;

Thence South 23° 36' 42" West, continuing with said easterly right-of-way line and across said 4.648 acre tract, a distance of 85.39 feet to an iron pin set in the line common to said 4.648 and 4.228 acre tracts;

EXHIBIT A

**PARCEL M41-WD
0.273 ACRES**

-2-

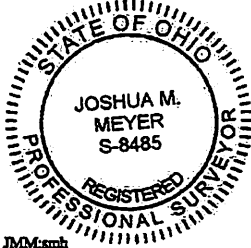
Thence North 69° 46' 14" West, with said common line and crossing said Mink Street NW, a distance of 30.05 feet to the TRUE POINT OF BEGINNING, containing 0.273 acre, more or less, all of which is located in the present roadway occupied.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street, having a bearing of North 23°36'42" East, is designated the "basis of bearings" for this survey.

This description is based on an actual field survey performed by or under the direct supervision of Joshua M. Meyer, Professional Surveyor Number 8485, in November and December, 2021, and April, 2022.



JMM:smh
M41-WD_0_273 ac 20220233-BNDY.docx

EVANS, MECHWART, HAMBLETON & TILTON, INC.

11-15-2022

Joshua M. Meyer
Professional Surveyor No. 8485

Date

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED	CONDITIONAL
<input checked="" type="checkbox"/>	<input type="checkbox"/>
APPROVED BY:	BS
DATE:	11/16/22



Evans, Meschwart, Hambleton & Teton, Inc.
 Engineers - Surveyors - Planners - Scientists
 6323 New Albany Road, Columbus, OH 43254
 Phone: 614.278.4820 Fax: 614.278.3448
 emht.com

SURVEY OF ACREAGE PARCEL

QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: November 15, 2022 Scale: 1" = 100' Job No: 2022-0233 Sheet No: 1 of 1

BASIS OF BEARINGS:

The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street, having a bearing of North 23°36'42" East is designated the "basis of bearings" for this survey.

SURVEY NOTE:

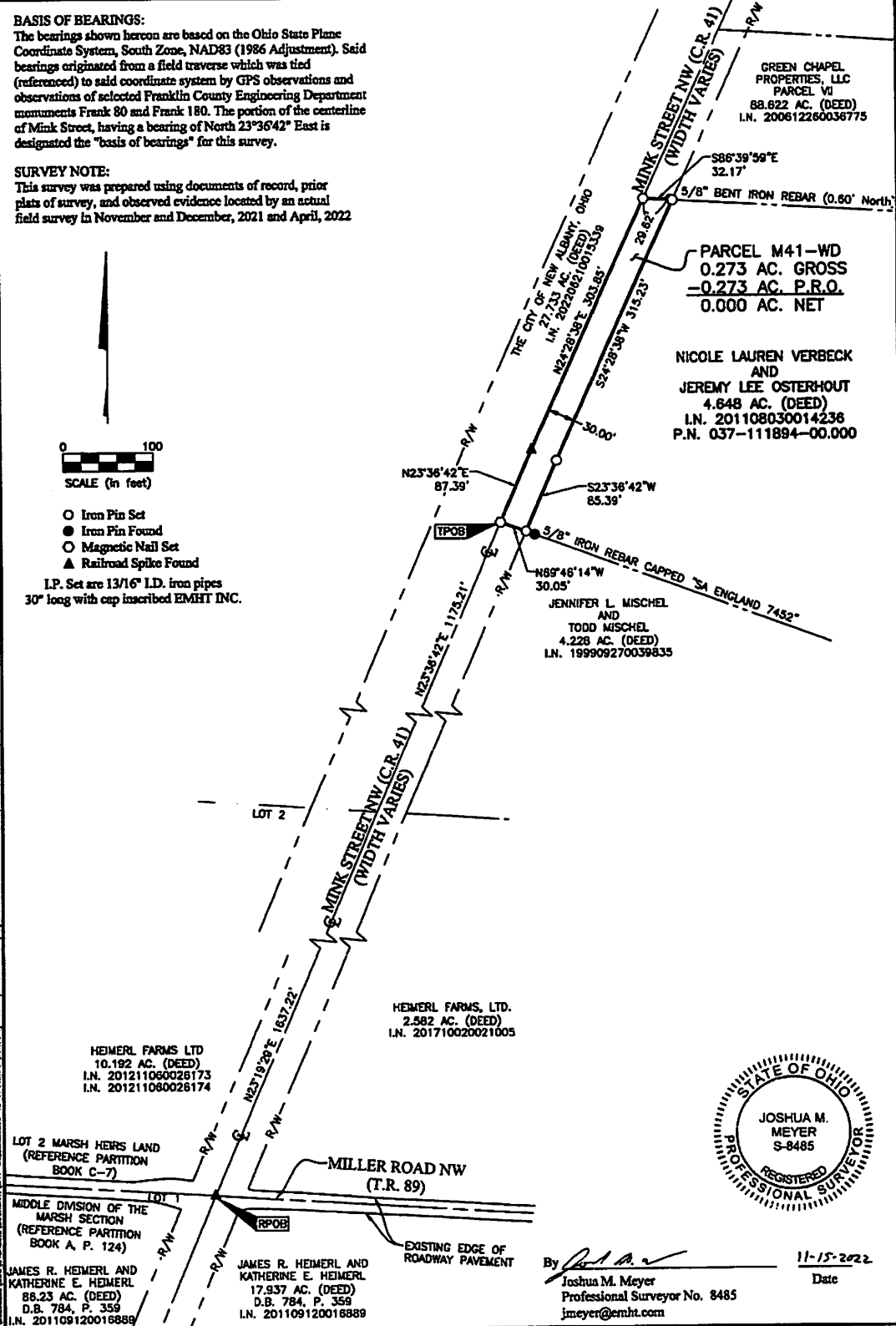
This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey in November and December, 2021 and April, 2022



- Iron Pin Set
- Iron Pin Found
- Magnetic Nail Set
- ▲ Railroad Spike Found

I.P. Set are 13/16" I.D. iron pipes
 30" long with cap inscribed EMHT INC.

A LICENSED PROFESSIONAL SURVEYOR HAS REVIEWED THIS SURVEY AND HAS DETERMINED THAT IT CONFORMS TO THE REQUIREMENTS OF THE SURVEYING ACT AND THE RULES OF THE BOARD OF SURVEYING ENGINEERS AND PROFESSIONAL SURVEYORS OF THE STATE OF OHIO. THE SURVEYOR'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE SURVEY AND DOES NOT CONSTITUTE AN ENDORSEMENT OF THE PROJECT OR A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE SURVEYOR'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE SURVEY AND DOES NOT CONSTITUTE AN ENDORSEMENT OF THE PROJECT OR A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREON.



By Joshua M. Meyer 11-15-2022
 Joshua M. Meyer Date
 Professional Surveyor No. 8485
 jmeyer@emht.com

Mink Street (Beaver Run - Green Chapel) / M41-WD_20220233-VS-BNDY

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL M41-T

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 037-111894-00.000

Prior Instrument Reference: Instrument #201108030014236, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Mink Street, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL M41-T
0.004 ACRE**

TEMPORARY EASEMENT

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, Quarter Township 1, Township 2, Range 15, United States Military District, being on, over and across that 4.648 acre tract conveyed to Nicole Lauren Verbeck and Jeremy Lee Osterhout by deed of record in Instrument Number 201108030014236 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at the common corner of said 4.648 acre tract and that 4.228 acre tract conveyed to Jennifer L. Mischel and Todd Mischel by deed of record in Instrument Number 199909270039835, in the easterly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339 and in the centerline of Mink Street NW (County Road 41) (width varies);

Thence South 69° 46' 14" East, leaving said centerline and with the common line of said 4.648 and 4.228 acre tracts, a distance of 30.05 feet to a point in the easterly right-of-way line of said Mink Street NW;

Thence North 23° 36' 42" East, across said 4.698 acre tract, with said easterly right-of-way line, a distance of 85.39 feet to a point;

Thence North 24° 28' 38" East, across said 4.698 acre tract, with said easterly right-of-way line, a distance of 74.55 feet to the TRUE POINT OF BEGINNING;

Thence across said 4.648 acre tract, the following courses and distances:

North 24° 28' 38" East, with said easterly right-of-way line, a distance of 23.57 feet to a point;

South 65° 31' 22" East, a distance of 7.00 feet to a point;

South 24° 28' 38" West, a distance of 23.57 feet to a point; and

North 65° 31' 22" West, a distance of 7.00 feet to the TRUE POINT OF BEGINNING, containing 0.004 acre, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Heather L. King *11/22/22*

Heather L. King
Professional Surveyor No. 8307

Date

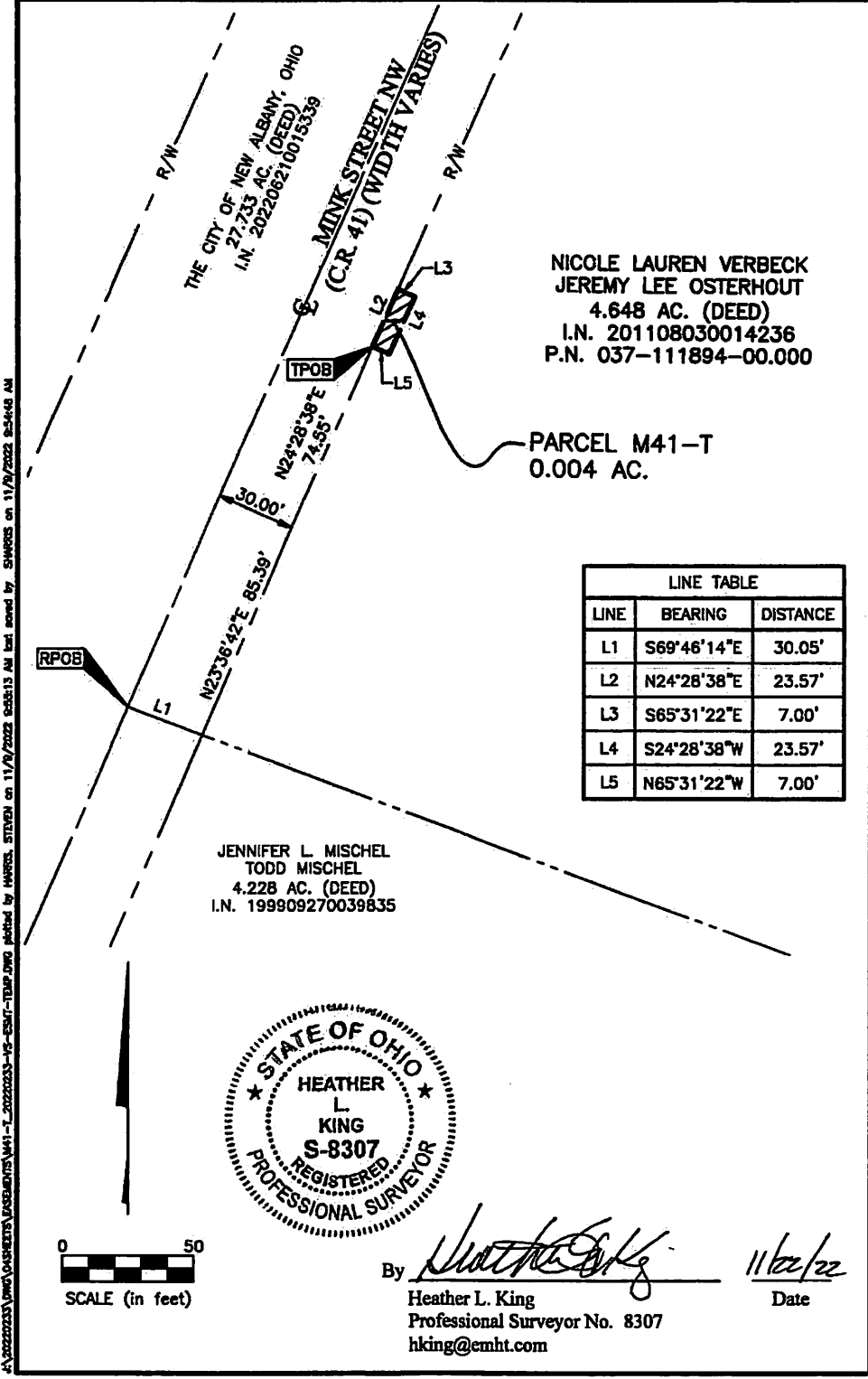
HLK:smh
M41-T_0_004 ac 20220233-VS-ESMT-TEMP.docx



Evans, Mechwart, Hombler & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 8300 New Albany Road, Columbus, OH 43254
 Phone: 614.775.4500 Toll Free: 888.775.5648
 emht.com

TEMPORARY EASEMENT
 QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: November 9, 2022 Scale: 1" = 50' Job No: 2022-0233 Sheet No: 1 of 1

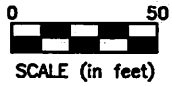


NICOLE LAUREN VERBECK
 JEREMY LEE OSTERHOUT
 4.648 AC. (DEED)
 I.N. 201108030014236
 P.N. 037-111894-00.000

PARCEL M41-T
 0.004 AC.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S69°46'14"E	30.05'
L2	N24°28'38"E	23.57'
L3	S65°31'22"E	7.00'
L4	S24°28'38"W	23.57'
L5	N65°31'22"W	7.00'

JENNIFER L. MISCHEL
 TODD MISCHEL
 4.228 AC. (DEED)
 I.N. 199909270039835



By Heather L. King 11/09/22
 Heather L. King Date
 Professional Surveyor No. 8307
 hking@emht.com

4:20220233\TEMP EASEMENTS\M41-T_20220233-15-ESMT-TEMP DWG plotted by HARRIS, STEVEN on 11/9/2022 8:58:15 AM last saved by SWANSON on 11/9/2022 8:54:48 AM



ORDINANCE O-38-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNER, HAROLD WAYNER PETERMAN AND JULIA LEE PETERMAN, OF THE PROPERTY LOCATED AT 4082 MINK STREET IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Mink Street Project (the “Project”), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Mink Street and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibits, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-02-2023 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owners have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public.

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easement from its owners, Harold Wayner Peterman And Julia Lee Peterman, for the property located at 4082 Mink Street, for the public purpose of making, repairing, improving and constructing Mink Street and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described as depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel M45-WD).
- B. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 2 (Project Parcel M45-T).

Section 2. That Council hereby fixes the value of all the interests appropriated at Three Hundred Dollars (\$300.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owner of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owners of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owners to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. 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 Ohio Revised Code Section 121.22.

Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this 21 day of March, 2023.

Attest:



Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:	
Prepared:	02/24/2023
Introduced:	03/07/2023
Revised:	03/16/2023
Adopted:	03/21/2023
Effective:	03/21/2023

EXHIBIT A

**PARCEL M45-WD
0.184 ACRES**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, Quarter Township 1, Township 2, Range 15, United States Military District, being part of that 5 acre tract conveyed to Harold Wayne Peterman and Julia Lee Peterman by deed of record in Deed Book 770, Page 299 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a railroad spike found at the centerline intersection of Mink Street NW (C.R. 41) (Width Varies) and Miller Road NW (T.R. 89) in the common line of Lot 2 of the Marsh Heirs Lands (Reference Partition Book C-7), and Lot 1 of the Middle Division of the Marsh Section (Reference Partition Book A, P. 124) and at a corner common of that 2.582 acre tract conveyed to Heimerl Farms, Ltd. by deed of record in Instrument Number 201710020021005, those 17.937 and 86.23 acre tracts conveyed to James R. Heimerl and Katherine E. Heimerl by deeds of record in Deed Book 784, Page 359 and Instrument Number 201109120016889, and that 10.192 acre tract conveyed to Heimerl Farms Ltd by deeds of record in Instrument Numbers 201211060026173 and 201211060026174;

Thence North 23° 19' 29" East, with said Mink Street NW centerline, a distance of 1637.22 feet to a magnetic nail set at the common corner of said 5 acre tract and that 17 acre tract conveyed to James R. Heimerl and Katherine E. Heimerl by deed of record in Instrument Number 201109120016887, being in the easterly line of that 27.733 acre tract conveyed to the City of New Albany, Ohio by deed of record in Instrument Number 202206210015339 being the TRUE POINT OF BEGINNING;

Thence North 23° 36' 42" East, continuing with said centerline and the common line of said 5 and 27.733 acre tract, a distance of 267.52 feet to a magnetic nail set at a common corner of said 5 acre tract and that 4.204 acre tract conveyed to Larry A. Arnold II by deed of record in Instrument Number 201401020000100;

Thence South 86° 20' 55" East, with the line common to said 5 and 4.204 acre tracts, a distance of 31.92 feet to a 5/8 inch bent iron rebar found in the easterly right-of-way line of said Mink Street NW;

Thence South 23° 36' 42" West, with said easterly right-of-way line and crossing said 5 acre tract, a distance of 267.52 feet to a 5/8 inch iron rebar found in the line common to said 5 and 17 acre tracts;

Thence North 86° 21' 11" West, with said common line (passing a 1/2 inch bent iron pin found at a distance of 4.60 feet), a total distance of 31.92 feet to the TRUE POINT OF BEGINNING, containing 0.184 acre, more or less, all of which is located in the present roadway occupied.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

EXHIBIT A

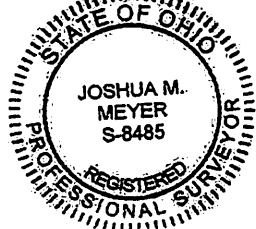
**PARCEL M45-WD
0.184 ACRES**

-2-

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street, having a bearing of North 23°36'42" East, is designated the "basis of bearings" for this survey.

This description is based on an actual field survey performed by or under the direct supervision of Joshua M. Meyer, Professional Surveyor Number 8485, in November and December, 2021, and April, 2022.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

11-22-2022

Joshua M. Meyer
Professional Surveyor No. 8485

Date

JMM:smh
M45-WD_0_184 as 20220233-BNDY.docx

PRE-APPROVAL LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY:	BS
DATE:	11/23/22



EMHT
 ENGINEERS, MECHANICAL, ARCHITECTS & DESIGNERS, INC.
 ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS
 6305 New Albany Road, Columbus, OH 43254
 Phone: 614.778.4300 Fax: 614.778.3448
 emht.com

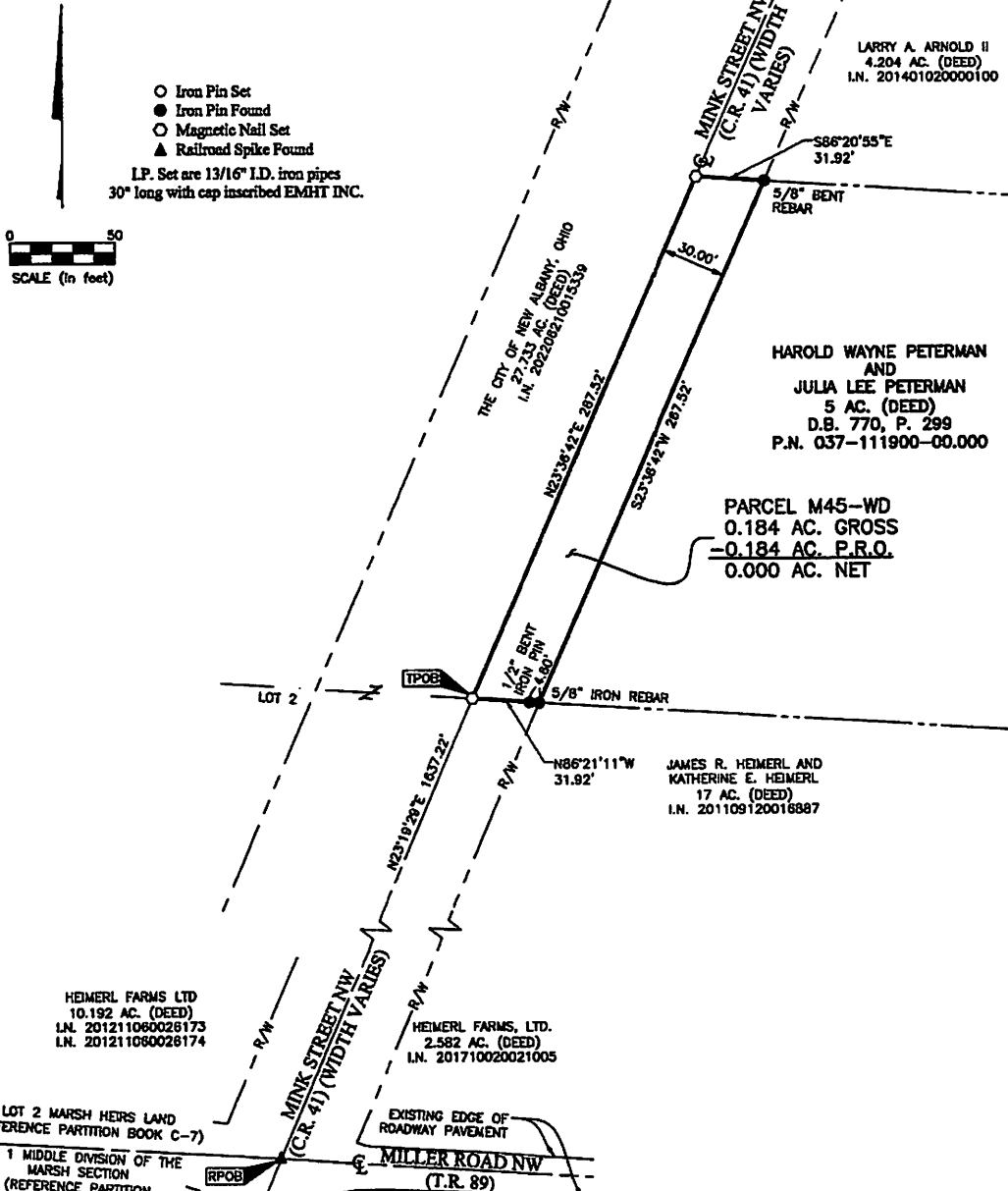
SURVEY OF ACREAGE PARCEL

QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15

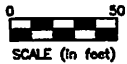
UNITED STATES MILITARY DISTRICT

TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: November 22, 2022 Scale: 1" = 50' Job No: 2022-0233 Sheet No: 1 of 1



- Iron Pin Set
 - Iron Pin Found
 - Magnetic Nail Set
 - ▲ Railroad Spike Found
- LP. Set are 13/16" I.D. iron pipes
 30" long with cap inscribed EMHT INC.



A:\2022\23\Survey\2022\23\0233\0233.dwg plotted by jmeyer on 11/22/2022 at 10:52 AM job last saved by jmeyer on 11/22/2022 at 10:52 AM

HEIMERL FARMS LTD
 10.192 AC. (DEED)
 I.N. 201211060028173
 I.N. 201211080028174

HEIMERL FARMS, LTD.
 2.582 AC. (DEED)
 I.N. 201710020021005

LOT 2 MARSH HEIRS LAND
 (REFERENCE PARTITION BOOK C-7)

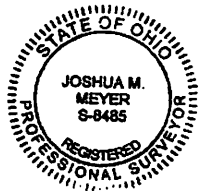
LOT 1 MIDDLE DIVISION OF THE
 MARSH SECTION
 (REFERENCE PARTITION
 BOOK A. P. 124)

JAMES R. HEIMERL AND
 KATHERINE E. HEIMERL
 85.23 AC. (DEED)
 D.B. 784, P. 359
 I.N. 201109120016889

BASIS OF BEARINGS:
 The bearings shown hereon are based on the Ohio State Plane Coordinate System, South
 Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which
 was tied (referenced) to said coordinate system by GPS observations and observations
 of selected Franklin County Engineering Department monuments Frank 80 and Frank
 180. The portion of the centerline of Mink Street, having a bearing of North 23°36'42"
 East, is designated the "basis of bearings" for this survey.

SURVEY NOTE:
 This survey was prepared using documents of record, prior
 plats of survey, and observed evidence located by an actual
 field survey in November and December, 2021 and April, 2022

By Joshua M. Meyer 11-22-2022
 Joshua M. Meyer Date
 Professional Surveyor No. 8485
 jmeyer@emht.com



Mink Street (Beaver Run - Green Chapel) / M45-WD_20220233-VS-BNDY

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL M45-T

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 037-111900-00.000

Prior Instrument References: Deed Book 770, Page 299, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Mink Street, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL M45-T
0.006 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, Quarter Township 1, Township 2, Range 15, United States Military District, being on, over and across that 5 acre tract conveyed to Harold Wayne Peterman and Julia Lee Peterman by deed of record in Deed Book 770, Page 299 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at the common corner of said 5 acre tract, that 17 acre tract conveyed to James R. Heimerl and Katherine E. Heimerl by deed of record in Instrument Number 201109120016887, in the easterly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339, in the centerline of Mink Street NW (County Road 41) (width varies);

Thence South 86° 21' 11" East, leaving said centerline and with the common line of said 5 and 17 acre tracts, a distance of 31.92 feet to a point in the easterly right-of-way line of said Mink Street NW;

Thence across said 5 acre tract, the following courses and distances:

North 23° 36' 42" East, with said easterly right-of-way line, a distance of 5.85 feet to the TRUE POINT OF BEGINNING;

North 23° 36' 42" East, with said right-of-way line, a distance of 22.67 feet to a point;

South 66° 23' 18" East, a distance of 12.00 feet to a point;

South 23° 36' 42" West, a distance of 22.67 feet to a point; and

North 66° 23' 18" West, a distance of 12.00 feet to the TRUE POINT OF BEGINNING, containing 0.006 acre, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Heather L. King
Heather L. King
Professional Surveyor No. 8307

11/22/22
Date

HLC:smh
M45-T_0_006 ac 20220233-VS-ESMT-TEMP.docx

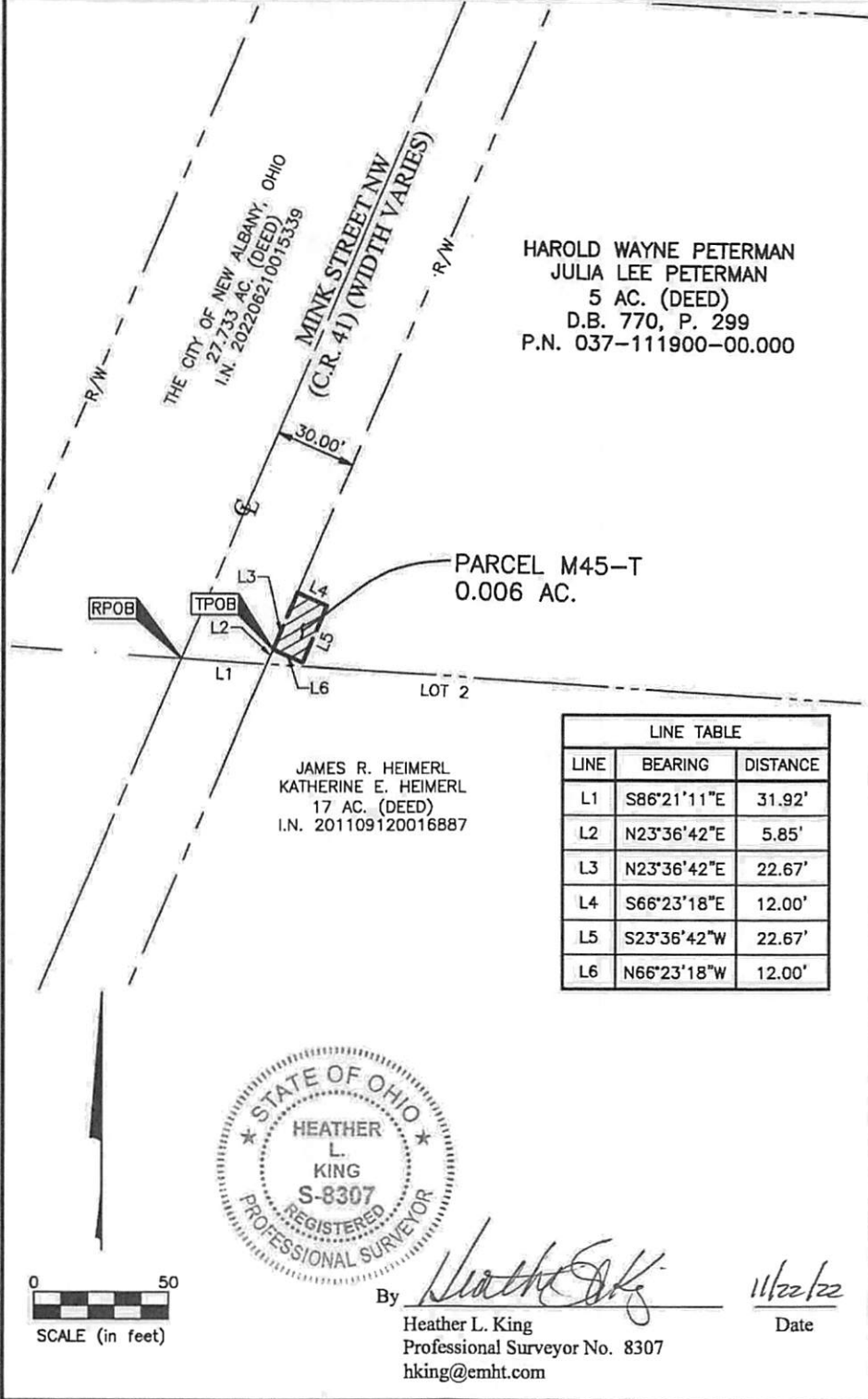


Evans, Mechwart, Hambleton & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 5800 New Albany Road, Columbus, OH 43254
 Phone: 614.775.4800 Toll Free: 888.775.3444
 emht.com

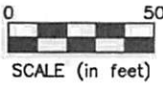
TEMPORARY EASEMENT

QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: November 22, 2022 Scale: 1" = 50' Job No: 2022-0233 Sheet No: 1 of 1



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S86°21'11"E	31.92'
L2	N23°36'42"E	5.85'
L3	N23°36'42"E	22.67'
L4	S66°23'18"E	12.00'
L5	S23°36'42"W	22.67'
L6	N66°23'18"W	12.00'



By *Heather L. King* 11/22/22
 Heather L. King Date
 Professional Surveyor No. 8307
 hking@emht.com

J:\2022\0233\DWG\04SHEETS\EASEMENTS\M45-T_20220233-VS-ESMT-TEMP.DWG plotted by HARRIS, STEVEN on 11/22/2022 12:26:24 PM last saved by SHARRIS on 11/22/2022 12:25:56 PM



ORDINANCE O-39-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNERS, JAMES AND KATHERINE HEIMERL, OF THE PROPERTY LOCATED AT 3906 MINK STREET IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Mink Street Project (the “Project”), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Mink Street and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibits, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-2-2023 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owners have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and

the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easement from its owners, James and Katherine Heimerl, for the property located at 3906 Mink Street, for the public purpose of making, repairing, improving and constructing Mink Street and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described and depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel M46-WD).
- B. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 2 (Project Parcel M46-T).

Section 2. That Council hereby fixes the value of all the property and interests appropriated at Three Hundred Fifty-one Dollars (\$351.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owners of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owners of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owners to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. 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 Ohio Revised Code Section 121.22.

Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this 21 day of March, 2023.

Attest:



Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:	
Prepared:	02/24/2023
Introduced:	03/07/2023
Revised:	
Adopted:	03/21/2023
Effective:	03/21/2023

EXHIBIT A

**PARCEL M46-WD
0.877 ACRES**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, Lot 2 of Marsh Heirs Land (Reference Partition Book C-7), Quarter Township 1, Township 2, Range 15, United States Military District, being part of that 17 acre tract conveyed to James R. Heimerl and Katherine E. Heimerl by deed of record in Instrument Number 201109120016887 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a railroad spike found at the centerline intersection of Mink Street NW (C.R. 41) (Width Varies) and Miller Road NW (T.R. 89) in the common line of said Lot 2 and Lot 1 of the Middle Division of the Marsh Section (Reference Partition Book A, P. 124) and at a corner common to that 2.582 acre tract conveyed to Heimerl Farms, Ltd by deed of record in Instrument Number 201710020021005, those 17.937 and 86.23 acre tracts conveyed to James R. Heimerl and Katherine E. Heimerl by deeds of record in Deed Book 784, Page 359 and Instrument Number 201109120016889, and that 10.192 acre tract conveyed to Heimerl Farms Ltd. by deeds of record in Instrument Numbers 201211060026173 and 201211060026174;

Thence North 23° 19' 29" East, with said Mink Street NW centerline, a distance of 363.75 feet to a magnetic nail set being the at the common corner of said 17 and 2.582 acre tracts, being in the easterly line of said 10.192 acre tract being the TRUE POINT OF BEGINNING;

Thence North 23° 19' 29" East, continuing with said centerline, the westerly line of said 17 acre tract and the easterly lines of said 10.192 acre tract and that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202203210015339, a distance of 1273.47 feet to a magnetic nail set at the corner common to said 17 acre tract and that 5 acre tract conveyed to Harold Wayne Peterman and Julia Lee Peterman by deed of record in Deed Book 770, Page 299;

Thence South 86° 21' 11" East, with the line common to said 17 and 5 acre tract, (passing a 1/2 inch bent iron pin found at a distance of 27.32 feet), a total distance of 31.92 feet to a 5/8 inch iron rebar found in the easterly right-of-way line of said Mink Street NW;

Thence South 23° 36' 42" West, with said easterly right-of-way line and crossing said 17 acre tract, a distance of 10.82 feet to an iron pin set;

Thence South 23° 19' 29" West, continuing with said easterly right-of-way line and across said 17 acre tract, a distance of 1262.60 feet to an iron pin set in the line common to said 17 and 2.582 acre tracts;

Thence North 86° 28' 15" West, with said common line, (passing a 3/4 inch an iron pin found at a distance of 9.29 feet), at a total distance of 31.89 feet to the TRUE POINT OF BEGINNING, containing 0.877 acre, more or less, all of which is within Auditor's Parcel Number 037-111840-00.000 and all of which is in the present roadway occupied.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

EXHIBIT A

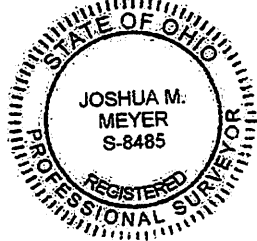
**PARCEL M46-WD
0.877 ACRES**

-2-

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street, having a bearing of North 23°19'19" East, is designated the "basis of bearings" for this survey.

This description is based on an actual field survey performed by or under the direct supervision of Joshua M. Meyer, Professional Surveyor Number 8485, in November and December, 2021, and April, 2022.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

11-22-2022

Joshua M. Meyer
Professional Surveyor No. 8485

Date

JMM:smh
M46-WD_0_877ac 20220233-BNDY.docx

PRE-APPROVAL LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY:	BS
DATE:	11/23/22

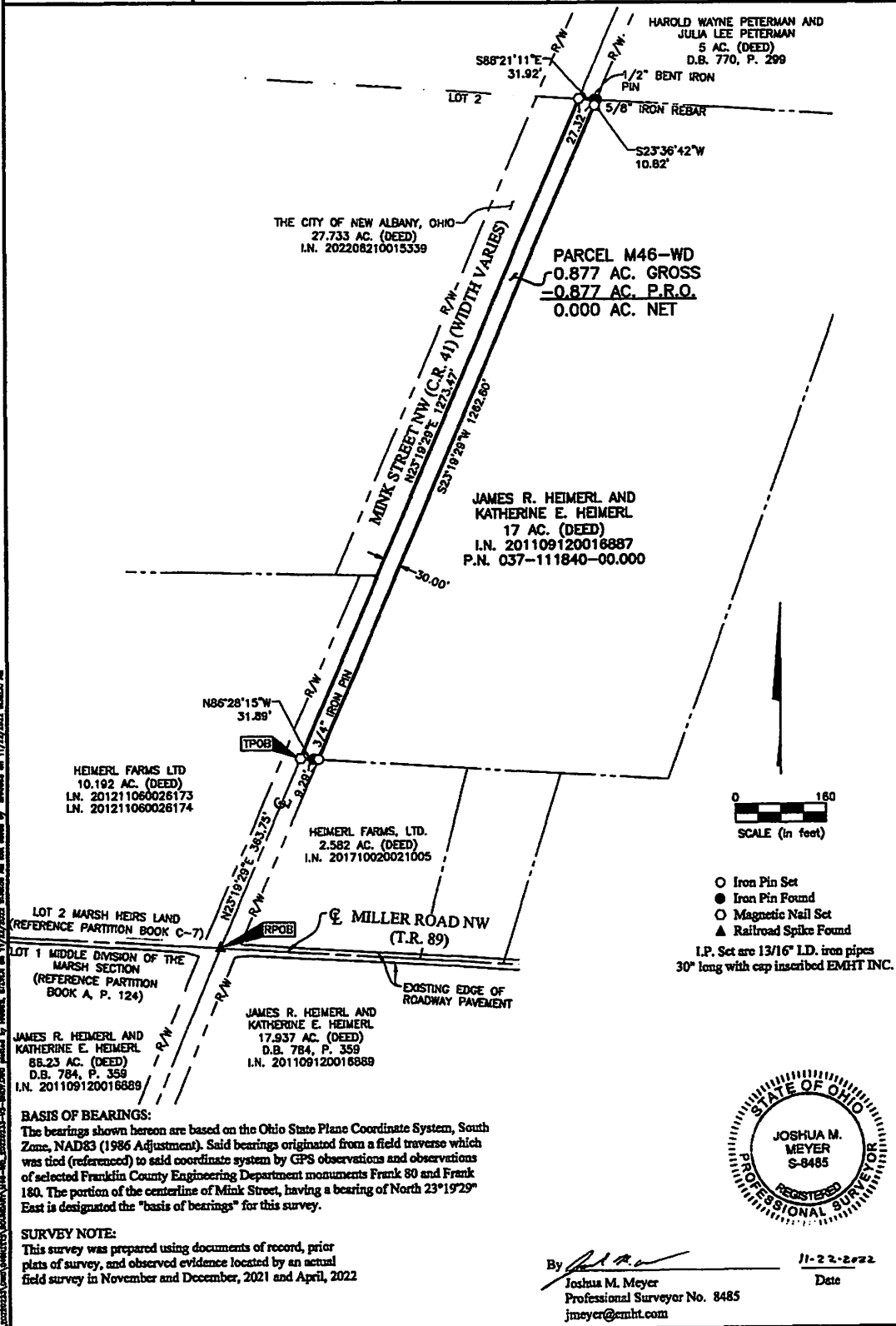


Evans, Mechwart, Hambleton & Tiron, Inc.
 Engineers • Surveyors • Planners • Scientists
 6300 New Albany Road, Columbus, OH 43254
 Phone: (614) 778-4000 Toll Free: (888) 778-3400
 emht.com

SURVEY OF ACREAGE PARCEL

LOT 2 MARSH HEIRS LAND, QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: November 22, 2022 Scale: 1" = 160' Job No: 2022-0233 Sheet No: 1 of 1



A 20220233 Survey conducted by Joshua M. Meyer, S-8485, on 11/22/2022. All land owned by HEIMERL FARMS, LTD. as of 11/22/2022.

Mink Street (Beaver Run - Green Chapel) / M46-WD_20220233-VS-BNDY

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL M46-T

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 037-111840-00.000

Prior Instrument Reference: Instrument #201109120016887, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Mink Street, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL M46-T
0.014 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lot 2 Marsh Heirs land (Reference Partition Book C-7), Quarter Township 1, Township 2, Range 15, United States Military District, being on, over and across that 17 acre tract conveyed to James R. Heimerl and Katherine E. Heimerl by deed of record in Instrument Number 201109120016887 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at the common corner of said 17 acre tract and that 2.582 acre tract conveyed to Heimerl Farms, LTD. by deed of record in Instrument Number 201710020021005, in the easterly line of that 10.192 acre tract conveyed to Heimerl Farms, LTD. by deeds of record in Instrument Number 201211060026173 and Instrument Number 201211060026174, in the centerline of Mink Street NW (County Road 41) (60 feet);

Thence South 86° 28' 15" East, leaving said centerline and with the common line of said 2.582 and 17 acre tracts, a distance of 31.88 feet to a point in the easterly right-of-way line of said Mink Street NW;

Thence across said 17 acre tract, the following courses and distances:

North 23° 19' 29" East, with said easterly right-of way line, a distance of 24.20 feet to the TRUE POINT OF BEGINNING;

North 23° 19' 29" East, with said easterly right-of-way line, a distance of 24.94 feet to a point;

South 66° 40' 31" East, a distance of 25.00 feet to a point;

South 23° 19' 29" West, a distance of 24.94 feet to a point; and

North 66° 40' 31" West, a distance of 25.00 feet to the TRUE POINT OF BEGINNING, containing 0.014 acre, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Heather L. King
Heather L. King
Professional Surveyor No. 8307

11/22/22
Date

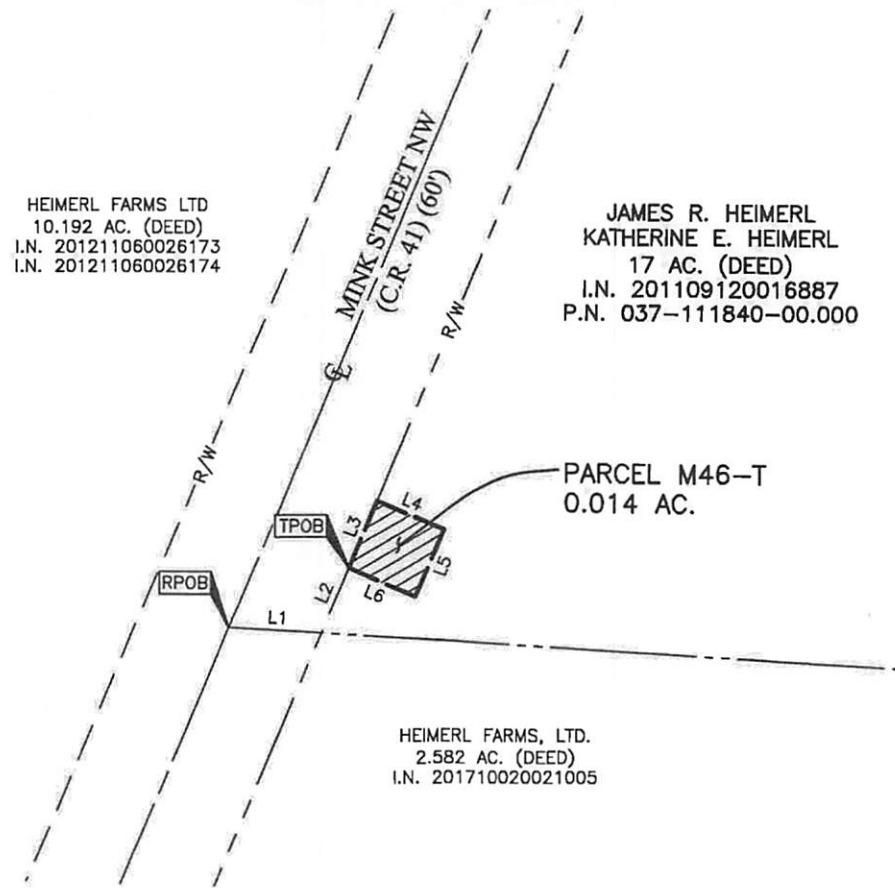


Evans, Mechwart, Hambleton & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 3300 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4500 Toll Free: 888.773.3448
 emht.com

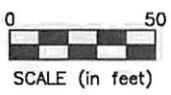
TEMPORARY EASEMENT

**LOT 2 MARSH HEIRS LAND (REFERENCE PARTITION BOOK C-7),
 QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO**

Date: November 22, 2022 Scale: 1" = 50' Job No: 2022-0233 Sheet No: 1 of 1



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S86°28'15"E	31.88'
L2	N23°19'29"E	24.20'
L3	N23°19'29"E	24.94'
L4	S66°40'31"E	25.00'
L5	S23°19'29"W	24.94'
L6	N66°40'31"W	25.00'



By *Heather L. King* 11/22/22 Date
 Heather L. King
 Professional Surveyor No. 8307
 hking@emht.com

J:\20220233\DWG\04SHEETS\EASEMENTS\M46-T_20220233-VS-ESMT-TEMP.DWG plotted by HARRIS, STEVEN on 11/22/2022 12:27:36 PM last saved by SHARRIS on 11/22/2022 12:27:23 PM



ORDINANCE O-40-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNER, HEIMERL FARMS, LTD., OF THE PROPERTY LOCATED AT 11330 MILLER ROAD IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Mink Street Project (the “Project”), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Mink Street and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibits, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-2-2023 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owner have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easement from its owner, Heimerl Farms, Ltd., for the property located at 11330 Miller Road, for the public purpose of making, repairing, improving and constructing Mink Street and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described and depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel M47-WD).
- B. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 2 (Project Parcel M47-T).

Section 2. That Council hereby fixes the value of all the property and interests appropriated at Forty-nine Thousand Six Hundred Twenty-two Dollars (\$49,622.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owner of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owner of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owner to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. 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 Ohio Revised Code Section 121.22.

Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this 21 day of March, 2023.

Attest:

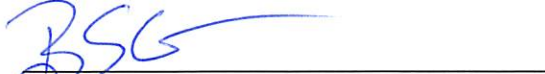


Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared:	02/24/2023
Introduced:	03/07/2023
Revised:	
Adopted:	03/21/2023
Effective:	03/21/2023

EXHIBIT A

**PARCEL M47-WD
0.475 ACRE**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lot 2 of the March Heirs Land (Reference Partition Book C-7), Quarter Township 1, Township 2, Range 15, United States Military District, being out of that 2.582 acre tract conveyed to Heimerl Farms, LTD. by deed of record in Instrument Number 201710020021005 (all references refer to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

BEGINNING at a railroad spike found at the centerline intersection of Mink Street NW (County Road 41) (60 feet) and Miller Road NW (Township Road 89) at the common line of said Lot 2 and Lot 1 of the Middle Division of the Marsh Section (Reference Partition Book A, Page 124) and common corner of said 2.582 acre tract, that 17.937 acre tract conveyed to James R. Heimerl and Katherine E. Heimerl by deeds of record in Deed Book 784, Page 359 and Instrument Number 201109120016889, that 10.192 acre tract conveyed to Heimerl Farms, LTD by deed of record in Instrument Number 201211060026173 and Instrument Number 201211060026174 and to that 86.23 acre tract conveyed to James R. Heimerl and Katherine E. Heimerl by deed of record in Deed Book 784, Page 359 and Instrument Number 201109120016889;

Thence North 23° 19' 29" East, with the line common to said 2.582 and 10.192 acre tracts and with the centerline of said Mink Street NW, a distance of 363.75 feet to a magnetic nail set in the northerly line of said 2.582 acre tract and the southerly line of that 17 acre tract conveyed to James R. Heimerl and Katherine E. Heimerl by deed of record in Instrument Number 201109120016887;

Thence South 86° 28' 15" East, leaving the centerline of said Mink Street NW and with the line common to said 2.582 and 17 acre tracts, (passing an 3/4 inch iron pin found at a distance of 22.59 feet) a total distance of 31.88 feet to an iron pin set in the easterly right-of-way line of said Mink Street NW;

Thence South 23° 19' 29" West, across said 2.582 acre tract, with said easterly right-of-way line, a distance of 315.81 feet to an iron pin set;

Thence South 21° 40' 31" East, across said 2.582 acre tract, a distance of 16.72 feet to an iron pin set;

Thence South 86° 27' 31" East, continuing across said 2.582 acre tract, a distance of 307.59 feet to an iron pin set in the common line of said 2.582 acre tract and that 1.249 acre tract conveyed to Sarah Young and Keith D. Ramey Jr. by deed of record in Instrument Number 201503030003865;

Thence South 14° 19' 35" West, with said common line (passing a 3/4 inch iron pipe found at a distance of 13.78 feet), a total distance of 30.54 feet to a magnetic nail set in the centerline of said Miller Road NW at a common corner to said 2.582 and 1.249 acre tracts, in the

EXHIBIT A

**PARCEL M47-WD
0.475 ACRE**

-2-

line common to said Lot 2 of the Marsh Heirs Land and Lot 2 of said Middle Division of the Marsh Section;

Thence North 86° 27' 31" West, along said centerline, the southerly line of Lot 2 of said Marsh Heirs Land, the northerly line of Lots 2 and 1 of said Middle Division of Marsh Section and the common line to said 2.582 and 17.937 acre tracts, a distance of 357.11 feet to the POINT OF BEGINNING, containing 0.473 acre, more or less, all of which is within Auditor's Parcel Number 037-111360-00.000 and 0.251 acre is located within the present roadway occupied by Mink Street NW and 0.059 acre is located within the present roadway occupied by Miller Road NW.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street, having a bearing of North 23°19' 29" East, is designated the "basis of bearings" for this survey.

This description is based on an actual field survey performed by and under the direct supervision of Joshua M. Meyer, Professional Survey Number 8485 in November and December, 2021 and April, 2022.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

11-22-2022

Joshua M. Meyer
Professional Surveyor No. 8485

JMM: smh
M47-WD_0_475 ac 20220233-VS-BNDY.docx

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY:	
DATE: 11/23/22	



Evans, Mechwart, Hambleton & Thon, Inc.
 Engineers • Surveyors • Planners • Scientists
 6300 New Albany Road, Columbus, OH 43234
 Phone: 614.778.4500 Fax: 608.778.3448
 emht.com

SURVEY OF ACREAGE PARCEL

LOT 2 MARSH HEIRS LAND, QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15

UNITED STATES MILITARY DISTRICT

TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date:	November 22, 2022
Scale:	1" = 80'
Job No:	2022-0233
Sheet No:	1 of 1

SURVEY NOTE:

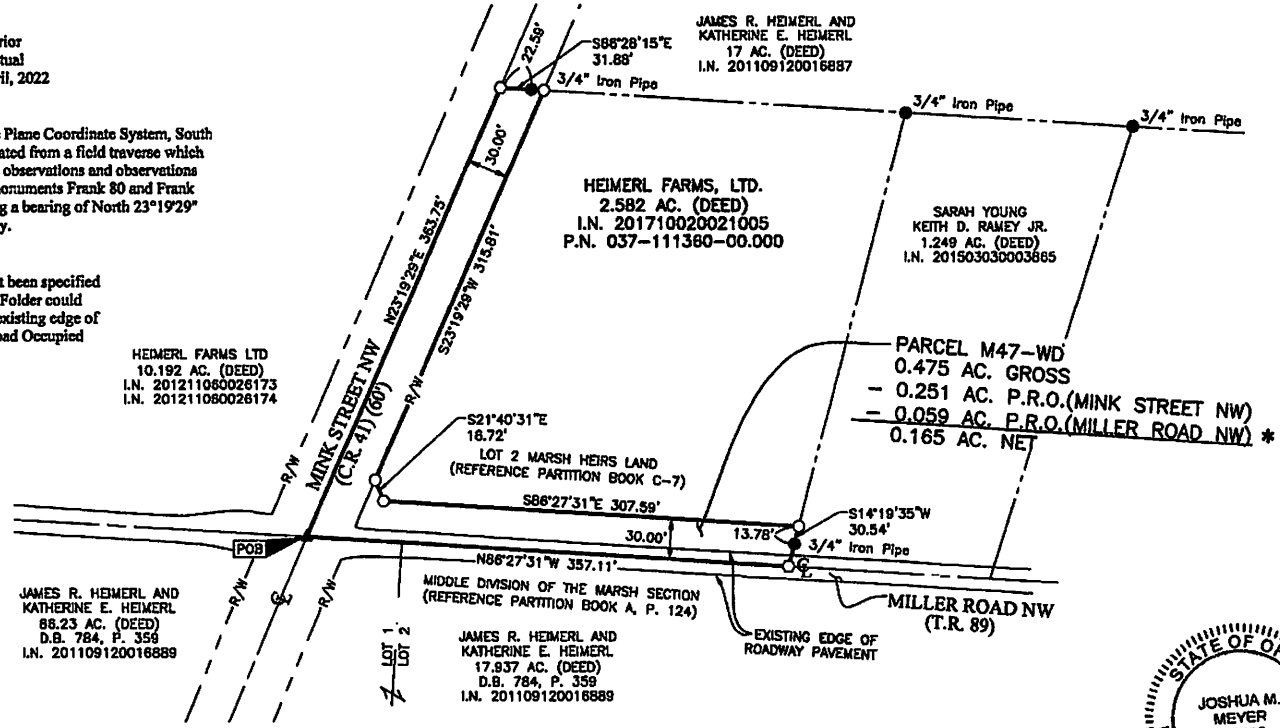
This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey in November and December, 2021 and April, 2022

BASIS OF BEARINGS:

The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street, having a bearing of North 23°19'29" East, is designated the "basis of bearings" for this survey.

***ROAD RIGHT OF WAY NOTE:**

The existing right-of-way width for Miller Road has not been specified since neither a Road Record nor a Commissioner Road Folder could be found in the Licking County Engineer's office. The existing edge of roadway pavement was used to calculate the Present Road Occupied (P.R.O.) for this Road.



- Iron Pin Set
- Iron Pin Found
- Magnetic Nail Set
- ▲ Railroad Spike Found

I.P. Set are 13/16" I.D. iron pipes
 30" long with cap inscribed EMHT INC.



By *J. Meyer*
 Joshua M. Meyer
 Professional Surveyor No. 8485
 jmeyer@emht.com

11-22-2022
 Date

Ordinance O-40-2023 EXHIBIT 1

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL M47-T

Temporary easement granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 037-111360-00.000

Prior Instrument Reference: Instrument #20170020021005, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Mink Street, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL M47-T
0.002 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lot 2 of Marsh Heirs Land (Reference Partition Book C-7), Quarter Township 1, Township 2, Range 15, United States Military District, being on, over and across that 2.582 acre tract conveyed to Heimerl Farms, LTD. by deed of record in Instrument Number 201710020021005 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at the centerline intersection of Mink Street NW (County Road 41) (60 feet wide) with Miller Road NW (Township Road 89), in the line common to said Lot 2 and Lot 1 Middle Division of the Marsh Section (Reference Partition Book A, Page 124), being the common corner of said 2.582 acre tract, that 17.937 acre tract conveyed to James R. Heimerl and Katherine E. Heimerl by deeds of record in Deed Book 784, Page 359 and Instrument Number 201109120016889, that 86.23 acre tract conveyed to James R. Heimerl and Katherine E. Heimerl by deeds of record in Deed Book 784, Page 359 and Instrument Number 201109120016889 and that 10.192 acre tract conveyed to Heimerl Farms LTD by deeds of record in Instrument Numbers 201211060026173 and 201211060026174;

Thence South 86° 27' 31" East, with the centerline of said Miller Road NW, the line common to said 2.582 and 17.937 acre tracts, a distance of 55.23 feet to a point in the centerline of said Miller Road NW;

North 03° 32' 29" East, across said 2.582 acre tract, a distance of 30.00 feet to the TRUE POINT OF BEGINNING;

Thence continuing across said 2.582 acre tract, the following courses and distances:

North 21° 40' 31" West, a distance of 2.21 feet to a point;

South 86° 27' 31" East, a distance of 23.31 feet to a point;

South 81° 48' 01" East, a distance of 24.63 feet to a point; and

North 86° 27' 31" West, a distance of 46.91 feet to the TRUE POINT OF BEGINNING, containing 0.002 acre, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Heather L. King 12/18/22
Heather L. King Date
Professional Surveyor No. 8307

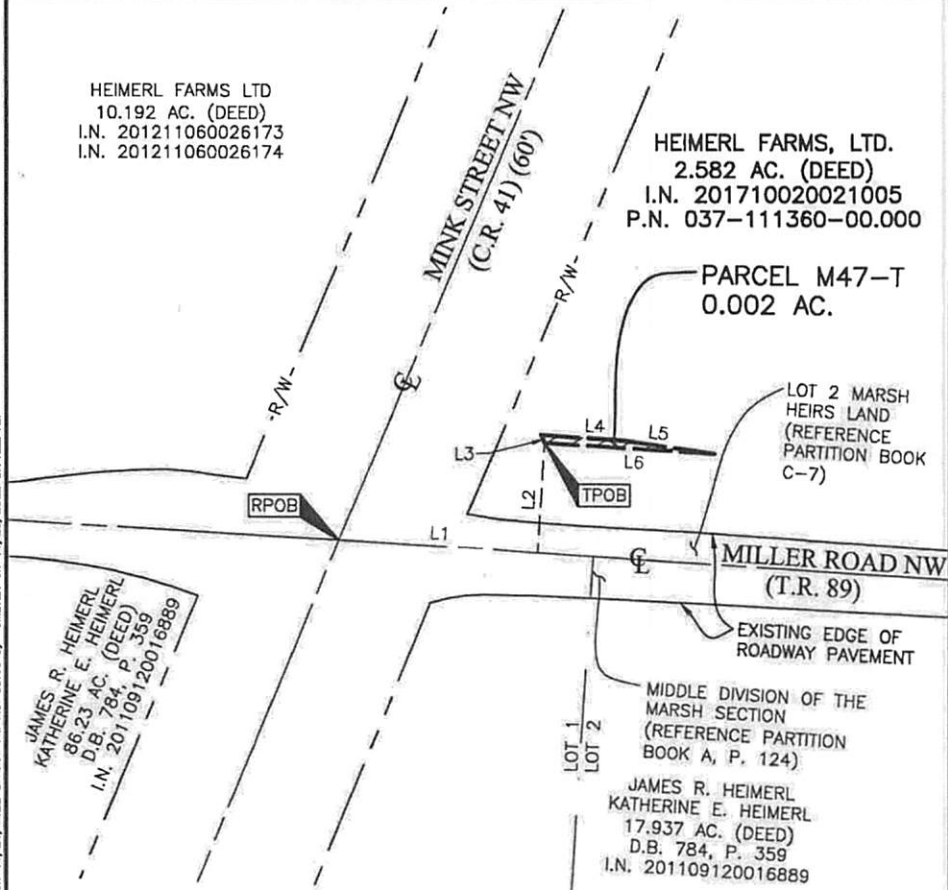
HLK: smh
M47-T_0_002 ac 20220713:V3-ESMT-TEMP.docx



Evans, Mechwart, Hamilton & Tillis, Inc.
 Engineers - Surveyors - Planners - Scientists
 5302 New Albany Road, Columbus, OH 43204
 Phone: 614.775.4500 Toll Free: 888.775.3648
 emht.com

TEMPORARY EASEMENT
LOT 2 MARSH HEIRS LAND
QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15
UNITED STATES MILITARY DISTRICT
TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: November 23, 2022 Scale: 1" = 40' Job No: 2022-0233 Sheet No: 1 of 1



J:\20220233\DWG\04SHEETS\EASEMENTS\VA47-T_20220233-V6-ESMT-TEMP.DWG plotted by MEYER, JOSH on 11/23/2022 8:15:00 AM last saved by JMEYER on 11/23/2022 8:14:22 AM

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S86°27'31"E	55.23'
L2	N03°32'29"E	30.00'
L3	N21°40'31"W	2.21'
L4	S86°27'31"E	23.31'
L5	S81°48'01"E	24.63'
L6	N86°27'31"W	46.91'



By Heather L. King Date 12/8/22
 Heather L. King
 Professional Surveyor No. 8307
 hking@emht.com



ORDINANCE O-41-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENTS FROM THE OWNERS, JAMES R. AND KATHERINE E. HEIMERL, OF THE PROPERTY LOCATED AT MILLER ROAD (PARCEL NO. 037-111420-00.000) IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Mink Street Project (the “Project”), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Mink Street and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibits, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-2-2023 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owners have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easements from its owners, James R. and Katherine E. Heimerl, for the property located at Miller Road (Parcel No. 037-111420-00.000), for the public purpose of making, repairing, improving and constructing Mink Street and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described and depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel M52-WD).
- B. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 2 (Project Parcel M52-T1).
- C. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 2 (Project Parcel M52-T2).

Section 2. That Council hereby fixes the value of all the property and interests appropriated at Nineteen Thousand Fifty-One Dollars (\$19,051.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owners of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owners of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owners to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. 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 Ohio Revised Code Section 121.22.

Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this 21 day of March, 2023.

Attest:




Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:	
Prepared:	02/24/2023
Introduced:	03/07/2023
Revised:	
Adopted:	03/21/2023
Effective:	03/21/2023

EXHIBIT A

**PARCEL MS2-WD
0.770 ACRE**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lots 1 and 2 of the Middle Division of the Marsh Section (Partition Book A, Page 124), Quarter Township 1, Township 2, Range 15, United States Military District, being out of that 17.937 acre tract conveyed to James R. Heimerl and Katherine E. Heimerl by deed of record in Deed Book 784, Page 359 and Instrument Number 201109120016889 (all references refer to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

BEGINNING at a railroad spike found at the centerline intersection of Mink Street NW (County Road 41) (60 feet) and Miller Road NW (Township Road 89) in the common line of said Lot 1 and Lot 2 of the Marsh Heirs Land (Reference Partition Book C-7) and common corner of said 17.937 acre tract, that 2.582 acre tract conveyed to Heimerl Farms, Ltd. by deed of record in Instrument Number 201710020021005, that 10.192 acre tract conveyed to Heimerl Farms, LTD by deeds of record in Instrument Number 201211060026173 and Instrument Number 201211060026174, and that 86.23 acre tract conveyed to James R. Heimerl and Katherine E. Heimerl by deeds of record in Deed Book 784, Page 359 and Instrument Number 201109120016889;

Thence South 86° 27' 31" East, with the line common to said 17.937 and 2.582 acre tracts, with the centerline of said Miller Road NW and with the northerly line of said Lot 1 and Lot 2 of said Middle Division of Marsh Section and with the southerly line of Lot 2 of said Marsh Heirs Land, a distance of 357.11 feet to a magnetic nail set at the corner common to said 2.582 acre tract and that 1.249 acre tract conveyed to Sarah Young and Keith D. Ramey Jr. by deed of record in Instrument Number 201503030003865;

Thence South 14° 19' 35" West, leaving said centerline and crossing said 17.937 acre tract, a distance of 30.54 feet to an iron pin set;

Thence North 86° 27' 31" West, continuing across said 17.937 acre tract, a distance of 308.47 feet to an iron pin set;

Thence South 67° 41' 41" West, continuing across said 17.937 acre tract, a distance of 28.84 feet to an iron pin set in the easterly right-of-way line of said Mink Street NW;

Thence South 22° 41' 41" West, with said easterly right-of-way line and continuing across said 17.937 acre tract, a distance of 741.43 feet to an iron pin set in the line common to said 17.937 acre tract and that 1.138 acre tract conveyed to Robert H. Bush and Janet L. Bush by deed of record in Instrument Number 200109220030552;

Thence North 86° 16' 50" West, crossing said Mink Street NW and with said common line, (passing a 5/8" bent iron rebar found at a distance of 5.22 feet), a total distance of 31.72 feet to a magnetic nail set in the centerline of said Mink Street NW at a common corner of said 17.937 and 1.138 acre tracts, in the easterly line of said 86.23 acre tract;

EXHIBIT A

**PARCEL M52-WD
0.770 ACRE**

-2-

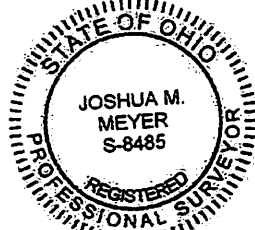
Thence North 22° 41' 41" East, with said centerline and the common line of said 17.937 and 86.23 acre tracts, a distance of 786.39 feet to the POINT OF BEGINNING, containing 0.770 acre, more or less, all of which is within Auditor's Parcel Number 037-111420-00.000 and 0.542 acre is located within the present roadway occupied by Mink Street NW and 0.077 acre is located within the present roadway occupied by Miller Road NW.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street, having a bearing of North 22°41' 41" East, is designated the "basis of bearings" for this survey.

This description is based on an actual field survey performed by and under the direct supervision of Joshua M. Meyer, Professional Survey Number 8485 in November and December, 2021 and April, 2022.



JMM: smh
M52-WD_0_770 ac 20220233-VS-BNDY.docx

EVANS, MECHWART, HAMBLETON & TILTON, INC.

11-18-2022

Joshua M. Meyer
Professional Surveyor No. 8485

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY:	<i>BS</i>
DATE:	<i>11/22/22</i>

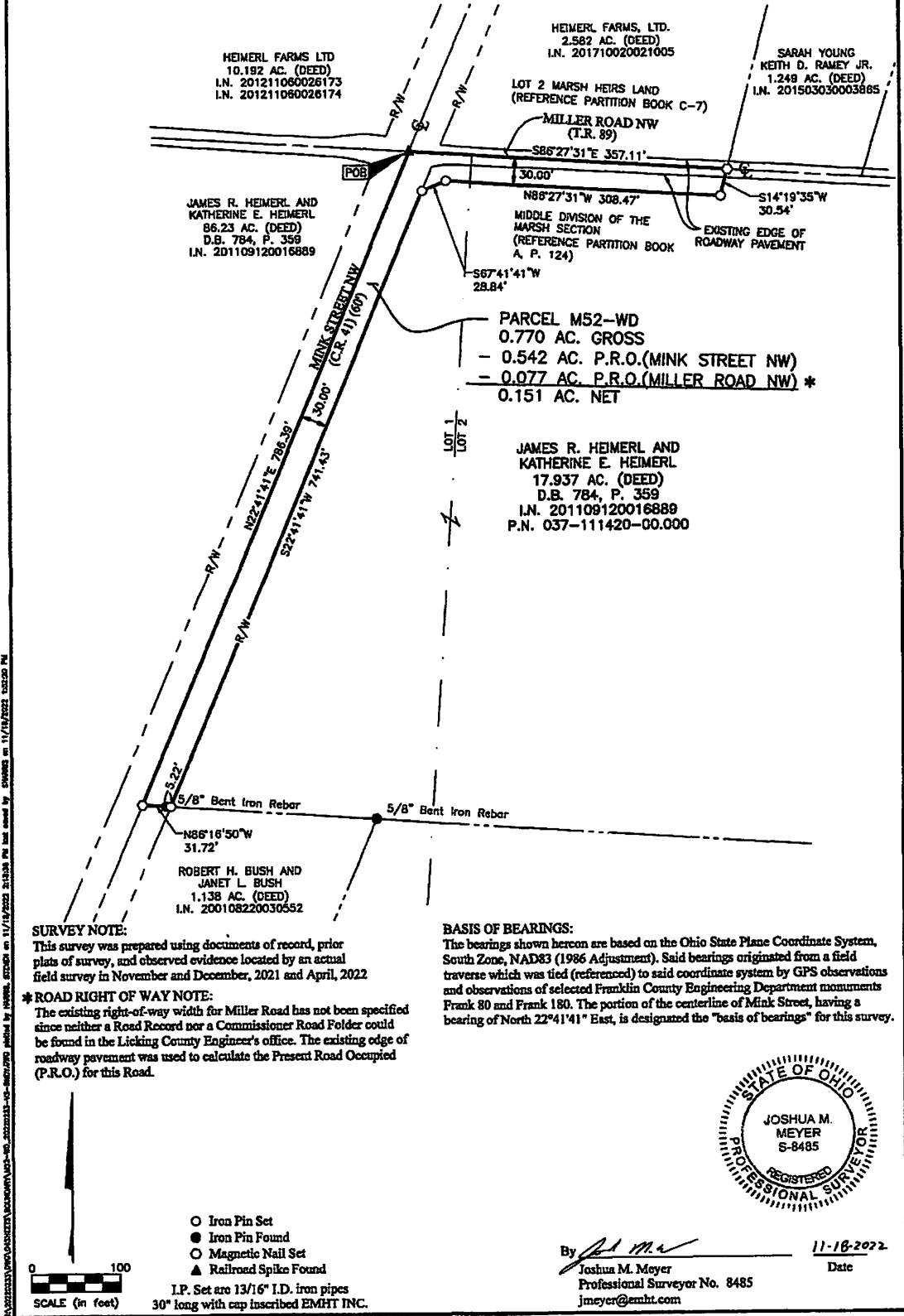


Evans, Mechwart, Hambleton & Tibon, Inc.
 Engineers • Surveyors • Planners • Scientists
 5200 New Albany Road, Columbus, OH 43254
 Phone: 614.778.4332 Fax: 614.773.3446
 emht.com

SURVEY OF ACREAGE PARCEL

LOTS 1 AND 2 MIDDLE DIVISION OF MARSH SECTION, QUARTER TOWNSHIP 1,
 TOWNSHIP 2, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: November 18, 2022 Scale: 1" = 100' Job No: 2022-0233 Sheet No: 1 of 1



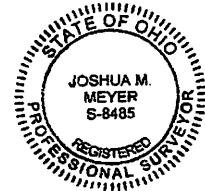
SURVEY NOTE:
 This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey in November and December, 2021 and April, 2022

***ROAD RIGHT OF WAY NOTE:**
 The existing right-of-way width for Miller Road has not been specified since neither a Road Record nor a Commissioner Road Folder could be found in the Licking County Engineer's office. The existing edge of roadway pavement was used to calculate the Present Road Occupied (P.R.O.) for this Road.

BASIS OF BEARINGS:
 The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street, having a bearing of North 22°41'41" East, is designated the "basis of bearings" for this survey.



- Iron Pin Set
 - Iron Pin Found
 - Magnetic Nail Set
 - ▲ Railroad Spike Found
- I.P. Set are 13/16" I.D. iron pipes
 30" long with cap inscribed EMHT INC.



By *J.M.M.* 11-18-2022
 Joshua M. Meyer
 Professional Surveyor No. 8485
 jmeyer@emht.com Date

Mink Street (Beaver Run-Green Chapel) / MS2-WD_20220233-VS-BNDY

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL M52-T1

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 03711142000.000

Prior Instrument Reference: Instrument #2011091200165889 and OR Book V.784 P.359, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Mink Street, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL M52-T1
0.001 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lot 1 of the Middle Division of the Marsh Section (Reference Partition Book A, P.124), Quarter Township 1, Township 2, Range 15, United States Military District, being on, over and across that 17.937 acre tract conveyed to James R. Heimerl and Katherine E. Heimerl by deed of record in Deed Book 784, Page 359 and Instrument Number 201109120016889 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at the centerline intersection of Mink Street NW (County Road 41) (60 feet) with Miller Road NW (Township Road 89), in the line common to said Lot 1 and Lot 2 of the Marsh Heirs Land (Reference Partition Book C-7), at the common corner of said 17.937 acre tract, that 2.582 acre tract conveyed to Heimerl Farms, LTD. by deed of record in Instrument Number 201710020021005, that 10.192 acre tract conveyed to Heimerl Farms, LTD by deed of records in Instrument Number 201211060026173 and Instrument Number 201211060026174, and that 86.23 acre tract conveyed to James R. Heimerl and Katherine E. Heimerl by deed of records in Deed Book 784, Page 359 and Instrument Number 201109120016889;

Thence South 22° 41' 41" West, with the centerline of said Mink Street NW, the line common to said 17.937 and 86.23 acre tracts, a distance of 34.65 feet to a point;

South 67° 18' 19" West, across said Mink Street NW, a distance of 30.00 feet to the easterly right-of-way line thereof, the TRUE POINT OF BEGINNING;

Thence across said 17.937 acre tract, the following courses and distances:

North 67° 41' 41" East, a distance of 2.83 feet to a point;

South 22° 41' 41" West, a distance of 18.83 feet to a point;

North 67° 18' 19" West, a distance of 2.00 feet to a point in the said easterly right-of-way line;

North 22° 41' 41" East, a distance of 16.83 feet to the TRUE POINT OF BEGINNING, containing 0.001 acre, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Heather L. King 12/8/22
Heather L. King Date
Professional Surveyor No. 8307

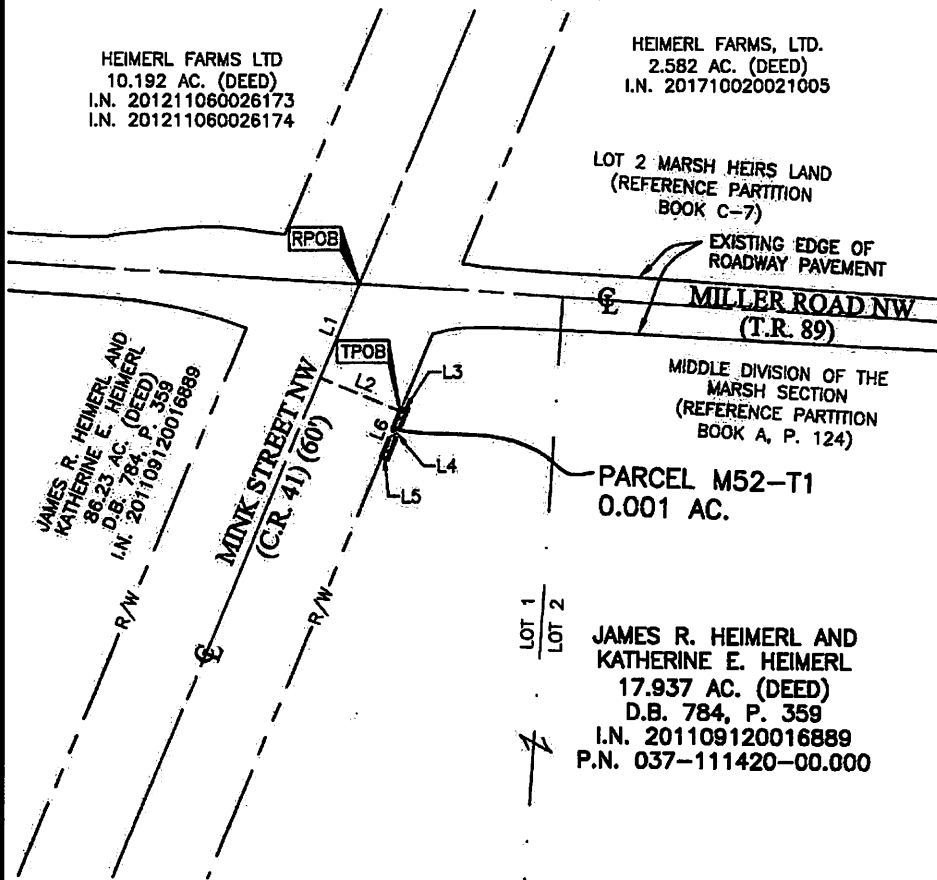
HLK:smh
M52-T1_0_001 so 20220233-VS-ESMT-TEMP.docx



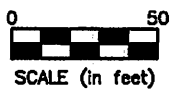
Evans, Mechwart, Houshban & Olson, Inc.
 Engineers • Surveyors • Planners • Scientists
 8325 New Albany Road, Columbus, OH 43234
 Phone: 614.778.4500 Fax: 614.778.3448
 emht.com

TEMPORARY EASEMENT
 LOT 1 MIDDLE DIVISION MARSH SECTION,
 QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: November 28, 2022 Scale: 1" = 50' Job No: 2022-0233 Sheet No: 1 of 1



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S22°41'41"W	34.65'
L2	S67°18'19"E	30.00'
L3	N67°41'41"E	2.83'
L4	S22°41'41"W	18.83'
L5	N67°18'19"W	2.00'
L6	N22°41'41"E	16.83'



By Heather L. King 12/8/22
 Heather L. King Date
 Professional Surveyor No. 8307
 hking@emht.com

20220233-01-EMHT-TEMP.DWG published by JH2025, STEVEN on 11/29/2022 2:07:54 PM last saved by SH2025 on 11/29/2022 2:02:27 PM

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL M52-T2

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 03711142000.000

Prior Instrument Reference: Instrument #2011091200165889 and OR Book V.784 P.359, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Mink Street, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL M52-T2
0.006 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lots 1 and 2 of the Middle Division of the Marsh Section (Reference Partition Book A, P.124), Quarter Township 1, Township 2, Range 15, United States Military District, being on, over and across that 17.937 acre tract conveyed to James R. Heimerl and Katherine E. Heimerl by deed of record in Deed Book 784, Page 359 and Instrument Number 201109120016889 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at the centerline intersection of Mink Street NW (County Road 41) (60 feet) with Miller Road NW (Township Road 89), in the line common to said Lot 1 and Lot 2 of the Marsh Heirs Land (Reference Partition Book C-7), at the common corner of said 17.937 acre tract, that 2.582 acre tract conveyed to Heimerl Farms, LTD. by deed of record in Instrument Number 201710020021005, that 10.192 acre tract conveyed to Heimerl Farms, LTD by deed of records in Instrument Number 201211060026173 and Instrument Number 201211060026174, and that 86.23 acre tract conveyed to James R. Heimerl and Katherine E. Heimerl by deed of records in Deed Book 784, Page 359 and Instrument Number 201109120016889;

Thence South 86° 27' 31" East, with the centerline of said Miller Road NW, the line common to said 17.937 and 2.582 acre tracts, the line common to said Lot 1 and Lot 2 of said Marsh Heirs, a distance of 42.92 feet to a point;

Thence South 03° 32' 29" West, across said Miller Road NW and said 17.937 acre tract, a distance of 30.00 feet to the TRUE POINT OF BEGINNING;

Thence across said 17.937 acre tract, the following courses and distances:

South 86° 27' 31" East, a distance of 65.13 feet to a point;

South 84° 32' 08" West, a distance of 28.75 feet to a point;

North 86° 27' 31" West, a distance of 46.03 feet to a point;

North 67° 41' 41" East, a distance of 10.32 feet to the TRUE POINT OF BEGINNING, containing 0.006 acre, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Heather L. King 12/8/22
Heather L. King Date
Professional Surveyor No. 8307

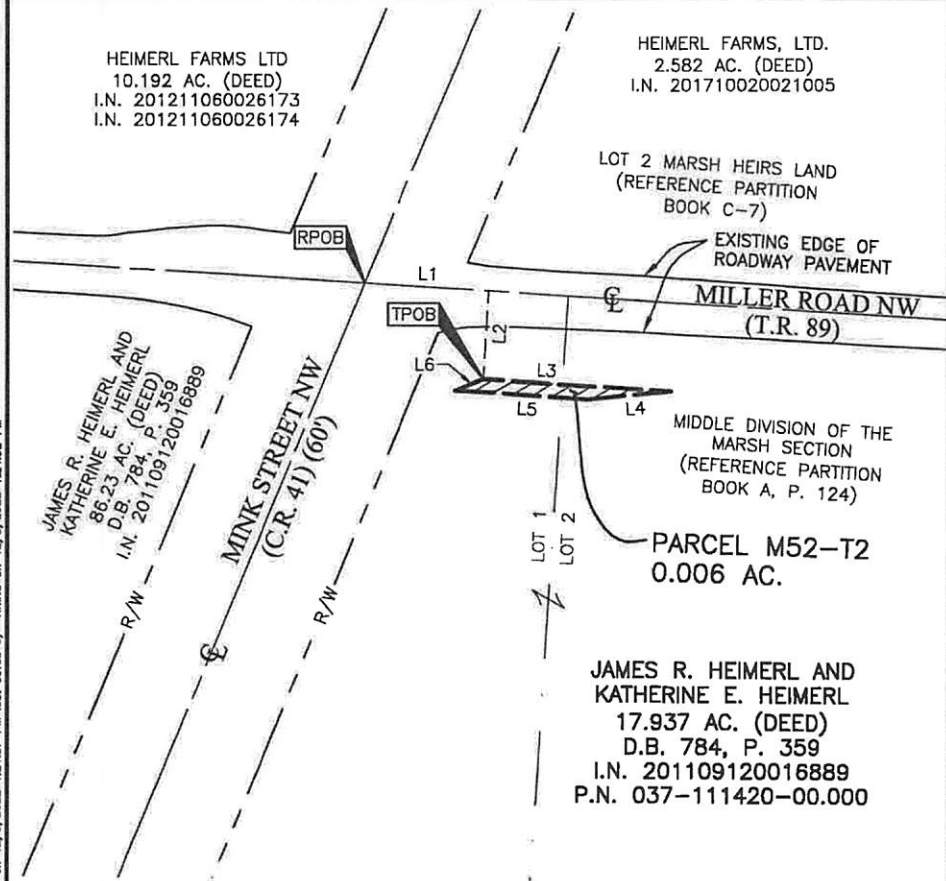
HLK:smh
M52-T_0_006 ac 20220223-VS-ESMT-TEMP.docx



Evans, Mechwart, Hambleton & Thon, Inc.
 Engineers • Surveyors • Planners • Scientists
 8300 New Albany Road, Columbus, OH 43254
 Phone: 614.775.4500 Toll Free: 888.775.3448
 emht.com

TEMPORARY EASEMENT
LOTS 1 AND 2 MIDDLE DIVISION MARSH SECTION
QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15
UNITED STATES MILITARY DISTRICT
TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: December 2, 2022 Scale: 1" = 50' Job No: 2022-0233 Sheet No: 1 of 1



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S86°27'31"E	42.92'
L2	S03°32'29"W	30.00'
L3	S86°27'31"E	65.13'
L4	S84°32'08"W	28.75'
L5	N86°27'31"W	46.03'
L6	N67°41'41"E	10.32'



By Heather L. King 12/8/22 Date
 Heather L. King
 Professional Surveyor No. 8307
 hking@emht.com

J:\2022\0233\DWG\CASHETS\BASEMENTS\M52-T2_20220233-NS-ESM-TEMP.DWG plotted by KING, HEATHER on 12/8/2022 1:24:32 PM last saved by KING on 12/8/2022 1:24:57 PM



ORDINANCE O-42-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNER, JANET L. BUSH, OF THE PROPERTY LOCATED AT 3644 MINK STREET IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Mink Street Project (the “Project”), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Mink Street and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibits, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-39-2022 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owner have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easement from its owner, Janet L. Bush, for the property located at 3644 Mink Street, for the public purpose of making, repairing, improving and constructing Mink Street and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described and depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel M53-WD).
- B. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 2 (Project Parcel M53-T).

Section 2. That Council hereby fixes the value of all the property and interests appropriated at Two Thousand Twenty-six Dollars (\$2,026.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owner of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owner of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owner to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. 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 Ohio Revised Code Section 121.22.

Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this 21 day of March, 2023.

Attest:

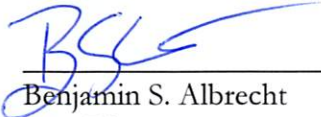


Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared:	02/24/2023
Introduced:	03/07/2023
Revised:	
Adopted:	03/21/2023
Effective:	03/21/2023

EXHIBIT A

**PARCEL M53-WD
0.138 ACRE**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, located in Lot 1 of the Middle Division of the Marsh Section (Partition Book A, Page 124), Quarter Township 1, Township 2, Range 15, United States Military District, being out of that 1.138 acre tract conveyed to Robert H. Bush and Janet L. Bush by deed of record in Instrument Number 200108220030552 (all references refer to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a railroad spike found at the centerline intersection of Mink Street NW (County Road 41)(60 feet wide) and Miller Road NW (Township Road 89), the common corner of that 10.192 acre tract conveyed to Heimerl Farms, LTD by deeds of record in Instrument Numbers 201211060026173 and 201211060026174, that 2.582 acre tract conveyed to Heimerl Farms, LTD. by deed of record in Instrument Number 201710020021005, those 17.937 and 86.23 acre tracts conveyed to James R. Heimerl and Katherine E. Heimerl by deeds of record in Deed Book 784, Page 359 and Instrument Number 201109120016889, in the line common to said Lot 1 and Lot 2 of Marsh Heirs Land (Partition Book C-7);

Thence South 22° 41' 41" West, with the centerline of said Mink Street NW and the line common to said 17.937 and 86.23 acre tracts, a distance of 786.39 feet to a magnetic nail set at the common corner of said 1.138 and 17.937 acre tracts, being the TRUE POINT OF BEGINNING;

Thence South 86° 16' 50" East, with the line common to said 1.138 and 17.937 acre tracts, and across said Mink Street NW, (passing a 5/8 inch bent iron rebar found at a distance of 26.50 feet), a total distance of 31.72 feet to an iron pin set in the easterly right-of-way line of said Mink Street NW;

Thence South 22° 41' 41" West, with said easterly right-of-way line and across said 1.138 acre tract, a distance of 10.54 feet to an iron pin set;

Thence South 23° 32' 56" West, continuing with said easterly right-of-way and across said 1.138 acre tract, a distance of 189.76 feet to a 3/4 inch iron pipe capped "#7529" found in the line common to said 1.138 acre tract and that 130.590 acre tract conveyed as Parcel V to Green Chapel Properties, LLC by deed of record in Instrument Number 200612260036775;

Thence North 86° 17' 47" West, with said common line and across said Mink Street NW, a distance of 31.89 feet to a magnetic nail set at a common corner of said 1.138 and 130.590 acre tracts, in the easterly line of said 86.23 acre tract and the centerline of said Mink Street NW;

Thence North 23° 32' 56" East, with said centerline, and the line common to said 1.138 and 86.23 acre tracts, a distance of 200.36 feet to TRUE POINT OF BEGINNING, containing 0.138 acre, more or less, all of which is within Auditors Parcel Number 037-111462-00.000 and 0.138 acre is located within the present roadway occupied.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

EXHIBIT A

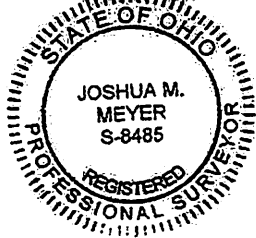
**PARCEL M53-WD
0.138 ACRE**

-2-

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street, having a bearing of North 23° 32' 56" East, is designated the "basis of bearings" for this description.

This description is based on an actual field survey performed by and under the direct supervision of Joshua M. Meyer, Professional Survey Number 8485 in November and December 2021 and April 2022.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

11-21-2022

Joshua M. Meyer
Professional Surveyor No. 8485

JMM: sp
M53-WD_0_138 ac 20220233-VS-BNDY.docx

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY:	BS
DATE:	11/29/22

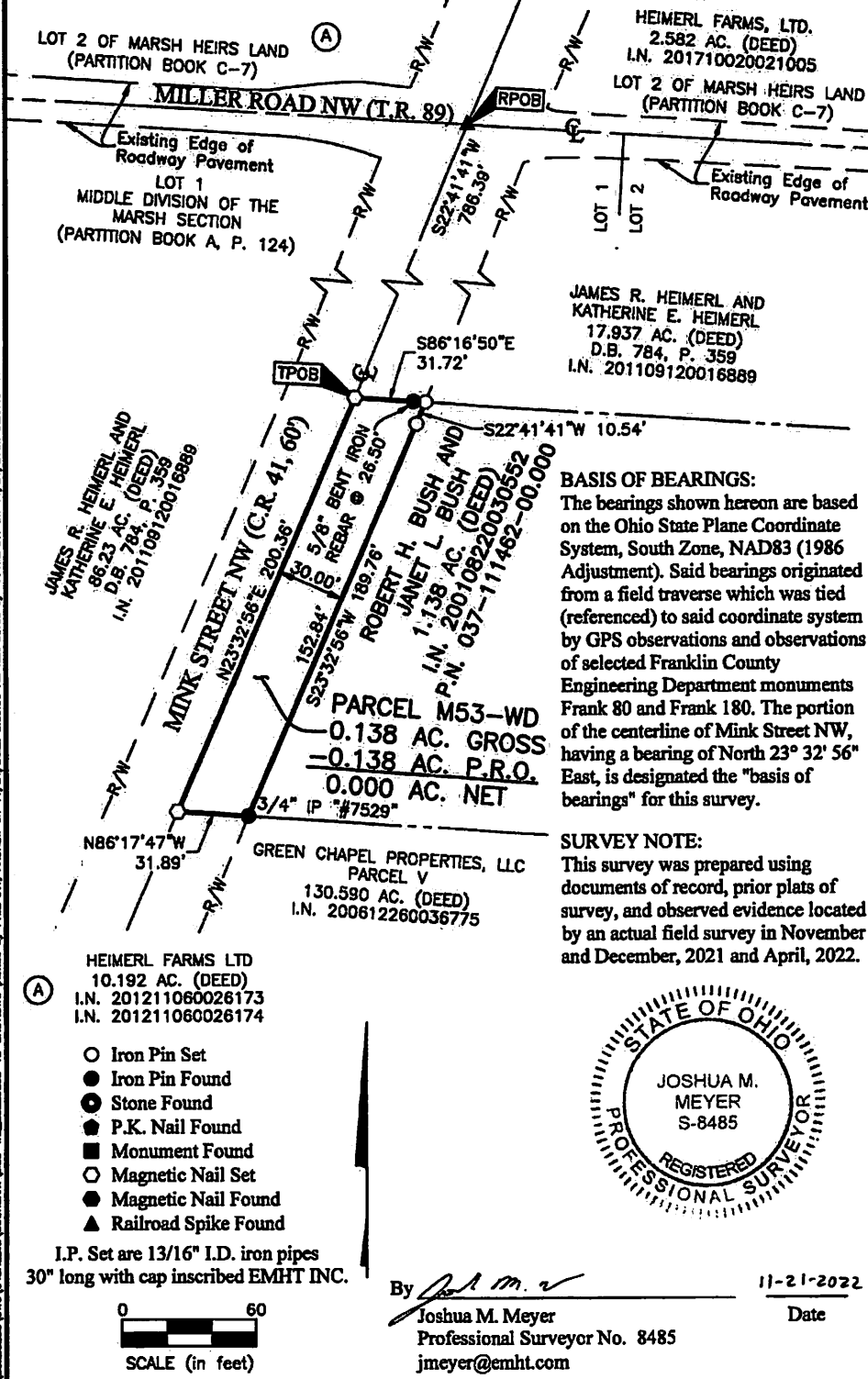


EMHT
 Bruce, Macfarland, Hambleton & Olson, Inc.
 Engineers • Surveyors • Planners • Scientists
 6000 New Albany Road, Columbus, OH 43234
 Phone: 614.775.4800 Fax: 614.775.5448
 www.emht.com

SURVEY OF ACREAGE PARCEL

LOT 1, MIDDLE DIVISION OF THE MARSH SECTION
 QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: November 21, 2022 Scale: 1" = 60' Job No: 2022-0233 Sheet No: 1 of 1



11/21/2022 02:30 AM last saved by PHILPOTT on 11/21/2022 02:50 AM
 11/21/2022 02:30 AM last saved by PHILPOTT, ADDRESS on 11/21/2022 02:30 AM last saved by PHILPOTT on 11/21/2022 02:50 AM

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL M53-T

Temporary easement granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 037-111462-00.000

Prior Instrument Reference: Instrument #200108220030552, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Mink Street, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL M53-T
0.027 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lot 1 of the Middle Division of the Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being on, over and across that 1.138 acre tract conveyed to Robert H. Bush and Janet L. Bush by deed of record in Instrument Number 200108220030552 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Mink Street NW (County Road 41) (60 feet), at the common corner of said 1.138 acre tract and that 17.937 acre tract conveyed to James R. Heimerl and Katherine E. Heimerl by deed of record in Instrument Number 201109120016889;

Thence South 86° 16' 50" East, leaving the centerline of said Mink Street NW and with the common line of said 1.138 and 17.937 acre tracts, a distance of 31.72 feet to a point in the easterly right-of-way line of said Mink Street NW;

Thence across said 1.138 acre tract, the following courses and distances:

South 22° 41' 41" West, with said easterly right-of-way line, a distance of 4.71 feet to the TRUE POINT OF BEGINNING;

South 66° 27' 34" East, a distance of 8.87 feet to a point;

South 02° 40' 32" West, a distance of 42.72 feet to a point;

South 23° 32' 56" West, a distance of 22.37 feet to a point;

North 66° 27' 04" West, a distance of 24.00 feet to a point in said easterly right-of-way line;

North 23° 32' 56" East, with said easterly right-of-way line, a distance of 56.45 feet to a point; and

North 22° 41' 41" East, with said easterly right-of-way line, a distance of 5.83 feet to the TRUE POINT OF BEGINNING, containing 0.027 acre, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Heather L. King
Heather L. King
Professional Surveyor No. 8307

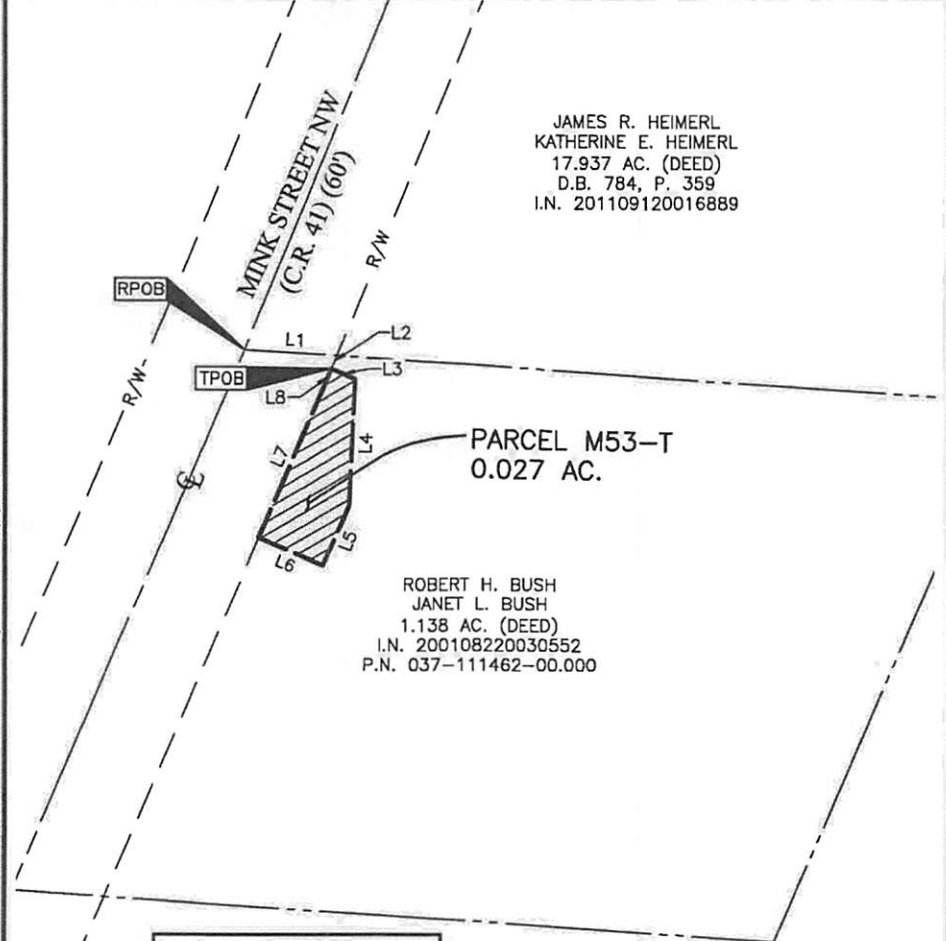
11/22/22
Date

HLK:smh
M53-T_0_027 ac 20220233-N&B-SM1-TEMP.docx

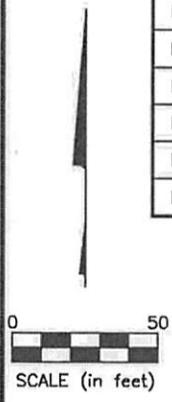


TEMPORARY EASEMENTS
LOT 1 OF MIDDLE DIVISION OF THE MARSH SECTION,
QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15
UNITED STATES MILITARY DISTRICT
TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: November 9, 2022 | Scale: 1" = 50' | Job No: 2022-0233 | Sheet No: 1 of 1



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S86°16'50"E	31.72'
L2	S22°41'41"W	4.71'
L3	S66°27'34"E	8.87'
L4	S02°40'32"W	42.72'
L5	S23°32'56"W	22.37'
L6	N66°27'04"W	24.00'
L7	N23°32'56"E	56.45'
L8	N22°41'41"E	5.83'



By Heather L. King 11/09/22
 Heather L. King
 Professional Surveyor No. 8307
 hking@emht.com
 Date

J:\20220233\DWG\04SHEETS\EASEMENTS\M53-T_20220233-VS-ESMF-TEMP.DWG plotted by HARRIS, STEVEN on 11/9/2022 10:06:31 AM last saved by SHARRIS on 11/9/2022 10:06:13 AM



ORDINANCE O-43-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENTS FROM THE OWNER, GREEN CHAPEL PROPERTIES, LLC, OF THE PROPERTY LOCATED AT 3628 MINK STREET NW IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Mink Street Project (the “Project”), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Mink Street and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibits, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-39-2022 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owner have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easements from its owner, Green Chapel Properties, LLC, for the property located at 3628 Mink Street NW, for the public purpose of making, repairing, improving and constructing Mink Street and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described and depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel M54-WD).
- B. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 2 (Project Parcel M54-T1).
- C. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 3 (Project Parcel M54-T2).
- D. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 4 (Project Parcel M54-T3).

Section 2. That Council hereby fixes the value of all the property and interests appropriated at Five Thousand Five Hundred Ninety-four Dollars (\$5,594.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owner of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owner of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owners to acquire the property interest in an amount greater than the appraised value and accept and record

instruments of conveyance and all other documents necessary to carry out the terms and intent of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. 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 Ohio Revised Code Section 121.22.

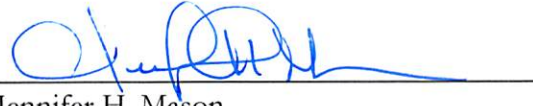
Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this 21 day of March, 2023.

Attest:



Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared:	02/24/2023
Introduced:	03/07/2023
Revised:	
Adopted:	03/21/2023
Effective:	03/21/2023

EXHIBIT A

**PARCEL M54-WD
0.580 ACRE**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lot 1 in the Middle of the Division of the Marsh Section (Partition Book A, Page 124), in Quarter Township 1, Township 2, Range 15, United States Military District, being part of that 130.590 acre tract conveyed as Parcel V to Green Chapel Properties, LLC by deed of record in Instrument Number 200612260036775 (all references are to the records of the Recorder's Office, Licking County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at a railroad spike found at the centerline intersection of Miller Street NW (County Road 89) (Width Varies) and Mink Street NW (County Road 41) (width varies), the southwesterly corner of that 2.582 acre tract conveyed to Heimerl Farms, LTD. by deed of record in Instrument Number 201710020021005, the northwesterly corner of that 17.937 acre tract conveyed to James R. Heimerl and Katherine E. Heimerl by deed of record in Deed Book 784, Page 359 and Instrument Number 201109120016889, the northeasterly corner of that 86.23 acre tract conveyed to James R. Heimerl and Katherine E. Heimerl by deed of record in Deed Book 784, Page 359 and Instrument Number 201109120016889, and the southeasterly corner of that 10.192 acre tract conveyed to Heimerl Farms LTD by deed of record in Instrument Numbers 201211060026173 and 201211060026174, being in the common line of Lot 2 of Marsh Heirs Land (Partition Book C-7) and said Lot 1;

Thence South 22° 41' 41" West, with the centerline of said Mink Street NW, a distance of 786.39 feet to a magnetic nail set at the common corner of said 17.937 acre tract and that 1.138 acre tract conveyed to Robert H. Bush and Janet L. Bush by deed of record in Instrument Number 200108220030552;

Thence South 23° 32' 56" West, continuing with said centerline, a distance of 200.36 feet to a magnetic nail set at the corner common to said 130.590 and 1.138 acre tracts, the TRUE POINT OF BEGINNING;

Thence South 86° 17' 47" East, with the line common to said 130.590 and 1.138 acre tracts, across Mink Street NW, a distance of 31.89 feet to a 3/4 inch iron pipe capped "PS#7529" found in the easterly right-of-way line of said Mink Street NW;

Thence South 23° 32' 56" West, across said 130.590 acre tract with said easterly right-of-way line, a distance of 841.48 feet to an iron pin set in the northerly line of that 3.000 acre tract conveyed to Danny T. Disbennett and Rebecca C. Disbennett by deed of record in Instrument Number 201609160020094 (reference a 3/4 inch bent iron pipe found South 73°31'10" West, at a distance of 5.65 feet);

Thence North 86° 31' 06" West, with the line common to said 130.590 and 3.000 acre tracts, a distance of 31.94 feet to a magnetic nail set in the centerline of said Mink Street NW at a common corner of said 130.590 and 3.000 acre tracts, in an easterly line of that 1.049 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339 (reference a 3/4 inch iron pipe found North 87° 17' 39" West, at a distance of 26.50 feet);

EXHIBIT A

**PARCEL M54-WD
0.580 ACRE**

-2-

Thence North 23° 32' 56" East, with the centerline of said Mink Street NW, the westerly line of said 130.590 acre tract, the easterly line of said 1.049 and 86.23 acre tracts a distance of 841.61 feet to the TRUE POINT OF BEGINNING, containing 0.580 acre, more or less, all of which is within Auditors Parcel Number 037-111468-00.000 and all of which is within the present road occupied.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street NW, having a bearing of North 23°32'56" East, is designated the "basis of bearings" for this survey.

This description is based on an actual field survey performed by or under the direct supervision of Joshua M. Meyer, Professional Surveyor Number 8485 in November and December, 2021, and April, 2022.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Joshua M. Meyer
Professional Surveyor No. 8485

11-21-2022

Date

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY: <i>BS</i>	
DATE: <i>11/30/22</i>	

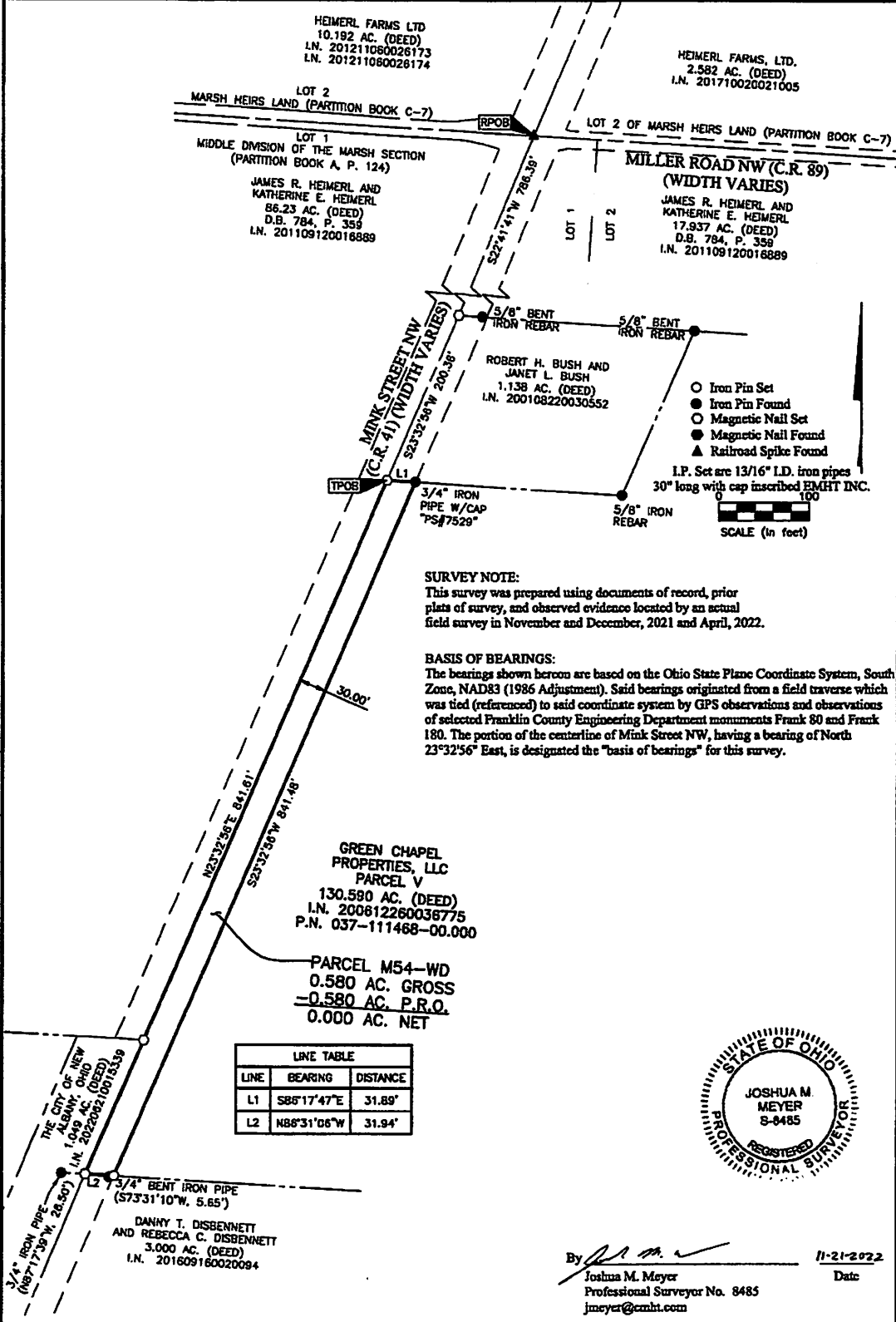


Evans, Macchewatz, Hamilton & Birko, Inc.
 Engineers & Surveyors • Planners • Sclerifiles
 6300 New Albany Road, Columbus, OH 43254
 Phone: 614.778.4500 Tel Fax: 614.778.3648
 emht.com

SURVEY OF ACREAGE PARCEL

LOT 1 MIDDLE DIVISION OF THE MARSH SECTION
 QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 13
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: November 21, 2022 Scale: 1" = 100' Job No: 2022-0233 Sheet No: 1 of 1



Mink Street and Miller Road NW / M54-WD_20220233-VS-BNDY

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL M54-T1

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 037-111468-00.000

Prior Instrument Reference: Instrument #200612260036775, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Mink Street, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL M54-T1
0.023 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lot 1 of the Middle Division of the Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being on, over and across that 130.590 acre tract conveyed as Parcel V to Green Chapel Properties, LLC by deed of record in Instrument Number 200612260036775 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Mink Street NW (County Road 41, 60 feet), at the common corner of said 130.590 acre tract and that 3.000 acre tract conveyed to Danny T. Disbennett and Rebecca C. Disbennett by deed of record in Instrument Number 201609160020094;

Thence North 23° 32' 56" East, with the centerline of said Mink Street NW and with the westerly line of said 130.590 acre tract, a distance of 152.99 feet to a point;

Thence across said 130.590 acre tract, the following courses and distances:

South 66° 27' 04" East, across the right-of-way of said Mink Street NW, a distance of 30.00 feet to the TRUE POINT OF BEGINNING;

North 23° 32' 56" East, with the easterly right-of-way line of said Mink Street NW, a distance of 123.69 feet to a point;

South 66° 27' 04" East, a distance of 8.00 feet to a point;

South 23° 32' 56" West, a distance of 123.69 feet to a point; and

North 66° 27' 04" West, a distance of 8.00 feet to the TRUE POINT OF BEGINNING, containing 0.023 acre, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Heather L. King
Heather L. King
Professional Surveyor No. 8307

11/22/22
Date

HLK:td
M54-T1_0_023 ac 20220233-VS-ESMT-TEMP.docx



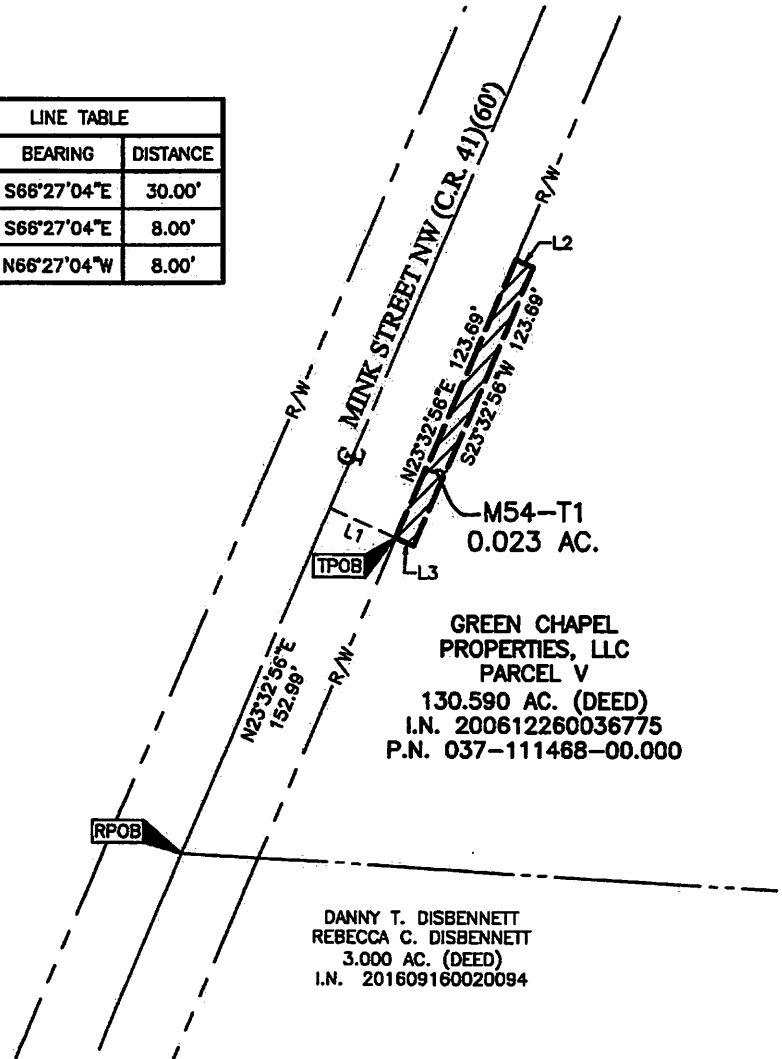
Evans, Mochwart, Hambleton & Utton, Inc.
 Engineers • Surveyors • Planners • Scientists
 5300 New Albany Road, Columbus, OH 43264
 Phone: 614.778.6500 Fax: 614.778.6448
 emht.com

TEMPORARY EASEMENT
 LOT 1, MIDDLE DIVISION OF THE MARSH SECTION
 QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: November 9, 2022 Scale: 1" = 60' Job No: 2022-0233 Sheet No: 1 of 1

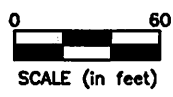
LINE TABLE		
LINE	BEARING	DISTANCE
L1	S66°27'04"E	30.00'
L2	S66°27'04"E	8.00'
L3	N66°27'04"W	8.00'

I:\2022\0233\Drawings\ASSEMBLY\M54-T1_20220213-16-ESMT-TMP.dwg, plotted by MANS, STIVEN on 11/09/2022 10:11:24 AM



GREEN CHAPEL
 PROPERTIES, LLC
 PARCEL V
 130.590 AC. (DEED)
 I.N. 200612260036775
 P.N. 037-111468-00.000

DANNY T. DISBENNETT
 REBECCA C. DISBENNETT
 3.000 AC. (DEED)
 I.N. 201609160020094



By Heather L. King Date 11/09/22
 Heather L. King
 Professional Surveyor No. 8307
 hking@emht.com

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL M54-T2

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 037-111468-00.000

Prior Instrument Reference: Instrument #200612260036775, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Mink Street, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL M54-T2
0.029 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lot 1 of the Middle Division of the Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being on, over and across that 130.590 acre tract conveyed as Parcel V to Green Chapel Properties, LLC by deed of record in Instrument Number 200612260036775 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Mink Street NW (County Road 41, 60 feet), at the common corner of said 130.590 acre tract and that 1.138 acre tract conveyed to Robert H. Bush and Janet L. Bush by deed of record in Instrument Number 200108220030552;

Thence South 23° 32' 56" West, with the centerline of said Mink Street NW and with the westerly line of said 130.590 acre tract, a distance of 130.17 feet to a point;

Thence South 66° 27' 04" East, across the right-of-way of said Mink Street NW and across said 130.590 acre tract, a distance of 30.00 feet to a point in the easterly right-of-way line of said Mink Street NW, being the TRUE POINT OF BEGINNING;

Thence across said 130.590 acre tract, the following courses and distances:

South 66° 27' 04" East, a distance of 7.00 feet to a point;

South 23° 32' 56" West, a distance of 182.56 feet to a point;

North 66° 27' 04" West, a distance of 7.00 feet to a point in said easterly right-of-way line; and

North 23° 32' 56" East, with said easterly right-of-way line, a distance of 182.56 feet to the TRUE POINT OF BEGINNING, containing 0.029 acre, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Heather L. King
Heather L. King
Professional Surveyor No. 8307

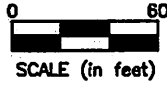
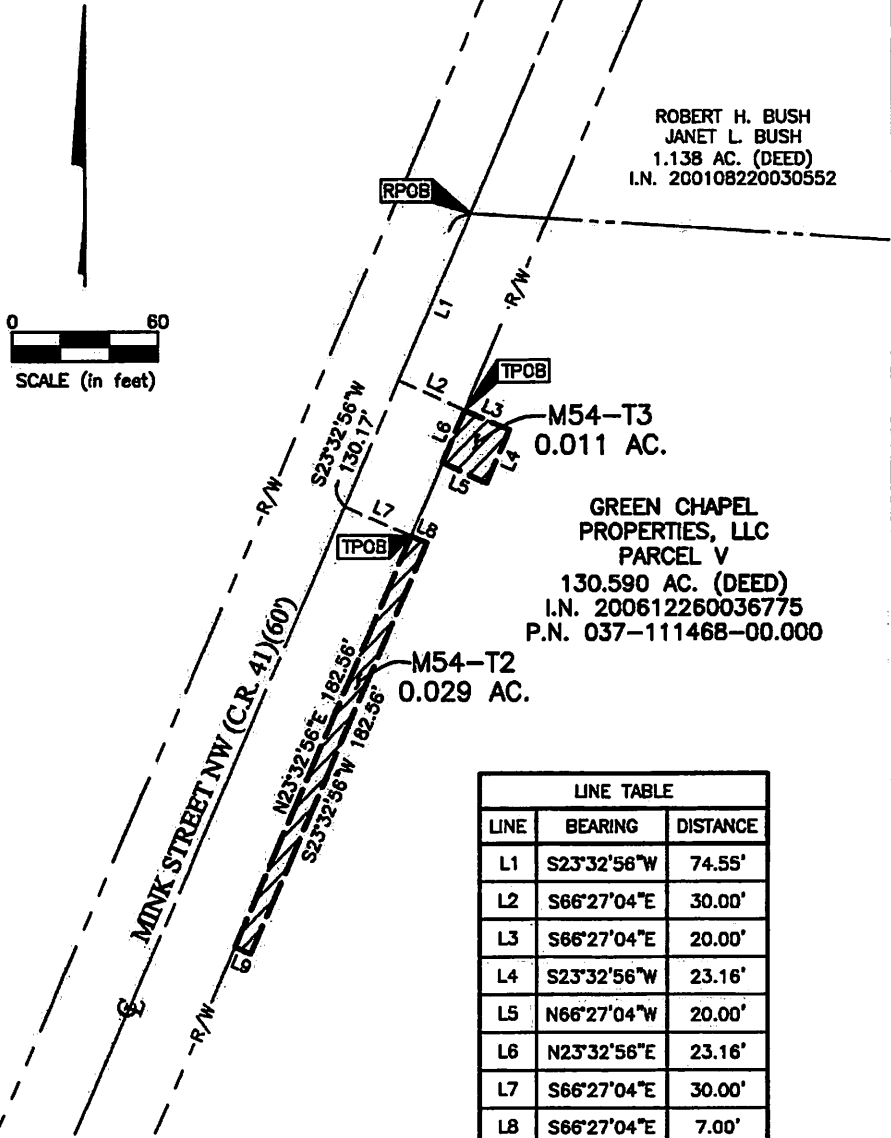
11/22/22
Date

HLK:td
M54-T2_0_029 ac 20220233-VS-ESMT-TEMP.docx



TEMPORARY EASEMENTS
LOT 1, MIDDLE DIVISION OF THE MARSH SECTION
QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15
UNITED STATES MILITARY DISTRICT
TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: November 9, 2022 | Scale: 1" = 60' | Job No: 2022-0233 | Sheet No: 1 of 1



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S23°32'56"W	74.55'
L2	S66°27'04"E	30.00'
L3	S66°27'04"E	20.00'
L4	S23°32'56"W	23.16'
L5	N66°27'04"W	20.00'
L6	N23°32'56"E	23.16'
L7	S66°27'04"E	30.00'
L8	S66°27'04"E	7.00'
L9	N66°27'04"W	7.00'



By Heather L. King 11/02/22
 Heather L. King Date
 Professional Surveyor No. 8307
 hking@emhit.com

I:\2022\0233\TEMP\ASSEMBLY\ASSEMBLY\M54-T3_20220233-19-25MT-TEMP.dwg plotted by HEATHER, STEVEN on 11/09/2022 10:16:24 AM last saved by STEVEN on 11/09/2022 10:13:46 AM

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL M54-T3

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 037-111468-00.000

Prior Instrument Reference: Instrument #200612260036775, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Mink Street, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL M54-T3
0.011 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lot 1 of the Middle Division of the Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being on, over and across that 130.590 acre tract conveyed as Parcel V to Green Chapel Properties, LLC by deed of record in Instrument Number 200612260036775 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Mink Street NW (County Road 41, 60 feet), at the common corner of said 130.590 acre tract and that 1.138 acre tract conveyed to Robert H. Bush and Janet L. Bush by deed of record in Instrument Number 200108220030552;

Thence South 23° 32' 56" West, with the centerline of said Mink Street NW and with the westerly line of said 130.590 acre tract, a distance of 74.55 feet to a point;

Thence South 66° 27' 04" East, across the right-of-way of said Mink Street NW and across said 130.590 acre tract, a distance of 30.00 feet to a point in the easterly right-of-way line of said Mink Street NW, being the TRUE POINT OF BEGINNING;

Thence across said 130.590 acre tract, the following courses and distances:

South 66° 27' 04" East, a distance of 20.00 feet to a point;

South 23° 32' 56" West, a distance of 23.16 feet to a point;

North 66° 27' 04" West, a distance of 20.00 feet to a point in said easterly right-of-way line; and

North 23° 32' 56" East, with said easterly right-of-way line, a distance of 23.16 feet to the TRUE POINT OF BEGINNING, containing 0.011 acre, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Heather L. King
Heather L. King
Professional Surveyor No. 8307

11/22/22
Date

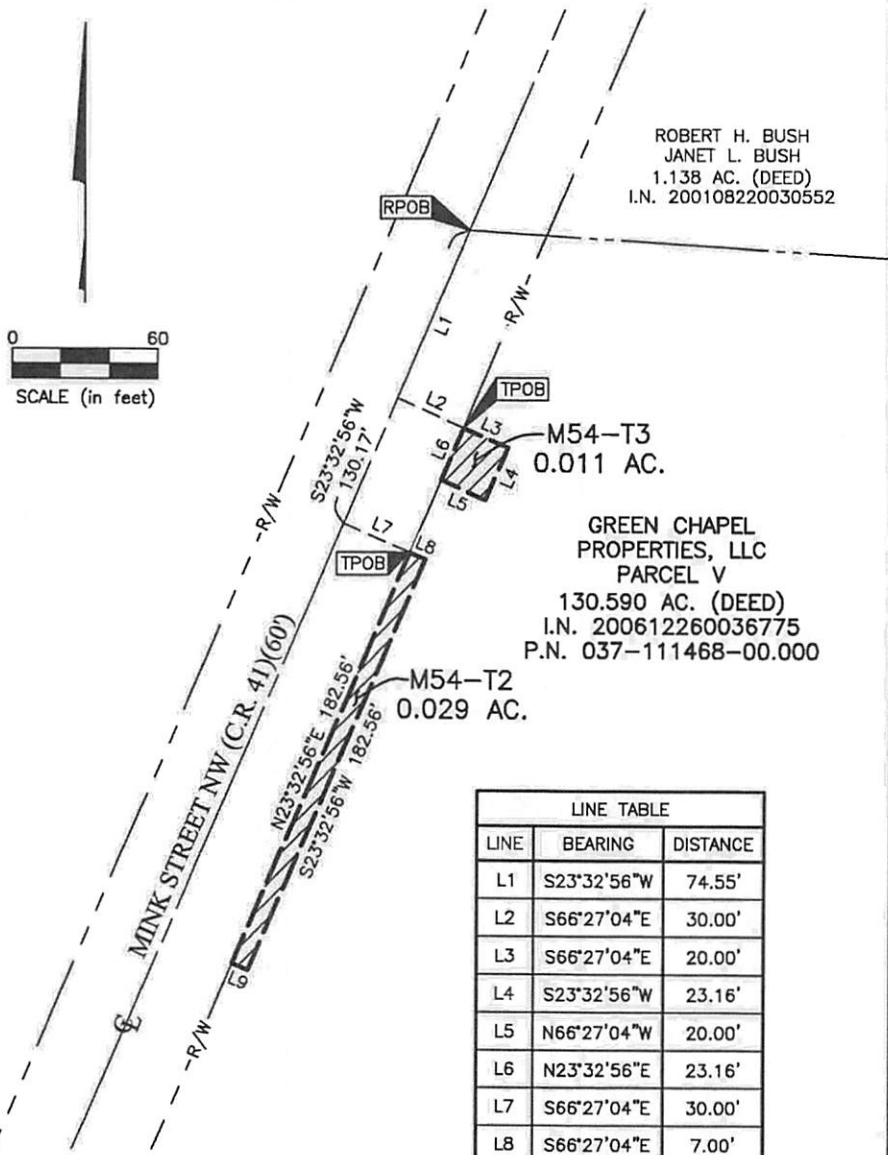
HLK.tid
M54-T3_0_011 ac 20220233-VS-ESMT-TEMP.docx



Evans, Mechwart, Hambleton & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43254
 Phone: 614-775-4500 Fax: 614-775-5448
 emht.com

TEMPORARY EASEMENTS
 LOT 1, MIDDLE DIVISION OF THE MARSH SECTION
 QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: November 9, 2022 Scale: 1" = 60' Job No: 2022-0233 Sheet No: 1 of 1



ROBERT H. BUSH
 JANET L. BUSH
 1.138 AC. (DEED)
 I.N. 200108220030552

GREEN CHAPEL
 PROPERTIES, LLC
 PARCEL V
 130.590 AC. (DEED)
 I.N. 200612260036775
 P.N. 037-111468-00.000

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S23°32'56"W	74.55'
L2	S66°27'04"E	30.00'
L3	S66°27'04"E	20.00'
L4	S23°32'56"W	23.16'
L5	N66°27'04"W	20.00'
L6	N23°32'56"E	23.16'
L7	S66°27'04"E	30.00'
L8	S66°27'04"E	7.00'
L9	N66°27'04"W	7.00'

J:\20220233\DWG\045\HEETS\EASEMENTS\M54-T2_20220233-VS-ESUF-TEMP.DWG plotted by HARRIS, STEVEN on 11/9/2022 10:13:48 AM



By Heather L. King 11/22/22
 Heather L. King
 Professional Surveyor No. 8307
 hking@emht.com Date



ORDINANCE O-44-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENTS FROM THE OWNER, MORRIS A. KITSMILLER, OF THE PROPERTY LOCATED AT 3160 MINK STREET IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Mink Street Project (the "Project"), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Mink Street and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibits, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-2-2023 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owner have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easements from its owner, Morris A. Kitsmiller, for the property located at 3160 Mink Street, for the public purpose of making, repairing, improving and constructing Mink Street and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described and depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel M58-WD).
- B. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 2 (Project Parcel M58-T1).
- C. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 3 (Project Parcel M58-T2).
- D. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 4 (Project Parcel M58-T3).
- E. Permanent easement as described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 5 (Project Parcel M58-S).

Section 2. That Council hereby fixes the value of all the property and interests appropriated at One Thousand Two Hundred Eighty-one Dollars (\$1,281.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owner of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owner of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees

of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owner to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. 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 Ohio Revised Code Section 121.22.

Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this 21 day of March, 2023.

Attest:



Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 02/24/2023

Introduced: 03/07/2023

Revised:

Adopted: 03/21/2023

Effective: 03/21/2023

EXHIBIT A

**PARCEL M58-WD
0.237 ACRE**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lot 10 of the Middle Division of the Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being part of that 7.860 acre tract conveyed to Morris A. Kitsmiller by deed of record in Instrument Number 200407020024185 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a magnetic nail set at the centerline intersection of Mink Street NW (County Road 41) (60 feet) and Jug Street Road NW (County Road 22) (60 feet), in the line common to Lot 15 of the Middle Division of the Marsh Section and Lot 14 of the Southerly Division of the Marsh Section;

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

With the arc of a curve to the right, having a central angle of 05° 08' 54", a radius of 8606.28 feet, an arc length of 773.31 feet, a chord bearing of North 25° 13' 25" East and chord distance of 773.05 feet to a magnetic nail set at a point of tangency;

North 27° 47' 52" East, a distance of 866.20 feet to a railroad spike found at a point of curvature; and

With the arc of a curve to the left, having a central angle of 01° 26' 13", a radius of 13751.00 feet, an arc length of 344.85 feet, a chord bearing of North 25° 20' 27" East and chord distance of 344.84 feet to a magnetic nail set at the southwesterly corner of said 7.860 acre tract, the northwesterly corner of that 8.716 acre tract conveyed to Kenneth W. Boggs by deed of record in Instrument Number 202105070013656, in the easterly line of that 35.745 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 202207200017782, the TRUE POINT OF BEGINNING;

Thence with said centerline, the westerly line of said 7.860 acre tract, the easterly line of said 35.745 acre tract, with the arc of a curve to the left, having a central angle of 01° 26' 13", a radius of 13751.00 feet, an arc length of 344.85 feet, a chord bearing of North 23° 54' 14" East and chord distance of 344.84 feet to a magnetic nail set at the northwesterly corner of said 7.860 acre tract, the southwesterly corner of that 5.50 acre tract conveyed to Thomas W. Dauer and Dianne S. Dauer by deed of record in Instrument Number 200808190018862, in the easterly line of said 35.745 acre tract;

Thence South 86° 24' 48" East, across said Mink Street NW, with the line common to said 7.860 and 5.50 acre tracts, a distance of 31.84 feet to an iron pin set in the easterly right-of-way line of said Mink Street NW;

Thence with said easterly right-of-way line and across said 7.860 acre tract, with the arc of a curve to the right, having a central angle of 01° 25' 58", a radius of 13781.00 feet, an arc length of 344.60 feet, a chord bearing of South 23° 51' 27" West and chord distance of 344.59

EXHIBIT A

**PARCEL MS8-WD
0.237 ACRE**

-2-

feet to an iron pin set in the southerly line of said 7.860 acre tract, the northerly line of said 8.716 acre tract;

Thence North 86° 39' 17" West, with the line common to said 7.860 and 8.716 acre tracts, across said Mink Street NW (passing a 3/4 iron pipe found at a distance of 5.49 feet), a total distance of 32.19 feet to the TRUE POINT OF BEGINNING, containing 0.237 acre, more or less, all of which is within Auditor's Parcel Number 037-112140-01.000, and 0.237 acre is within the present road occupied.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street NW, having a bearing of North 27°47'52" East, is designated the "basis of bearings" for this survey.

This description is based on an actual field survey performed by or under the direct supervision of Joshua M. Meyer, Professional Surveyor Number 8485 in November and December, 2021 and April, 2022.



JMM:jo
MS8-WD 0.237 to 20220233-VS-HNDY.docx

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Joshua M. Meyer
Professional Surveyor No. 8485

11-15-2022

Date

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY:	<i>BS</i>
DATE:	<i>11/15/22</i>

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL M58-T1

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 037-112140-01.000

Prior Instrument References: Instrument Number 200407020024185, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Green Chapel Road, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL M58-T1
0.002 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lot 10 of the Middle Division of the Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being on, over and across that 7.860 acre tract conveyed to Morris A. Kitsmiller by deed of record in Instrument Number 200407020024185 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Mink Street NW (County Road 41) (60 feet) at the southwesterly corner of said 7.860 acre tract, the northwesterly corner of that 8.716 acre tract conveyed to Kenneth W. Boggs by deed of record in Instrument Number 202105070013656;

Thence with said centerline and with the arc of a curve to the left, having a central angle of 00° 27' 33", a radius of 13751.00 feet, an arc length of 110.17 feet, a chord bearing of North 24° 23' 34" East and chord distance of 110.17 feet to a point;

Thence South 65° 50' 12" East, across said Mink Street NW and said 7.860 acre tract, a distance of 30.00 feet to a point on the arc of a curve in the easterly right of way line of said Mink Street NW, being the TRUE POINT OF BEGINNING;

Thence with said right of way line and continuing across said 7.860 acre tract, and with the arc of a curve to the left, having a central angle of 00° 03' 30", a radius of 13781.00 feet, an arc length of 14.01 feet, a chord bearing of North 24° 08' 03" East and chord distance of 14.01 feet to a point;

Thence continuing across said 7.860 acre tract, the following courses and distances:

South 65° 51' 57" East, a distance of 7.00 feet to a point;

South 24° 12' 15" West, a distance of 14.02 feet to a point; and

North 65° 47' 45" West, a distance of 6.99 feet to the TRUE POINT OF BEGINNING, containing 0.002 acre, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk
Matthew A. Kirk
Professional Surveyor No. 7865

7 Dec 22
Date

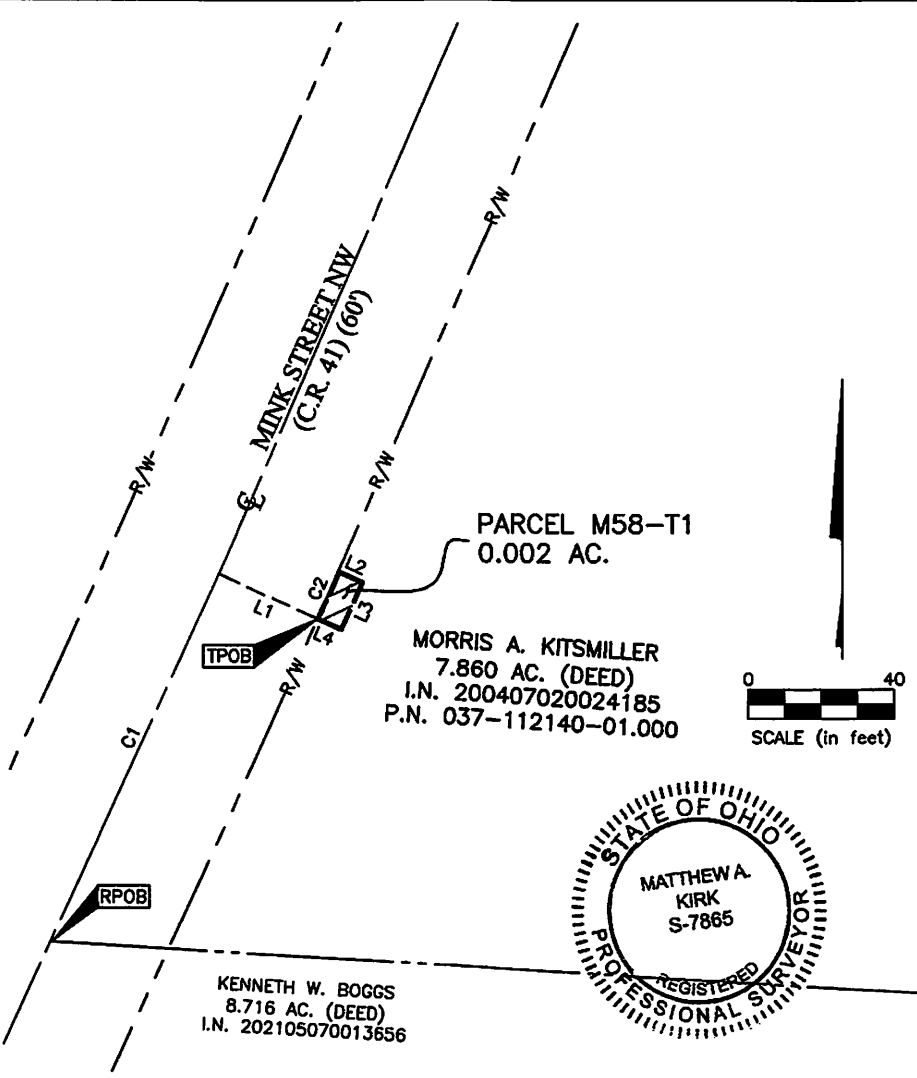
MAK:jo
M58-T1_0_002.dwg vs. ESM-T-TEMP.docx



Evans, Mechwart, Kambleson & Tibon, Inc.
 Engineers • Surveyors • Planners • Scientists
 6300 New Albany Road, Columbus, OH 43234
 Phone: 614.778.4800 Toll Free: 888.778.3448
 emht.com

TEMPORARY EASEMENT
LOT 10, MIDDLE DIVISION OF THE MARSH SECTION
QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15
UNITED STATES MILITARY DISTRICT
TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: December 7, 2022 Scale: 1" = 40' Job No: 20220233 Sheet No: 1 of 1



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S65°50'12"E	30.00'
L2	S65°51'57"E	7.00'
L3	S24°12'15"W	14.02'
L4	N65°47'45"W	6.99'

CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CH. BEARING	CH. DIST.
C1	0°27'33"	13751.00'	110.17'	N24°23'34"E	110.17'
C2	0°03'30"	13781.00'	14.01'	N24°08'03"E	14.01'

By Matthew A. Kirk 7 Dec 22
 Matthew A. Kirk Professional Surveyor No. 7865 Date
 mkirk@emht.com

1A:20220233.DWG\CASEMENTS\M58-T1_20220233-15-5347-TEMP.DWG plotted by OMAS, JACOB on 12/7/2022 8:51:24 AM last saved by JOMAS on 12/7/2022 8:51:20 AM

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL M58-T2

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 037-112140-01.000

Prior Instrument References: Instrument Number 2004070200241851, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Green Chapel Road, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL M58-T2
0.003 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lot 10 of the Middle Division of the Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being on, over and across that 7.860 acre tract conveyed to Morris A. Kitsmiller by deed of record in Instrument Number 200407020024185 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Mink Street NW (County Road 41) (60 feet) at the southwesterly corner of said 7.860 acre tract, the northwesterly corner of that 8.716 acre tract conveyed to Kenneth W. Boggs by deed of record in Instrument Number 202105070013656;

Thence with said centerline and with the arc of a curve to the left, having a central angle of 00° 44' 45", a radius of 13751.00 feet, an arc length of 179.02 feet, a chord bearing of North 24° 14' 58" East and chord distance of 179.02 feet to a point;

Thence South 66° 07' 25" East, across said Mink Street NW and said 7.860 acre tract, a distance of 30.00 feet to a point on the arc of a curve in the easterly right of way line of said Mink Street NW, being the TRUE POINT OF BEGINNING;

Thence with said right of way line and continuing across said 7.860 acre tract, and with the arc of a curve to the left, having a central angle of 00° 04' 00", a radius of 13781.00 feet, an arc length of 16.00 feet, a chord bearing of North 23° 50' 35" East and chord distance of 16.00 feet to a point;

Thence continuing across said 7.860 acre tract, the following courses and distances:

South 66° 09' 25" East, a distance of 7.00 feet to a point;

South 23° 54' 36" West, a distance of 16.01 feet to a point; and

North 66° 05' 24" West, a distance of 6.98 feet to the TRUE POINT OF BEGINNING, containing 0.003 acre, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk
Matthew A. Kirk
Professional Surveyor No. 7865

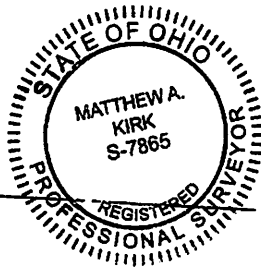
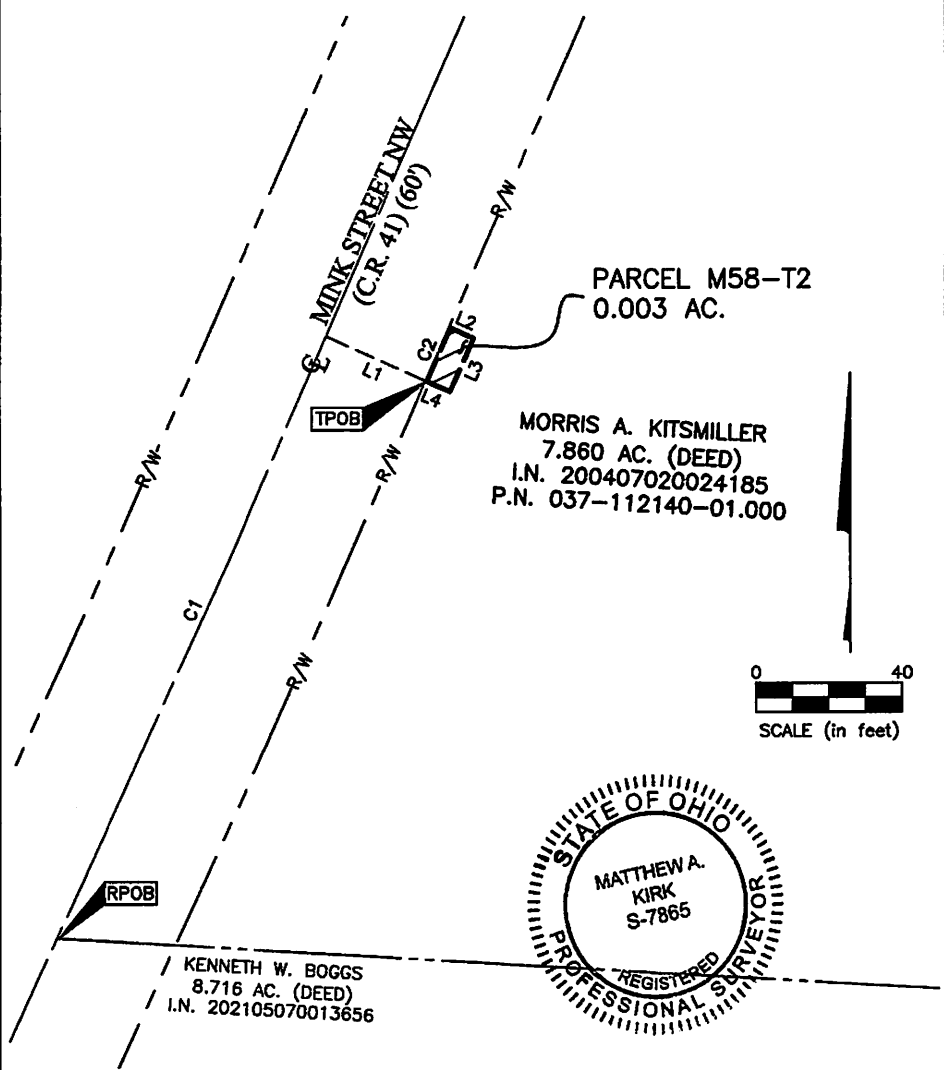
7 Dec 22
Date

MAK:jo
M58-T2_0_003 ac 20220233-VS-ESMT-TEMP.docx



TEMPORARY EASEMENT
LOT 10, MIDDLE DIVISION OF THE MARSH SECTION
QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15
UNITED STATES MILITARY DISTRICT
TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: December 7, 2022 | Scale: 1" = 40' | Job No: 20220233 | Sheet No: 1 of 1



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S66°07'25"E	30.00'
L2	S66°09'25"E	7.00'
L3	S23°54'36"W	16.01'
L4	N66°05'24"W	6.98'

CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CH. BEARING	CH. DIST.
C1	0°44'45"	13751.00'	179.02'	N24°14'58"E	179.02'
C2	0°04'00"	13781.00'	16.00'	N23°50'35"E	16.00'

By Matthew A. Kirk Date 7 Dec 22
 Matthew A. Kirk
 Professional Surveyor No. 7865
 mkirk@emht.com

J:\20220233\DWG\CADSETTS\CADSETTS\M58-T2_20220233-15-ESUT-TEMP.DWG plotted by GMAJ, JACOB on 12/7/2022 9:51:16 AM last saved by JOMAS on 12/7/2022 9:51:11 AM

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL M58-T3

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 037-112140-01.000

Prior Instrument References: Instrument Number 2004070200241851, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Green Chapel Road, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL M58-T3
0.005 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lot 10 of the Middle Division of the Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being on, over and across that 7.860 acre tract conveyed to Morris A. Kit-smiller by deed of record in Instrument Number 200407020024185 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Mink Street NW (County Road 41) (60 feet) at the northwesterly corner of said 7.860 acre tract, the southwestery corner of that 5.50 acre tract conveyed to Thomas W. Dauer and Dianne S. Dauer by deed of record in Instrument Number 200808190018862;

Thence with said centerline and with the arc of a curve to the right, having a central angle of 00° 15' 04", a radius of 13751.00 feet, an arc length of 60.30 feet, a chord bearing of South 23° 18' 40" West and chord distance of 60.30 feet to a point;

Thence South 66° 33' 48" East, across said Mink Street NW and said 7.860 acre tract, a distance of 30.00 feet to a point in the easterly right of way line of said Mink Street, being the TRUE POINT OF BEGINNING;

Thence continuing across said 7.860 acre tract, the following courses and distances:

South 66° 39' 24" East, a distance of 20.91 feet to a point; and

South 71° 12' 20" West, a distance of 28.27 feet to a point in the said easterly right of way line;

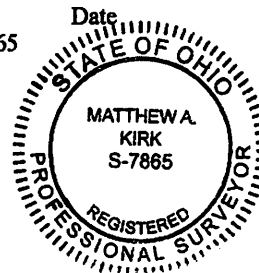
Thence with said right of way line and continuing across said 7.860 acre tract, and with the arc of a curve to the left, having a central angle of 00° 04' 44", a radius of 13781.00 feet, an arc length of 18.96 feet, a chord bearing of North 23° 28' 34" East and chord distance of 18.96 feet to the TRUE POINT OF BEGINNING, containing 0.005 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk

7 Dec 22

Matthew A. Kirk
Professional Surveyor No. 7865



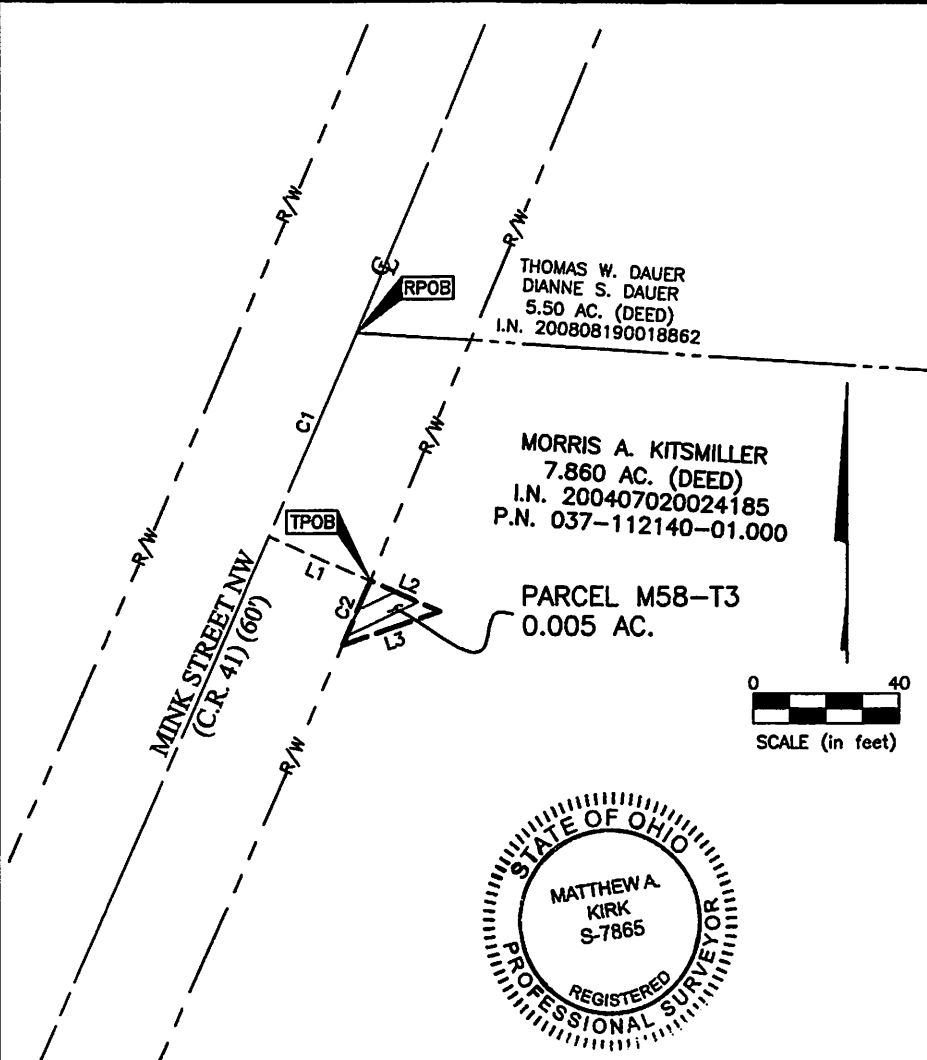
MAK:jo
M58-T3_0_005 ac 20220233-VS-ESMT-TEMP.docx



Evans, Mechwart, Hambleton & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 330 New Albany Road, Columbus, OH 43214
 Phone: 614.778.6300 Toll Free: 888.778.3448
 emht.com

TEMPORARY EASEMENT
LOT 10, MIDDLE DIVISION OF THE MARSH SECTION
QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15
UNITED STATES MILITARY DISTRICT
TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: December 7, 2022 Scale: 1" = 40' Job No: 20220233 Sheet No: 1 of 1



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S66°33'48"E	30.00'
L2	S66°39'24"E	20.91'
L3	S71°12'20"W	28.27'

CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CH. BEARING	CH. DIST.
C1	0°15'04"	13751.00'	60.30'	S23°18'40"W	60.30'
C2	0°04'44"	13781.00'	18.96'	N23°28'34"E	18.96'

By Matthew A. Kirk Date 7 Dec 22
 Matthew A. Kirk
 Professional Surveyor No. 7865
 mkirk@emht.com

JA 20220233\DWG\CASESHEETS\EASEMENTS\M58-T3_20220233-15-ESM1-TEMP.DWG plotted by ODMS, JACOB on 12/7/2022 9:31:02 AM last saved by JODMS on 12/7/2022 9:50:56 AM

EASEMENT

PARCEL M58-S

A perpetual non-exclusive easement granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to occupy for drainage, stormwater management, utilities and appurtenances necessary for the establishment, construction, reconstruction, widening, repair or maintenance and use of a public road (the “Project”) the following described real estate (“Easement Area”) and for other purposes described herein:

SEE EXHIBIT A ATTACHED

Licking County Current Tax Parcel No. 037-112140-01.000

Prior Instrument Reference: Instrument Number 200407020024185, Licking County, Ohio Recorder’s Office

The purpose of the easement is for drainage, stormwater management and utilities appurtenant to a public road, together with the right to construct, reconstruct, operate, maintain, repair, replace, and/or remove said drainage, stormwater and utility facilities that may be necessary or convenient for the providing of such drainage, stormwater and utility services, in, upon, across, over, under, and through the Easement Area, together with ingress and egress thereto. The City may assign this Easement to parties who may be responsible for the proper use, operation, and maintenance of the drainage, stormwater, utility and public roadway that required this Easement.

Upon completion of any construction of any drainage, stormwater and utilities in the Easement Area, the Easement Area will be graded, seeded or erosion control measures shall be installed and the Easement Area shall be returned as reasonably practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. The City shall restore the initial construction in the Easement Area in accordance with the roadway improvement plans and specifications on file at the Licking County Engineer’s Office.

The Owner shall not unreasonably interfere with the drainage, stormwater or utility easement or its purposes and shall not convey any other easement within the Easement Area; place any additional structures of a temporary or permanent type on, above, or under the Easement Area; add or remove any dirt, stone, fill, trees or other vegetation or materials within the Easement Area; or disturb or alter any slopes, drainage courses or water flows within the Easement Area. However, the Owner may continue to enjoy the use of said property for any purposes which do not interfere with or prevent the use of this Easement by the City including ingress and egress over said Easement not inconsistent with its intended use.

EXHIBIT A

**PARCEL M58-S
0.012 ACRE**

EASEMENT

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lot 10 of the Middle Division of the Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being on, over and across that 7.860 acre tract conveyed to Morris A. Kitsmiller by deed of record in Instrument Number 200407020024185 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Mink Street NW (County Road 41) (60 feet) at the northwesterly corner of said 7.860 acre tract, the southwesterly corner of that 5.50 acre tract conveyed to Thomas W. Dauer and Dianne S. Dauer by deed of record in Instrument Number 200808190018862;

Thence with said centerline and with the arc of a curve to the right, having a central angle of 00° 08' 56", a radius of 13751.00 feet, an arc length of 35.74 feet, a chord bearing of South 23° 15' 36" West and chord distance of 35.74 feet to a point;

Thence South 66° 39' 56" East, across said Mink Street NW and said 7.860 acre tract, a distance of 30.00 feet to a point in the easterly right of way line of said Mink Street NW, being the TRUE POINT OF BEGINNING;

Thence across said 7.860 acre tract, the following courses and distances:

South 66° 39' 24" East, a distance of 20.99 feet to a point;

South 23° 33' 37" West, a distance of 24.61 feet to a point;

North 66° 39' 24" West, a distance of 20.91 feet to a point in the said easterly right of way line; and

Thence with said right of way line and continuing across said 7.860 acre tract, and with the arc of a curve to the left, having a central angle of 00° 06' 08", a radius of 13781.00 feet, an arc length of 24.61 feet, a chord bearing of North 23° 23' 08" East and chord distance of 24.61 feet to the TRUE POINT OF BEGINNING, containing 0.012 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A Kirk

7 DEC 22

Matthew A. Kirk
Professional Surveyor No. 7865

Date

MAK:jo
M58-S_0_012 ac 20220233-VS-ESMT-DRAN.docx



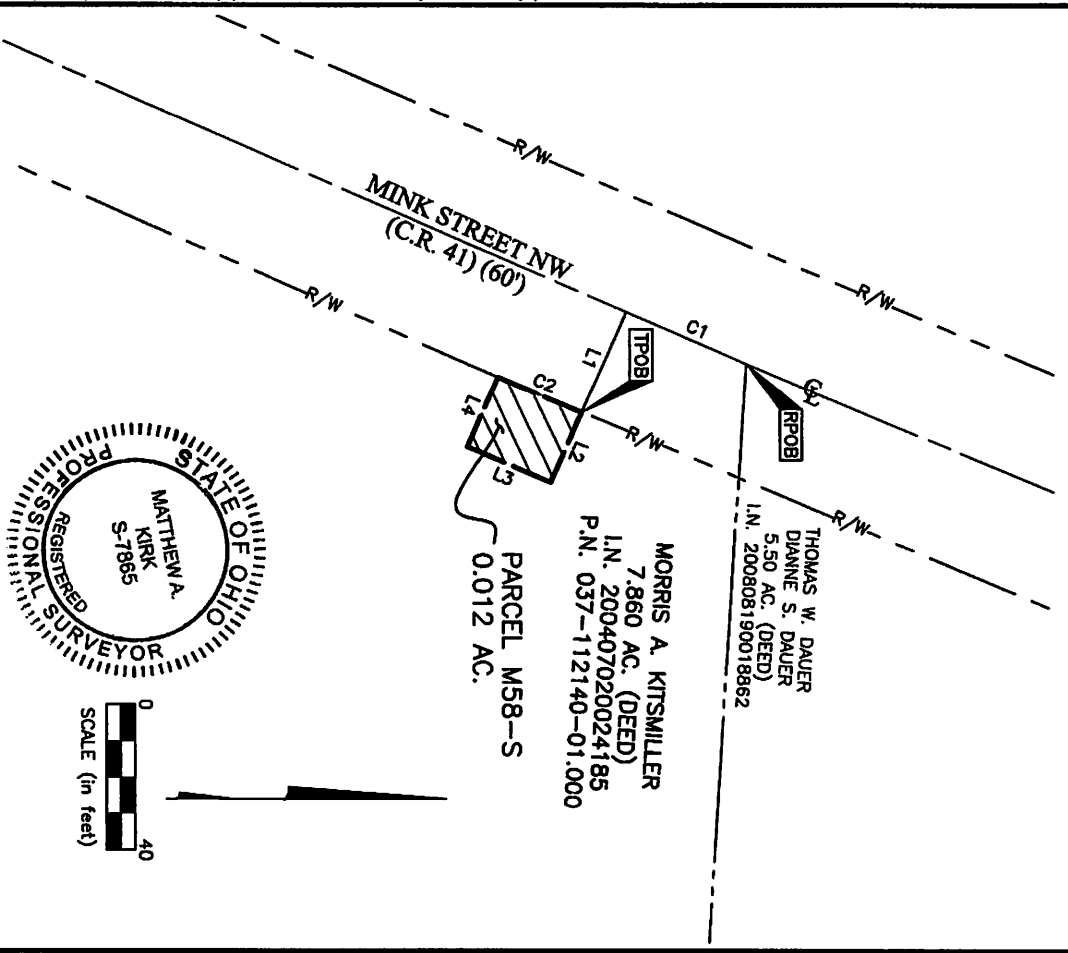


EMPH
 Eyerly, Macdonald, Herndon & Tison, Inc.
 2500 West 12th Street, Columbus, OH 43228
 Phone: 614.778.4200 Fax: 614.778.3448
 emph.com

EASEMENT

LOT 10, MIDDLE DIVISION OF THE MARSH SECTION
 QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: December 7, 2022 Scale: 1" = 40' Job No: 20220233 Sheet No: 1 of 1



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S66°39'56"E	30.00'
L2	S66°39'24"E	20.99'
L3	S23°33'37"W	24.61'
L4	N66°39'24"W	20.91'

CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CH. BEARING	CH. DIST.
C1	0°08'56"	13751.00'	35.74'	S23°15'36"W	35.74'
C2	0°06'08"	13781.00'	24.61'	N23°23'08"E	24.61'

By Matthew A. Kirk Date 7 DEC 22
 Matthew A. Kirk
 Professional Surveyor No. 7865
 mkirk@emht.com



ORDINANCE O-45-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNER, KENNETH W. BOGGS, OF THE PROPERTY LOCATED AT 3150 MINK STREET IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Mink Street Project (the “Project”), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Mink Street and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibits, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-39-2022 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owner have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easement from its owner, Kenneth W. Boggs, for the property located at 3150 Mink Street, for the public purpose of making, repairing, improving and constructing Mink Street and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described and depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel M59-WD).
- B. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 2 (Project Parcel M59-T).

Section 2. That Council hereby fixes the value of all the property and interests appropriated at Two Thousand Seven Hundred Eighty-four Dollars (\$2,784.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owner of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owner of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owner to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. 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 Ohio Revised Code Section 121.22.

Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this 21 day of March, 2023.

Attest:

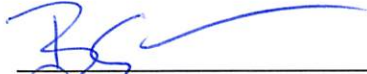


Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared:	02/24/2023
Introduced:	03/07/2023
Revised:	
Adopted:	03/21/2023
Effective:	03/21/2023

EXHIBIT A

**PARCEL M59-WD
0.247 ACRE**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lot 10 of the Middle Division of the Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being part of that 8.716 acre tract conveyed to Kenneth W. Boggs by deed of record in Instrument Number 202105070013656 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a magnetic nail set at the centerline intersection of Mink Street NW (County Road 41) (60 feet) and Jug Street Road NW (County Road 22) (60 feet), in the line common to Lot 15 of the Middle Division of the Marsh Section and Lot 14 of the Southerly Division of the Marsh Section;

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

With the arc of a curve to the right, having a central angle of 05° 08' 54", a radius of 8606.28 feet, an arc length of 773.31 feet, a chord bearing of North 25° 13' 25" East and chord distance of 773.05 feet to a magnetic nail set at a point of tangency; and

North 27° 47' 52" East, a distance of 866.20 feet to a railroad spike found at the southwesterly corner of said 8.716 acre tract, the northwesterly corner of that 5.043 acre tract conveyed to Richard J. Ciraky and Chrystle L. Ciraky by deed of record in Official Record 110, Page 531, the northeasterly corner of that 1.952 acre tract conveyed to Michael D. Sadilek and Christina K. Sadilek by deed of record in Instrument Number 201709150019732, the southeasterly corner of that 35.745 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202207200017782, the TRUE POINT OF BEGINNING;

Thence with said centerline, the westerly line of said 8.716 acre tract, the easterly line of said 35.745 acre tract, with the arc of a curve to the left, having a central angle of 01° 26' 13", a radius of 13751.00 feet, an arc length of 344.85 feet, a chord bearing of North 25° 20' 27" East and chord distance of 344.84 feet to a magnetic nail set at the northwesterly corner of said 8.716 acre tract, the southwesterly corner of that 7.860 acre tract conveyed to Morris A. Kitsmiller by deed of record in Instrument Number 200407020024185, in the easterly line of said 35.745 acre tract;

Thence South 86° 39' 17" East, across said Mink Street NW, with the line common to said 8.716 and 7.860 acre tracts (passing a 3/4 inch iron pipe found at a distance of 26.70 feet), a total distance of 32.19 feet to an iron pin set in the easterly right-of-way line of said Mink Street NW;

Thence across said 8.716 acre tract, the following courses and distances:

With said easterly right-of-way line, with the arc of a curve to the right, having a central angle of 00° 55' 51", a radius of 13781.00 feet, an arc length of 223.90 feet, a chord bearing of

EXHIBIT A

**PARCEL M59-WD
0.247 ACRE**

-2-

South 25° 02' 21" West and chord distance of 223.90 feet to an iron pin set at a point on the arc of a curve;

With the arc of a curve to the left, having a central angle of 06° 30' 16", a radius of 962.00 feet, an arc length of 109.21 feet, a chord bearing of South 21° 22' 05" West and chord distance of 109.15 feet to an iron pin set at a point of tangency; and

South 18° 06' 57" West, a distance of 8.16 feet to an iron pin set in the southerly line of said 8.716 acre tract, the northerly line of said 5.043 acre tract;

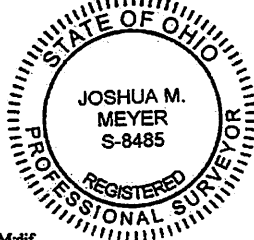
Thence North 86° 40' 52" West, with the line common to said 8.716 and 5.043 acre tracts, across said Mink Street NW (passing a 3/4 iron pipe found at a distance of 16.15 feet), a total distance of 42.73 feet to the westerly common corner thereof, the TRUE POINT OF BEGINNING, containing 0.247 acre, more or less, all of which is within Auditor's Parcel Number 037-112140-00.000, and 0.237 acre is within the present road occupied.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street NW, having a bearing of North 27°47'52" East, is designated the "basis of bearings" for this survey.

This description is based on an actual field survey performed by or under the direct supervision of Joshua M. Meyer, Professional Surveyor Number 8485 in November and December, 2021 and April, 2022.



JMM:djf
M59-WD_0_247 ac 20220233-VS-BNDY.docx

EVANS, MECHWART, HAMBLETON & TILTON, INC.

10-24-2022

Joshua M. Meyer
Professional Surveyor No. 8485

Date

PRE-APPROVAL LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY: DATE:	<i>RS</i> <i>10/25/22</i>



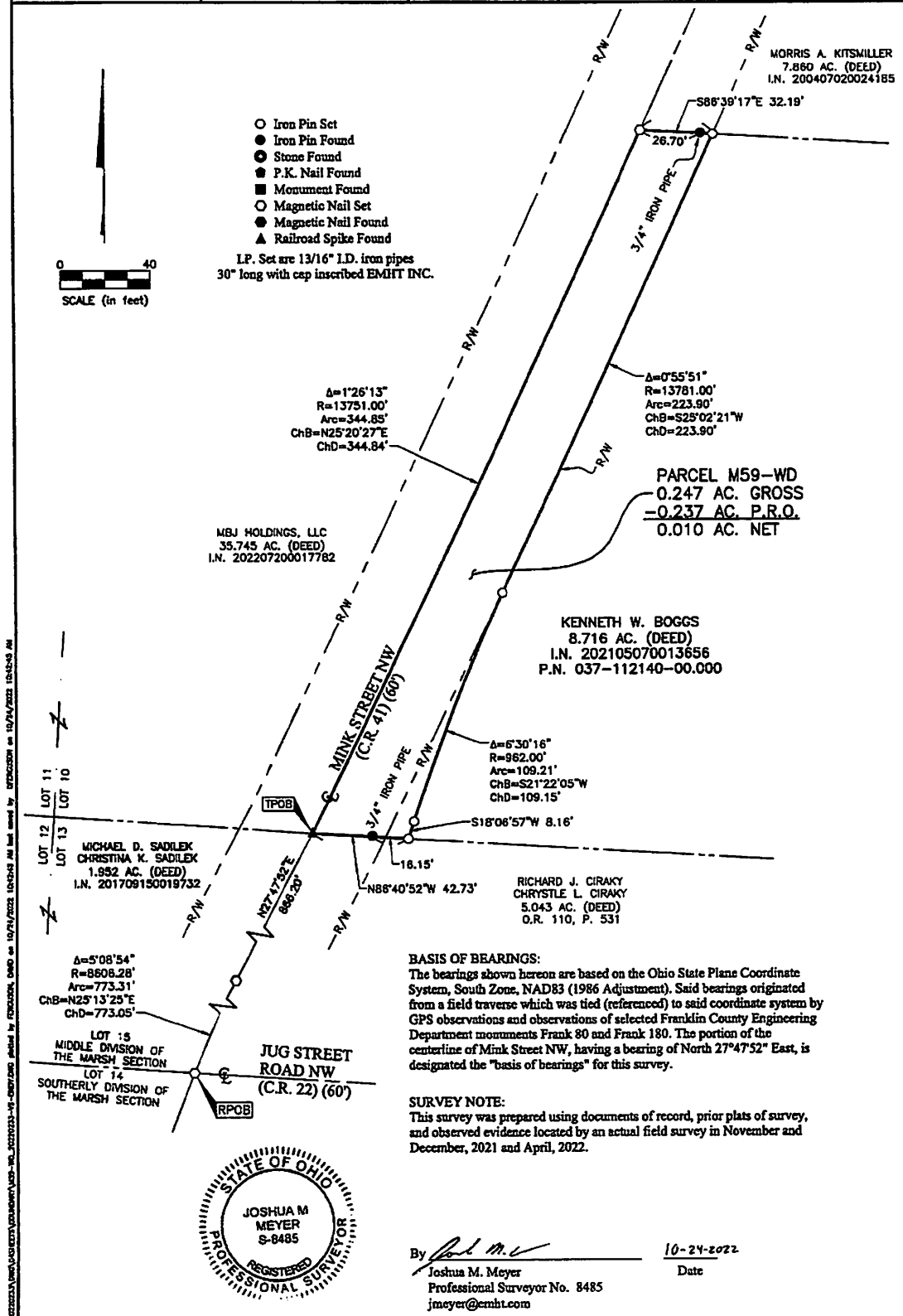
SURVEY OF ACREAGE PARCEL
LOT 10, MIDDLE DIVISION OF THE MARSH SECTION
QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15
UNITED STATES MILITARY DISTRICT
TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: October 24, 2022 Scale: 1" = 40' Job No: 20220233 Sheet No: 1 of 1



- Iron Pin Set
- Iron Pin Found
- Stone Found
- P.K. Nail Found
- Monument Found
- Magnetic Nail Set
- Magnetic Nail Found
- ▲ Railroad Spike Found

LP. Set are 13/16" I.D. iron pipes
 30" long with cap inscribed EMHT INC.



A:\2022\233\Survey\20220233-15-08172022.dwg created by JOSHUA M MEYER on 10/24/2022 10:54:45 AM last saved by JOSHUA M MEYER on 10/24/2022 10:54:45 AM

BASIS OF BEARINGS:
 The bearings shown hereon are based on the Ohio State Plans Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street NW, having a bearing of North 27°47'52" East, is designated the "basis of bearings" for this survey.

SURVEY NOTE:
 This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey in November and December, 2021 and April, 2022.



By Joshua M Meyer Date 10-24-2022
 Joshua M Meyer Professional Surveyor No. 8485
 jmeyer@emht.com

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL M59-T

Temporary easement granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 037-112140-00.000

Prior Instrument Reference: Instrument #202105070013656, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Mink Street, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL M59-T
0.006 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lot 10 of the Middle Division of the Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being on, over and across that 8.716 acre tract conveyed to Kenneth W. Boggs by deed of record in Instrument Number 202105070013656 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Mink Street NW (County Road 41) (60 feet) at the southwesterly corner of said 8.716 acre tract and the northwesterly corner of that 5.043 acre tract conveyed to Richard J. Ciraky and Chrystle L. Ciraky by deed of record in Official Record 110, Page 531;

Thence with said centerline and with the arc of a curve to the left, having a central angle of $00^{\circ} 43' 21''$, a radius of 13751.00 feet, an arc length of 173.40 feet, a chord bearing of North $25^{\circ} 41' 53''$ East and chord distance of 173.40 feet to a point;

Thence South $64^{\circ} 39' 40''$ East, across said Mink Street NW, a distance of 30.00 feet to a point in the easterly right-of-way line of said Mink Street NW, TRUE POINT OF BEGINNING;

Thence with said easterly right-of-way line, with the arc of a curve to the left, having a central angle of $00^{\circ} 05' 42''$, a radius of 13781.00 feet, an arc length of 22.84 feet, a chord bearing of North $25^{\circ} 17' 21''$ East and chord distance of 22.84 feet to a point;

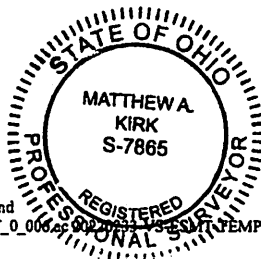
Thence across said 8.716 acre tract, the following courses and distances:

South $64^{\circ} 44' 15''$ East, a distance of 11.88 feet to a point;

South $25^{\circ} 16' 32''$ West, a distance of 22.85 feet to a point; and

North $64^{\circ} 41' 03''$ West, a distance of 11.89 feet to the TRUE POINT OF BEGINNING, containing 0.006 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.



Matthew A. Kirk
Matthew A. Kirk
Professional Surveyor No. 7865

19 OCT 22
Date

MAK:nd
M59-T_0_006.ac 002723-1-5-21-T-FEMP.docx



ORDINANCE O-46-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNERS, WILLIAM N. AND SHARON A. SLADER, OF THE PROPERTY LOCATED AT 3000 MINK STREET IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Mink Street Project (the “Project”), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Mink Street and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibits, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-39-2022 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owners have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easement from its owners, William N. and Sharon A. Slader, for the property located at 3000 Mink Street, for the public purpose of making, repairing, improving and constructing Mink Street and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described and depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel M63-WD).
- B. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 2 (Project Parcel M63-T).

Section 2. That Council hereby fixes the value of all the property and interests appropriated at Three Hundred Dollars (\$300.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owners of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owners of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owners to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. 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 Ohio Revised Code Section 121.22.

Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this 21 day of March, 2023.

Attest:



Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:	
Prepared:	02/24/2023
Introduced:	03/07/2023
Revised:	
Adopted:	03/21/2023
Effective:	03/21/2023

EXHIBIT A

**PARCEL M63-WD
0.205 ACRE**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lot 15 (Middle Division of the Marsh Section) Quarter Township 1, Township 2, Range 15, United States Military District, being part of that 4.035 acre tract conveyed to William N. Slader and Sharon A. Slader by deed of record in Official Record 507, Page 126 (all references are to the records of the Recorder's Office, Licking County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at a magnetic nail set at the centerline intersection of Jug Street Road NW (County Road 29) and Mink Street NW (County Road 41) (60 feet wide), the southwesterly corner of that 4.999 acre tract conveyed to Carl H. Culberson and Denice M. Culberson by deed of record in Instrument Number 200805160011477, the northwesterly corner of that 1 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202211210027636, the northeasterly corner of that 2.199 acre tract conveyed to Gregory P. Dingess by deed of record in Instrument Number 201209190021541, and the southeasterly corner of that 5.102 acre tract conveyed to Carl H. Culberson and Denice M. Culberson by deed of record in Official Record 450, Page 420, being in the line common to said Lot 15 and Lot 14 (Southerly Division of the Marsh Section);

Thence with the centerline of said Mink Street NW, the westerly line of said 4.999 acre tract, the easterly lines of said 5.102 acre tract and that 5.179 acre tract conveyed to Geraldine M. Campbell by deed of record in Official Record 706, Page 82 and with the arc of a curve to the right, having a central angle of 03° 19' 42", a radius of 8606.28 feet, an arc length of 499.93 feet, a chord bearing of North 24° 18' 49" East and chord distance of 499.86 feet to a magnetic nail set at the westerly common corner of said 4.035 and 4.999 acre tracts, and in the easterly line of said 5.179 acre tract, the TRUE POINT OF BEGINNING;

Thence continuing with said centerline, the westerly line of said 4.035 acre tract, the easterly line of said 5.179 acre tract and that 13.912 acre tract conveyed to Robert A. Carr and Deborah B. Carr by deed of record in Instrument Number 201109230017882 and with the arc of a curve to the right, having a central angle of 01° 49' 12", a radius of 8606.28 feet, an arc length of 273.38 feet, a chord bearing of North 26° 53' 16" East and chord distance of 273.37 feet to a magnetic nail set at a point of tangency;

Thence North 27° 47' 52" East, continuing with said centerline, the line common to said 4.035 and 13.912 acre tract, a distance of 26.63 feet to a magnetic nail set at the westerly common corner of said 4.035 acre tract and that 1.000 and 4.128 acre tracts conveyed to Kitty I. Guinsler by deed of record in Instrument Number 201012160025965;

Thence South 77° 37' 02" East, crossing said Mink Street NW and with the line common to said 4.035 and 1.000 acre tracts (passing a 5/8 inch iron rebar found at a distance of 26.47 feet), a total distance of 31.12 feet to an iron pin set in the easterly right-of-way line thereof;

Thence South 27° 47' 52" West, with said easterly right-of-way line and across said 4.035 acre tract, a distance of 34.90 feet to an iron pin set, at a point of curvature;

EXHIBIT A

**PARCEL M63-WD
0.205 ACRE**

-2-

Thence continuing with said easterly right-of-way line and across said 4.035 acre tract, and with the arc of a curve to the left, having a central angle of 01° 44' 12", a radius of 8576.28 feet, an arc length of 259.96 feet, a chord bearing of South 26° 55' 46" West and chord distance of 259.95 feet to an iron pin set in the line common to said 4.035 and 4.999 acre tracts;

Thence North 86° 34' 43" West, with said common line and across said Mink Street NW, a distance of 32.49 feet to the TRUE POINT OF BEGINNING, containing 0.205 acre, more or less all of which is Auditors Parcel Number 037-112152-00.003 and all of which is in the present road occupied.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street NW, having a bearing of North 27° 47' 52" East, is designated the "basis of bearings" for this survey.

This description is based on an actual field survey performed by or under the direct supervision of Joshua M. Meyer, Professional Surveyor Number 8485 in November and December, 2021, and April, 2022.



TMM:md
M63-WD 0.205 ac 2022023-VS-BNDY.docx

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Joshua M. Meyer
Professional Surveyor No. 8485

11-30-2022

Date

PRE-APPROVAL LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY:	BS
DATE:	12/1/22



Evans, Mansfield, Hamilton & Dixon, Inc.
 Engineers - Surveyors - Planners - Architects
 6829 New Albany Street, Columbus, OH 43254
 Phone: 614.775.4520 Fax: 614.775.3488
 emht.com

SURVEY OF ACREAGE PARCEL

LOT 15, QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15

UNITED STATES MILITARY DISTRICT

TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

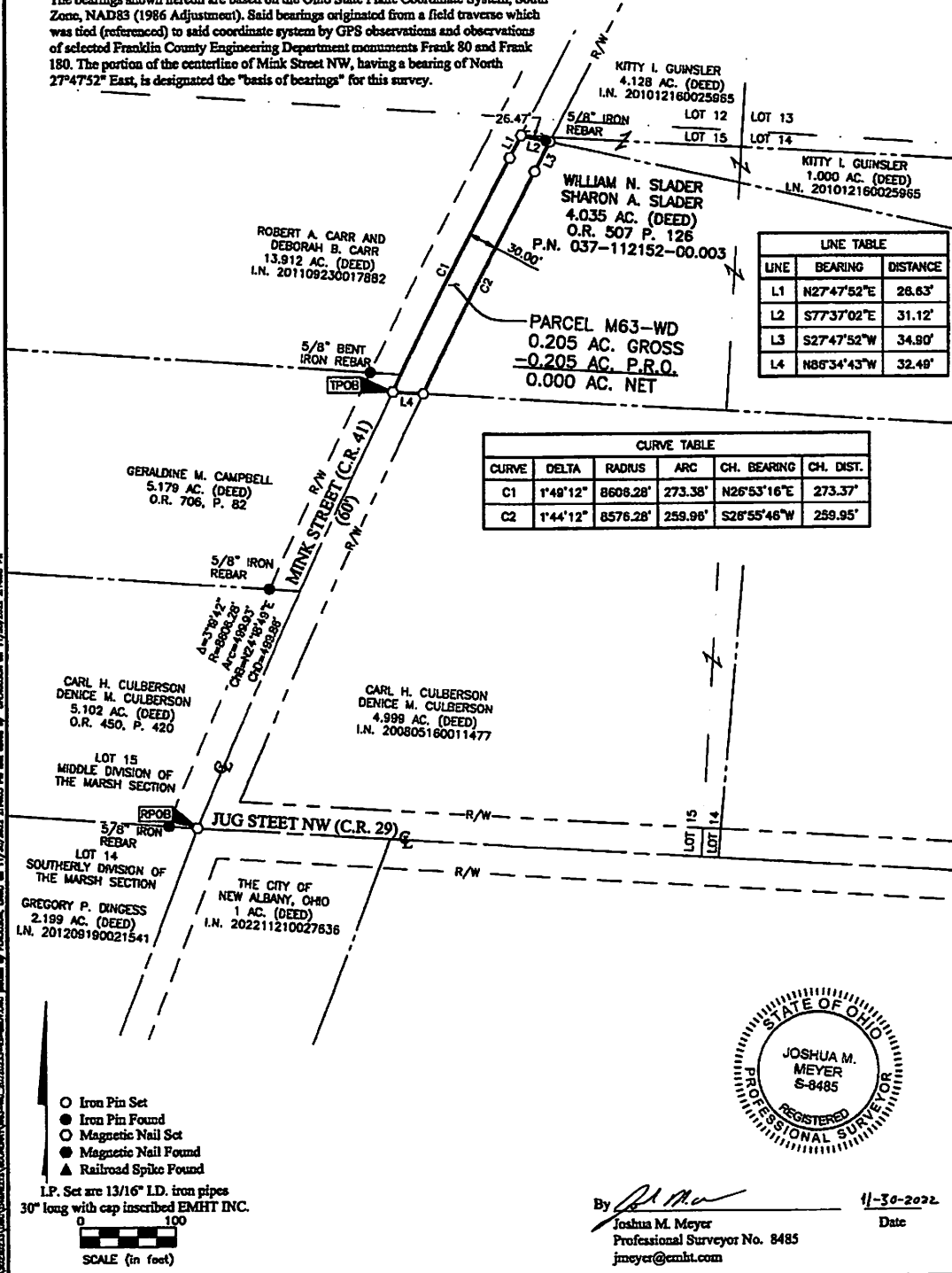
Date: November 30, 2022 Scale: 1" = 100' Job No: 2022-0233 Sheet No: 1 of 1

SURVEY NOTE:

This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey in November and December, 2021 and April, 2022.

BASIS OF BEARINGS:

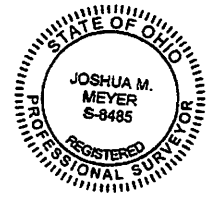
The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street NW, having a bearing of North 27°47'52" East, is designated the "basis of bearings" for this survey.



LINE	BEARING	DISTANCE
L1	N27°47'52"E	28.63'
L2	S77°37'02"E	31.12'
L3	S27°47'52"W	34.90'
L4	N86°34'43"W	32.49'

CURVE	DELTA	RADIUS	ARC	CH. BEARING	CH. DIST.
C1	1°49'12"	8608.28'	273.38'	N26°53'16"E	273.37'
C2	1°44'12"	8576.28'	259.98'	S26°55'46"W	259.95'

- Iron Pin Set
 - Iron Pin Found
 - Magnetic Nail Set
 - Magnetic Nail Found
 - ▲ Railroad Spike Found
- L.P. Set are 13/16" I.D. iron pipes
 30" long with cap inscribed EMHT INC.
- 0 100
 SCALE (in feet)



By *J. Meyer* 11-30-2022
 Joshua M. Meyer Date
 Professional Surveyor No. 8485
 jmeyer@emht.com

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL M63-T

Temporary easement granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 037-112152-00.000

Prior Instrument Reference: Volume 507 Page 126, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Mink Street, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL M63-T
0.002 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lot 15, Middle Division of the Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being on, over and across that 4.035 acre tract conveyed to William N. Slader and Sharon A. Slader by deed of record in Official Record 507, Page 126 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Mink Street NW (County Road 41) (60 feet) at the northwesterly corner of said 4.035 acre tract, the westerly corner of that 1.000 acre tract conveyed to Kitty I. Guinsler by deed of record in Instrument Number 201012160025965, and the southwest corner of that 4.128 acre tract conveyed to Kitty I. Guinsler by deed of record in Instrument Number 201012160025965;

Thence South 27° 47' 52" West, with the centerline of said Mink Street NW and with the westerly line of said 4.035 acre tract, a distance of 26.63 feet to a point of curvature;

Thence with the centerline of said Mink Street NW and with the westerly line of said 4.035 acre tract, with the arc of a curve to the left, having a central angle of 00° 11' 45", a radius of 8606.28 feet, an arc length of 29.42 feet, a chord bearing of South 27° 42' 00" West and a chord distance of 29.42 feet to a point;

Thence South 62° 23' 53" East, across the right-of-way of said Mink Street NW and across said 4.035 acre tract, a distance of 30.00 feet to a point in the easterly right-of-way line of said Mink Street NW, being the TRUE POINT OF BEGINNING;

Thence across said 4.035 acre tract, the following courses and distances:

South 62° 26' 53" East, a distance of 5.00 feet to a point;

South 27° 33' 07" West, a distance of 14.99 feet to a point; and

North 62° 26' 53" West, a distance of 5.00 feet to a point on the arc of a curve in the easterly right-of-way line of said Mink Street NW;

Thence with said easterly right-of-way line of said Mink Street NW, with the arc of a curve to the right, having a central angle of 00° 06' 00", a radius of 8576.28 feet, an arc length of 14.99 feet, a chord bearing of North 27° 33' 07" East and chord distance of 14.99 feet to the TRUE POINT OF BEGINNING, containing 0.002 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A Kirk

26 Oct 22

Matthew A. Kirk
Professional Surveyor No. 7865

Date

MAK:td
M63-T_0_002 ac 20220233-VS-ESMT-TEMP.docx



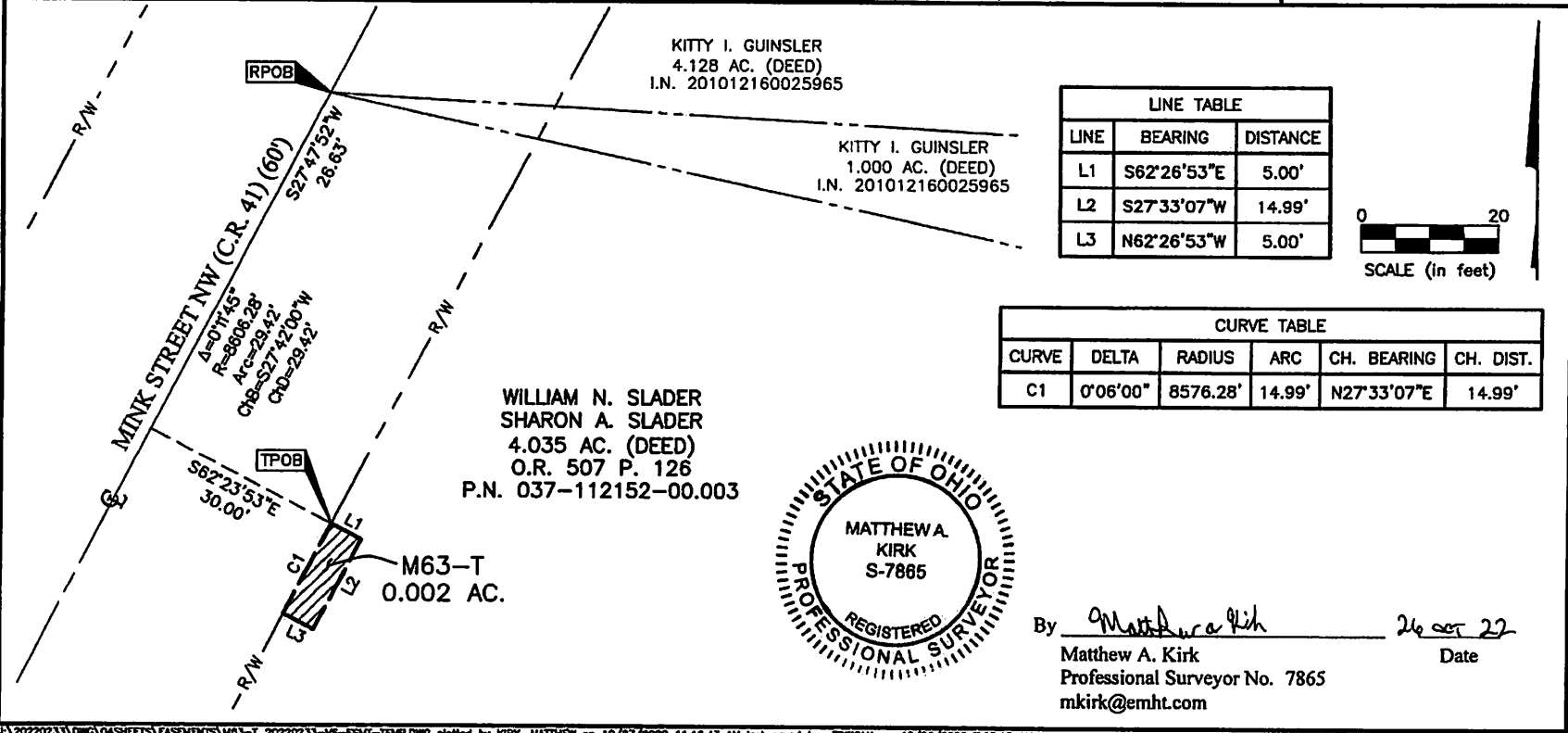


Evans, Mechwart, Hambleton & Titon, Inc.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4300 Toll Free: 888.775.3648
 emht.com

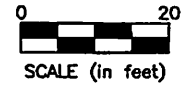
TEMPORARY EASEMENT

LOT 15, MIDDLE DIVISION OF THE MARSH SECTION QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15 UNITED STATES MILITARY DISTRICT TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: October 26, 2022
 Scale: 1" = 20'
 Job No: 2022-0233
 Sheet No: 1 of 1



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S62°26'53"E	5.00'
L2	S27°33'07"W	14.99'
L3	N62°26'53"W	5.00'



CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CH. BEARING	CH. DIST.
C1	0°06'00"	8576.28'	14.99'	N27°33'07"E	14.99'

WILLIAM N. SLADER
 SHARON A. SLADER
 4.035 AC. (DEED)
 O.R. 507 P. 126
 P.N. 037-112152-00.003



By Matthew A. Kirk Date 26 Oct 22
 Matthew A. Kirk
 Professional Surveyor No. 7865
 mkirk@emht.com

Ordinance O-46-2023 EXHIBIT 2

J:\2022\23\DWG\04SHEETS\EASEMENTS\M63-T_2022\23-VS-ESMT-TEMP.DWG plotted by KIRK, MATTHEW on 10/27/2022 11:16:43 AM last saved by TDRDMA on 10/26/2022 7:25:15 AM



ORDINANCE O-47-2023

AN ORDINANCE TO APPROPRIATE PROPERTY FROM THE OWNERS, DUSTIN A. AND LINDSAY BARKHURST, OF THE PROPERTY LOCATED AT 2768 MINK STREET IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Mink Street Project (the “Project”), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Mink Street and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibits, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-39-2022 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owners have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property from its owners, Dustin A. and Lindsay Barkhurst, for the property located at 2768 Mink Street, for the public purpose of making, repairing, improving and constructing Mink Street and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described and depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel M71-WD).

Section 2. That Council hereby fixes the value of all the property and interests appropriated at Four Hundred Fifty-two Dollars (\$452.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owners of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owners of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owners to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. 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 Ohio Revised Code Section 121.22.

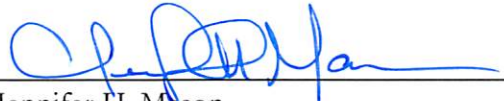
Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this 21 day of March, 2023.

Attest:



Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:	
Prepared:	02/24/2023
Introduced:	03/07/2023
Revised:	
Adopted:	03/21/2023
Effective:	03/21/2023

EXHIBIT A

**PARCEL M71-WD
0.107 ACRE**

**ALL RIGHTS, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lot 14 of the Southerly Division of the Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being out of that 3 acre tract conveyed to Dustin A. Barkhurst and Lindsay Barkhurst by deed of record in Instrument Number 201810170021818 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a magnetic nail in the centerline intersection of Mink Street NW (County Road 41) (60 feet) and Jug Street Road NW (County Road 22) (60 feet), at the southeasterly corner that 2 acre tract conveyed to Jeff H. Peterman by deed of record in Official Record 357, Page 78;

Thence North 21° 06' 23" East, with the centerline of said Mink Street NW, with the common line of said 2.0 acre tract and that 4.016 acre tract conveyed to Branden Kern by deed of record in Instrument Number 201811200024727, a distance of 15.39 feet to a magnetic nail set at the westerly common corner of said 3 acre and 4.016 acre tracts, being the TRUE POINT OF BEGINNING;

Thence North 21° 06' 23" East, with the centerline of said Mink Street NW, with the line common to said 3 and 2 acre tracts, a distance of 151.73 feet to a magnetic nail set at a common corner of said 3 acre tract and that 6.326 acre tract conveyed to Harry N. Green by deed of record in Instrument Numbers 201512080026386 and 201905200009717;

Thence South 86° 32' 38" East, with the line common to said 3 and 6.326 acre tracts, and across the right of way of said Mink Street NW, (passing a 5/8 inch Iron Rebar found at a distance of 25.09 feet) a total distance of 35.23 feet to an iron pin set;

Thence across said 3 acre tract with the arc of a curve to the left, having a central angle of 04° 56' 27", a radius of 962.00 feet, an arc length of 82.96 feet, a chord bearing of South 23° 34' 37" West and chord distance of 82.93 feet to an iron pin set at a point of tangency in the easterly right of way line of said Mink Street NW;

Thence South 21° 06' 23" West, with said easterly right of way line and across said 3 acre tract, a distance of 70.32 feet to an iron point set in the common line of said 3 acre and 4.016 acre tracts;

Thence North 86° 00' 27" West, with the line common to said 3 and 4.016 acre tracts, and across the right of way of said Mink Street NW, (passing a 3/4 inch Solid Iron Pin found at a distance of 9.50 feet) a total distance of 31.39 feet to the TRUE POINT OF BEGINNING, containing 0.107 acre, more or less, all of which is within Auditors Parcel Number 037-112608-00.000, and 0.105 acre of which is in the present roadway occupied.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

EXHIBIT A

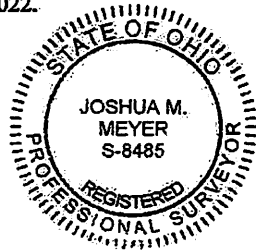
**PARCEL M71-WD
0.107 ACRE**

-2-

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street NW, having a bearing of North 21° 06' 23" East, is designated the "basis of bearing" for this description.

This description was prepared using documents of record, prior plats of survey and observed evidence located by an actual field survey in November and December 2021 and April 2022.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

11-22-2022

Joshua M. Meyer
Professional Surveyor No. 8485

Date

JMM:jo
M71-WD 0_107 ac 20220233-VS-BNDY.docx

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY: BS	
DATE: 12/1/22	

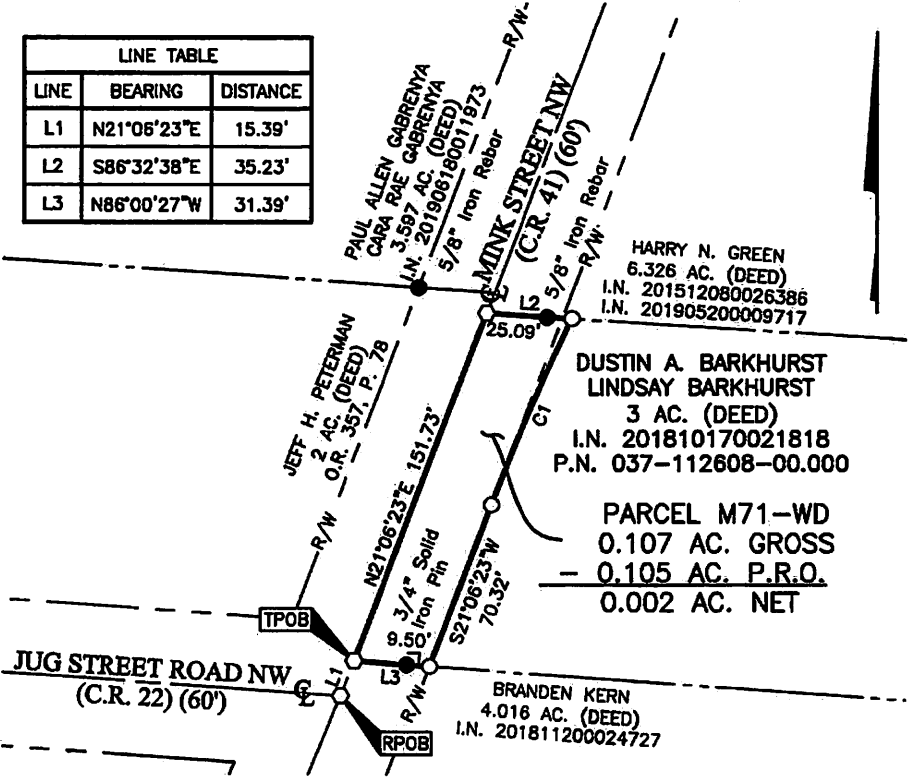


EMHT
 Evans, Mechwart, Hamilton & Tison, Inc.
 Engineers • Surveyors • Planners • Scientists
 5800 New Albany Road, Columbus, OH 43224
 Phone: 614.775.4550 Fax: 614.775.3649
 emht.com

SURVEY OF ACREAGE PARCEL
LOT 14, SOUTHERLY DIVISION OF THE MARSH SECTION
QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15
UNITED STATES MILITARY DISTRICT
TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: November 22, 2022 Scale: 1" = 60' Job No: 2022-0233 Sheet No: 1 of 1

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N21°06'23"E	15.39'
L2	S86°32'38"E	35.23'
L3	N86°00'27"W	31.39'



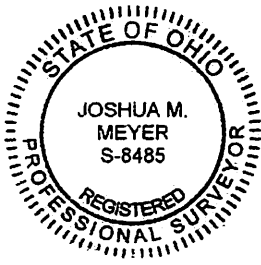
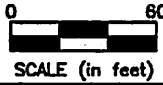
CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CH. BEARING	CH. DIST.
C1	4°56'27"	962.00'	82.96'	S23°34'37"W	82.93'

SURVEY NOTE:
 This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey in November and December, 2021 and April, 2022.

BASIS OF BEARINGS:
 The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street NW, having a bearing of North 21° 06' 23" East, is designated the "basis of bearings" for this survey.

- Iron Pin Set
- Iron Pin Found
- Stone Found
- P.K. Nail Found
- Monument Found
- Magnetic Nail Set
- Magnetic Nail Found
- ▲ Railroad Spike Found

I.P. Set are 13/16" I.D. iron pipes 30" long with cap inscribed EMHT INC.



By *Joshua M. Meyer*
 Joshua M. Meyer
 Professional Surveyor No. 8485
 jmeyer@emht.com

11-22-2022
 Date

11/22/2022 1:55:18 PM text saved by JAMES on 11/22/2022 1:55:03 PM
 11/22/2022 1:55:18 PM text saved by JAMES on 11/22/2022 1:55:03 PM



ORDINANCE O-48-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNER, MOJICA PROPERTIES, LLC, OF THE PROPERTY LOCATED AT 2682 MINK STREET IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Mink Street Project (the “Project”), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Mink Street and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibits, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-39-2022 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owner have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easement from its owner, Mojica Properties, LLC, for the property located at 2682 Mink Street, for the public purpose of making, repairing, improving and constructing Mink Street and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described and depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel M73-WD).
- B. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 2 (Project Parcel M73-T).

Section 2. That Council hereby fixes the value of all the property and interests appropriated at Three Hundred Dollars (\$300.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owner of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owner of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owner to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. 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 Ohio Revised Code Section 121.22.

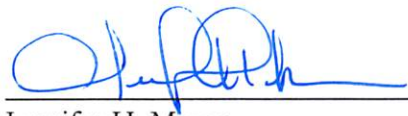
Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this 21 day of March, 2023.

Attest:

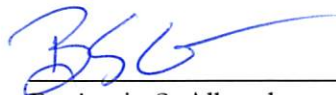


Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:	
Prepared:	02/24/2023
Introduced:	03/07/2023
Revised:	
Adopted:	03/21/2023
Effective:	03/21/2023

EXHIBIT A

**PARCEL M73-WD
0.188 ACRE**

**ALL RIGHTS, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lot 14 of the Southerly Division of the Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being out of that 6 acre tract conveyed to Mojica Properties, LLC by deed of record in Instrument Number 201808100016539 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a magnetic nail set at the centerline intersection of Mink Street NW (County Road 41) (60 feet) and Jug Street Road NW (County Road 22) (60 feet), at the common corner of that 2 acre tract conveyed to Jeff H. Peterman by deed of record in Official Record 357, Page 78 and that tract conveyed to Betty M. Fagerstrom by deeds of record in Deed book 495, Page 295 and Deed Book 826, Page 989, and in the westerly line of that 4.016 acre tract conveyed to Branded Kern by deed of record in Instrument Number 201811200024727;

Thence South 22° 48' 23" West, with the centerline of said Mink Street NW, the easterly line of said Fagerstrom tract, the westerly line of said 4.016 acre tract, a distance of 179.50 feet to a magnetic nail set at a common corner of said 6 and 4.016 acre tracts, being the TRUE POINT OF BEGINNING;

Thence South 85° 41' 37" East, with the line common to said 6 and 4.016 acre tracts, and across said Mink Street NW, (passing a 5/8 inch iron rebar found at a distance of 26.72 feet) a total distance of 31.63 feet to an iron pin set in the easterly right-of-way line of said Mink Street NW;

Thence South 22° 48' 23" West, with said easterly right-of-way line, and across said 6 acre tract, a distance of 273.26 feet to an iron pin set in the line common to said 6 acre tract and that 6 acre tract conveyed to Charles R. Salisbury by deed of record in Instrument Number 199808200031982;

Thence North 85° 43' 27" West, with said common line, and across said Mink Street NW, (passing a 3/4 inch iron pipe found at a distance of 5.06 feet) a total distance of 31.64 feet to a magnetic nail set at a common corner thereof, in the easterly line of said Fagerstrom tract and in the centerline of said Mink Street NW;

Thence North 22° 48' 23" East, with the centerline of said Mink Street NW, and the line common to said 6 acre tract (Mojica Properties) and said Fagerstrom tract, a distance of 273.28 feet to the TRUE POINT OF BEGINNING, containing 0.188 acre, more or less, all of which is within Auditors Parcel Number 037-112722-00.000 and in the present roadway occupied.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

EXHIBIT A

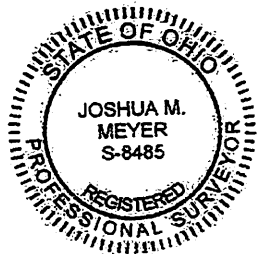
**PARCEL M73-WD
0.188 ACRE**

-2-

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street NW, having a bearing of South 22° 48' 23" West, is designated the "basis of bearing" for this description.

This description was prepared using documents of record, prior plats of survey and observed evidence located by an actual field survey in November and December 2021 and April 2022.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Joshua M. Meyer
Professional Surveyor No. 8485

11-21-2022

Date

JMM:sp
M73-WD_0_188 ac 20220233-VS-BNDY.docx

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED	CONDITIONAL
<input checked="" type="checkbox"/>	<input type="checkbox"/>
APPROVED BY:	<i>BS</i>
DATE:	<i>11/29/22</i>

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL M73-T

Temporary easement granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 037-112722-00.000

Prior Instrument Reference: Instrument #201808100016539, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Mink Street, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL M73-T
0.007 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lot 14 of the Southerly Division of the Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being on, over and across that 6 acre tract conveyed to Mojica Properties, LLC by deed of record in Instrument Number 201808100016539 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Mink Street NW (County Road 41) (60 feet), at the northwesterly corner of said 6 acre tract, the southwesterly corner of that 4.016 acre tract conveyed to Branden Kern by deed of record in Instrument Number 201811200024727;

Thence South 22° 48' 23" West, with the centerline of said Mink Street NW, a distance of 105.05 feet to a point;

Thence across said 6.326 acre tract, the following courses and distances:

South 67° 11' 37" East, across the right of way of said Mink Street NW, a distance of 30.00 feet to a point in the easterly right-of-way line of said Mink Street NW, the TRUE POINT OF BEGINNING;

South 67° 11' 37" East, a distance of 12.00 feet to a point;

South 22° 48' 23" West, a distance of 25.56 feet to a point;

North 67° 11' 37" West, a distance of 12.00 feet to a point in said easterly right-of-way line; and

North 22° 48' 23" East, with said easterly right-of-way line, a distance of 25.56 feet to the TRUE POINT OF BEGINNING, containing 0.007 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk

31 OCT 22

Matthew A. Kirk
Professional Surveyor No. 7865

Date


MAK:jo
M73-T 0_007 ac 20220233-VS-ESMT-TEMP.docx



Ordinance O-48-2023 EXHIBIT 2

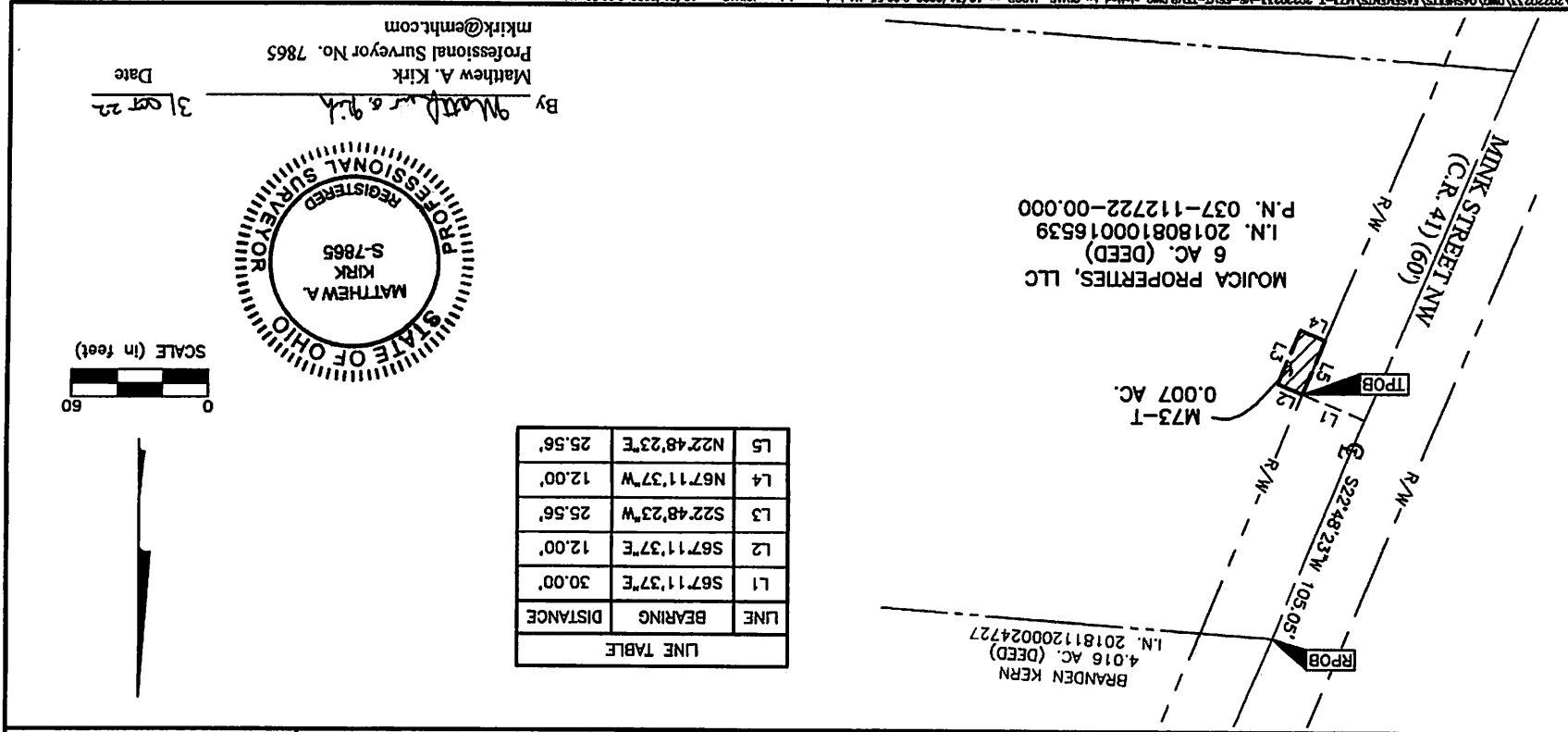
TEMPORARY EASEMENT

LOT 14, SOUTHERLY DIVISION OF THE MARSH SECTION QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15 UNITED STATES MILITARY DISTRICT TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO



EMHT
Evans, Mechwart, Hambleton & Tilton, Inc.
Engineers - Surveyors - Planners - Scientists
5500 New Albany Road, Columbus, OH 43054
Phone: 614.775.4500
Fax: 614.775.3448
emht.com

Date:	October 31, 2022
Scale:	1" = 60'
Job No.:	20220233
Sheet No.:	1 of 1



\\20220233\DWG\ASSETS\ASSETS\173-1-20220233-V3-ESM-TMP.DWG plotted by OMAS, JACO on 10/31/2022 8:29:55 AM last saved by JOMAS on 10/31/2022 8:29:50 AM



ORDINANCE O-49-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNER, CHARLES R. SALISBURY, OF THE PROPERTY LOCATED AT 2652 MINK STREET IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Mink Street Project (the “Project”), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Mink Street and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibits, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-39-2022 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owner have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easement from its owner, Charles R. Salisbury, for the property located at 2652 Mink Street, for the public purpose of making, repairing, improving and constructing Mink Street and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described and depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel M74-WD).
- B. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 2 (Project Parcel M74-T).

Section 2. That Council hereby fixes the value of all the property and interests appropriated at Three Hundred Dollars (\$300.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owner of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owner of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owner to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.


Section 7. 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 Ohio Revised Code Section 121.22.

Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this 21 day of March, 2023.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:


Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared:	02/24/2023
Introduced:	03/07/2023
Revised:	
Adopted:	03/21/2023
Effective:	03/21/2023

occupied.

which is within Auditor's Parcel Number 037-112362-00.000 and in the present roadway

(Salisbury), the easterly lines of said 3.202 acre tract and said Fagerstrom tract, a distance of 252.02 feet to the TRUE POINT OF BEGINNING, containing 0.174 acre, more or less, all of

Thence North 22° 48' 23" East, with said centerline, the westerly line of said 6 acre tract

Instrument Number 202208250020865, and in the centerline of said Mink Street NW;

of that 3.202 acre tract conveyed to The City of New Albany, Ohio by deed of record in

magnetic nail set in a common corner of said 6 (Salisbury) and 3 acre tracts, in the easterly line

(passing a 3/4 inch iron pipe found at a distance of 5.18 feet), a total distance of 31.64 feet to a

Thence North 85° 41' 51" West, with said common line, and across said Mink Street NW,

412;

that 3 acre tract conveyed to Lee Francis Green by deed of record in Official Record 359, Page

distance of 252.04 feet to an iron pin set in the line common to said 6 acre tract (Salisbury) and

acre tract (Salisbury), (passing an axle found 0.61 feet west, at a distance of 248.38 feet), a total

Thence South 22° 48' 23" West, with said easterly right-of-way line and across said 6

Thence South 85° 43' 27" East, with the line common to said 6 acre tract (Salisbury) and

6 acre tract (Mojica Properties), and across said Mink Street NW, (passing a 3/4 inch iron

pipe found at a distance of 26.58 feet), a total distance of 31.64 feet to an iron pin set in the

easterly right-of-way line of said Mink Street Road NW;

line of said Fagerstrom tract, the westerly lines of said 4.016 acre tract and that 6 acre tract

201808100016539, a distance of 452.78 feet to a magnetic nail set at a common corner of said 6

201808100016539, a distance of 452.78 feet to a magnetic nail set at a common corner of said 6

acre tract (Mojica Properties), being the TRUE POINT OF

BEGINNING;

Thence South 22° 48' 23" West, with the centerline of said Mink Street NW, the easterly

line of said Fagerstrom tract, the westerly lines of said 4.016 acre tract and that 6 acre tract

conveyed to Mojica Properties, LLC by deed of record in Instrument Number

78 and that tract conveyed to Betty M. Fagerstrom by deeds of record in Deed Book 495, Page

295 and Deed Book 826, Page 989, and in the westerly line of that 4.016 acre tract conveyed to

Branden Kern by deed of record in Instrument Number 201811200024727;

Street NW (County Road 41) and Jug Street Road NW (County Road 22), at the common corner

of that 2 acre tract conveyed to Jeff H. Peterman by deed of record in Official Record 357, Page

78 and that tract conveyed to Betty M. Fagerstrom by deeds of record in Deed Book 495, Page

295 and Deed Book 826, Page 989, and in the westerly line of that 4.016 acre tract conveyed to

Branden Kern by deed of record in Instrument Number 201811200024727;

Beginning, for reference, at a magnetic nail set at the centerline intersection of Mink

Street NW (County Road 41) and Jug Street Road NW (County Road 22), at the common corner

of that 2 acre tract conveyed to Jeff H. Peterman by deed of record in Official Record 357, Page

78 and that tract conveyed to Betty M. Fagerstrom by deeds of record in Deed Book 495, Page

295 and Deed Book 826, Page 989, and in the westerly line of that 4.016 acre tract conveyed to

Branden Kern by deed of record in Instrument Number 201811200024727;

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lot 14 of

the Southernly Division of the Marsh Section, Quarter Township 1, Township 2, Range 15, United

States Military District, being out of that 6 acre tract conveyed to Charles R. Salisbury by deed

of record in Instrument Number 199808200031982 (all references are to the records of the

Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Grantor/Owner, for his/his heirs, administrators, successors and assigns, reserves all

existing rights of ingress and egress to and from any residual area (as used herein, the expression

"Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

ALL RIGHTS, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS

PARCEL M74-WD
0.174 ACRE

EXHIBIT A

[Surveyor's description of premises follows]

EXHIBIT A

**PARCEL M74-WD
0.174 ACRE**

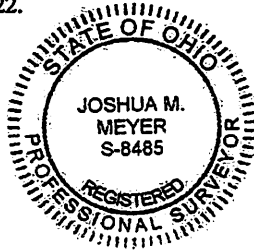
-2-

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street NW, having a bearing of South 22° 48' 23" West, is designated the "basis of bearing" for this description.

This description was prepared using documents of record, prior plats of survey and observed evidence located by an actual field survey in November and December 2021 and April 2022.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

11-21-2022

Joshua M. Meyer
Professional Surveyor No. 8485

Date

JMM:sp
M74-WD_0_174 as 20220233-VS-ENDY.docx

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED	CONDITIONAL
<input checked="" type="checkbox"/>	<input type="checkbox"/>
APPROVED BY:	<i>BS</i>
DATE:	11/29/22

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL M74-T

Temporary easement granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 037-112362-00.000

Prior Instrument Reference: Instrument #199808200031982, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Mink Street, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL M74-T
0.005 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lot 14 of the Southerly Division of the Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being on, over and across that 6 acre tract conveyed to Charles R. Salisbury by deed of record in Instrument Number 199808200031982 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Mink Street NW (County Road 41) (60 feet), at the northwesterly corner of said 6 acre tract, the southwesterly corner of that 6 acre tract conveyed to Mojica Properties, LLC by deed of record in Instrument Number 201808100016539;

Thence South 22° 48' 23" West, with the centerline of said Mink Street NW, a distance of 19.42 feet to a point;

Thence across said 6 acre tract, the following courses and distances:

South 67° 11' 37" East, across the right-of-way of said Mink Street NW, a distance of 30.00 feet to a point in the easterly right-of-way line of said Mink Street NW, the TRUE POINT OF BEGINNING;

North 22° 48' 23" East, with the said easterly right-of-way line, a distance of 22.81 feet to a point;

South 67° 11' 37" East, a distance of 10.00 feet to a point;

South 22° 48' 23" West, a distance of 22.81 feet to a point; and

North 67° 11' 37" West, a distance of 10.00 feet to the TRUE POINT OF BEGINNING, containing 0.005 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk

31 Oct 22

Matthew A. Kirk
Professional Surveyor No. 7865

Date

MAK:jo
M74-T 0_005 ac 20220233-VS-ESMT-TEMP.docx



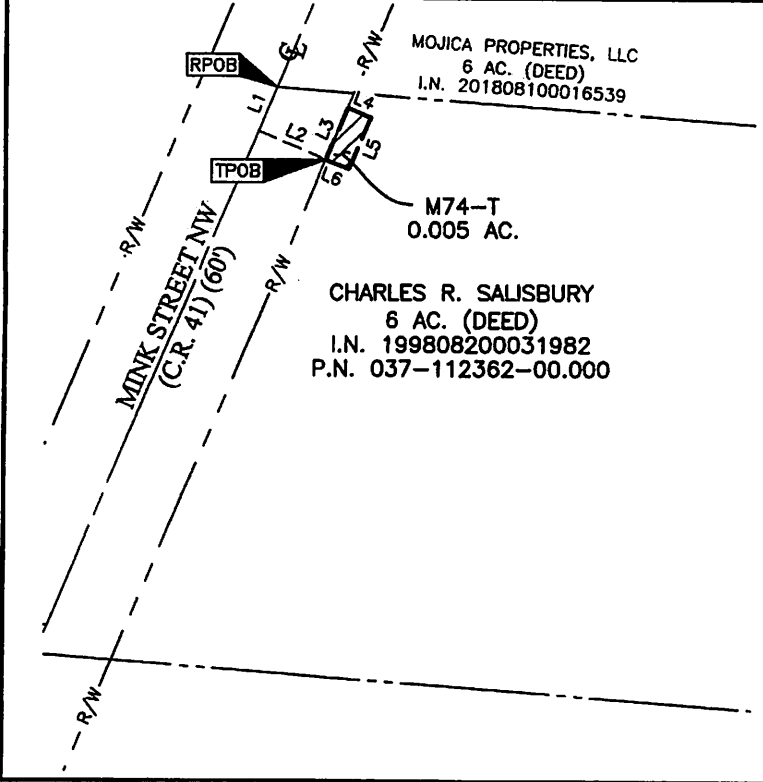


Evans, Mochwart, Hambleton & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4500 Toll Free: 888.775.3648
 emht.com

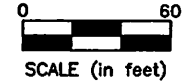
TEMPORARY EASEMENT

LOT 14, SOUTHERLY DIVISION OF THE MARSH SECTION QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15 UNITED STATES MILITARY DISTRICT TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: October 31, 2022
 Scale: 1" = 60'
 Job No: 20220233
 Sheet No: 1 of 1



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S22°48'23"W	19.42'
L2	S67°11'37"E	30.00'
L3	N22°48'23"E	22.81'
L4	S67°11'37"E	10.00'
L5	S22°48'23"W	22.81'
L6	N67°11'37"W	10.00'



By Matthew A. Kirk Date 31 Oct 22
 Matthew A. Kirk
 Professional Surveyor No. 7865
 mkirk@emht.com

Ordinance O-49-2023 EXHIBIT 2

J:\20220233\DWG\04\SHEETS\EASEMENTS\M74-T_20220233-VS-ESMT-TEMP.DWG plotted by ODAS, JACOB on 10/31/2022 9:37:56 AM last saved by JODAS on 10/31/2022 9:37:50 AM



ORDINANCE O-50-2023

AN ORDINANCE TO APPROPRIATE PROPERTY FROM THE OWNERS, ANDREW J. GIBSON AND LALIE A. GIBSON, OF THE PROPERTY LOCATED AT 4779 CLOVER VALLEY ROAD IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE GREEN CHAPEL ROAD PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Green Chapel Road Project (the “Project”), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Green Chapel Road and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibit, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-42-2022 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owner(s) have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property from its owners, Andrew J. Gibson and Lalie A. Gibson, for the property located at 4779 Clover Valley Road, for the public purpose of making, repairing, improving and constructing Green Chapel Road and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described and depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel C105-WD).

Section 2. That Council hereby fixes the value of all the property and interests appropriated at Thirty-Three Thousand Eight Hundred Twenty-Seven Dollars (\$33,827.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owners of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owners of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owners to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. 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 Ohio Revised Code Section 121.22.

Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this 21 day of March, 2023.

Attest:



Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:	
Prepared:	02/24/2023
Introduced:	03/07/2023
Revised:	
Adopted:	03/21/2023
Effective:	03/21/2023

EXHIBIT A

**PARCEL C105-WD
0.174 ACRE**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Section 24, Township 3, Range 15, United States Military District, being part of that 2.436 acre tract conveyed to Andrew J. Gibson and Lalie A. Gibson by deed of record in Instrument Number 201407140013169 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a P.K. nail found at the westerly centerline intersection of Green Chapel Road NW (Township Road 63) and Clover Valley Road NW (County Road 26), at the southerly common corner of said Section 24 and Section 23 of said Township 3, in the northerly line of Township 2 of said Range 15, at the southwesterly corner of that 2.512 acre tract conveyed to Biltwell Homes, LLC by deed of record in Instrument Number 202102090004257, the southeasterly corner of that 2.465 acre tract conveyed to Alex Luong by deed of record in Instrument Number 201908080016252, in the northerly line of that 47.245 acre tract conveyed to Cheryl A. Bush, Trustee or her successor(s) as Trustees of "The Bush Keystone Inheritance Trust", dated January 23, 2007 by deed of record in Instrument Number 201209100020565;

Thence North 03° 31' 03" East, with the centerline of said Clover Valley Road NW, the line common to said Sections 24 and 23, the line common to said 2.512 and 2.465 acre tracts, a distance of 190.86 feet to a magnetic nail set at the southeasterly corner of said 2.436 acre tract, the northeasterly corner of said 2.465 acre tract, in the westerly line of said 2.512 acre tract, the TRUE POINT OF BEGINNING;

Thence North 86° 23' 44" West, across said Clover Valley Road NW and with the line common to said 2.436 and 2.465 acre tracts (passing a 5/8 inch iron rebar capped "S.A. ENGLAND" found at a distance of 31.59 feet), a total distance of 40.00 feet to an iron pin set;

Thence North 03° 31' 03" East, across said 2.436 acre tract, a distance of 189.21 feet to an iron pin set in the northerly line thereof, the southerly line of that 5.004 acre tract conveyed to Kris E. Votaw by deed of record in Instrument Number 201506260013120;

Thence South 86° 47' 38" East, across said Clover Valley Road NW and with the line common to said 2.436 and 5.004 acre tracts (passing a 5/8 inch iron rebar found at a distance of 6.24 feet), a total distance of 40.00 feet to a magnetic nail set at the easterly common corner thereof, in the centerline of said Clover Valley Road NW, said common Section line, the westerly line of that 8.112 acre tract conveyed to Hemminger Creations, LLC by deed of record in Instrument Number 200212050046525;

Thence South 03° 31' 03" West, with said centerline, said common Section line, the easterly line of said 2.436 acre tract, the westerly lines of said 8.112 and 2.512 acre tracts, a distance of 189.49 feet to the TRUE POINT OF BEGINNING, containing 0.174 acre, more or less, all of which is within Auditor's Parcel Number 052-173040-00.002 and 0.034 acre is within the present road occupied.

EXHIBIT A

**PARCEL C105-WD
0.174 ACRE**

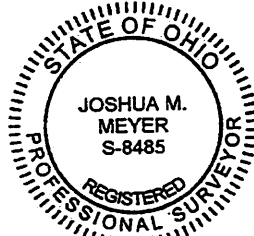
-2-

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Clover Valley Road, having a bearing of North 03°31'03" East, is designated the "basis of bearings" for this survey.

This description is based on an actual field survey performed by or under the direct supervision of Joshua M. Meyer, Professional Surveyor Number 8485 in November and December, 2021, and April, 2022.



JMM:jjf
C105-WD_0_174 ac 20220307-VS-BNDY.docx

EVANS, MECHWART, HAMBLETON & TILTON, INC.

10-26-2022

Joshua M. Meyer
Professional Surveyor No. 8485

Date

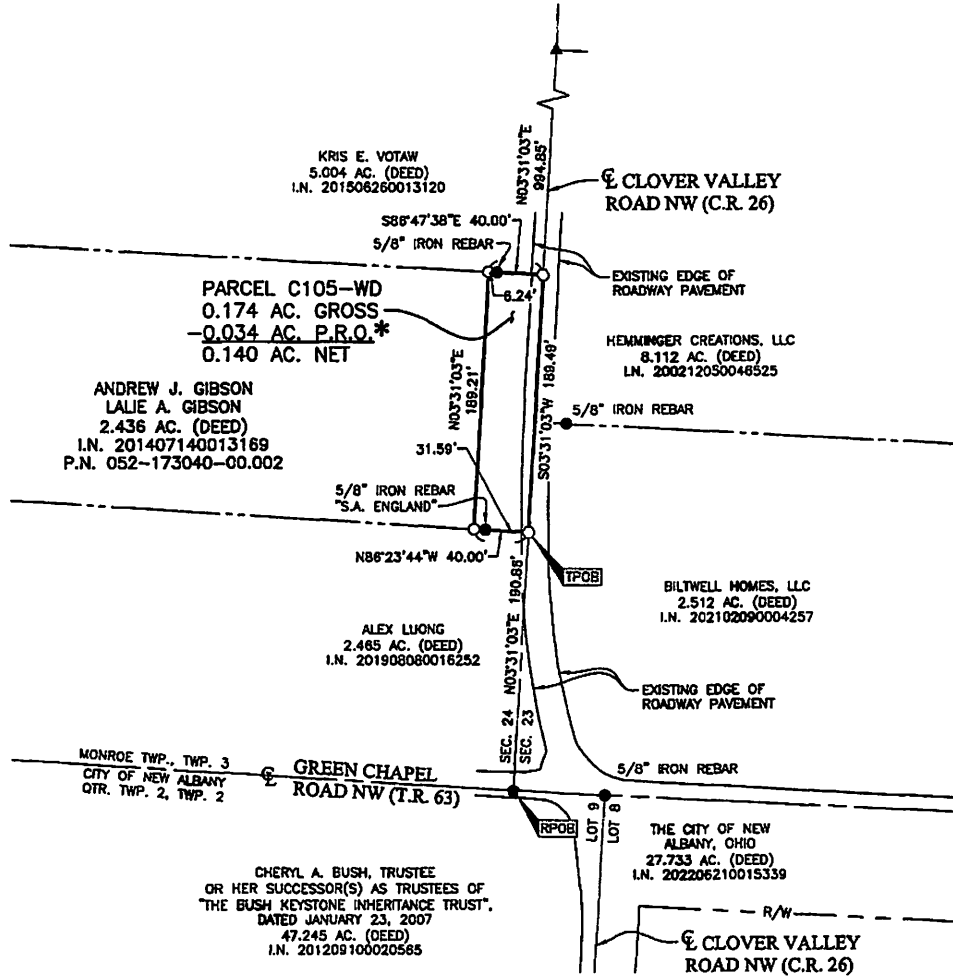
PRE-APPROVAL LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY:	BS
DATE:	10/27/22



SURVEY OF ACREAGE PARCEL

SECTION 24, TOWNSHIP 3, RANGE 15
UNITED STATES MILITARY DISTRICT
TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date: October 26, 2022 Scale: 1" = 80' Job No: 2022-0307 Sheet No: 1 of 1



*** ROAD RIGHT OF WAY NOTE:**
The existing right-of-way width for Clover Valley Road has not been specified. A Commissioner Road Folder was found for Clover Valley Road and it contained a "Public Road Petition" but neither a Resolution from the County Commissioners nor a Road Record for this portion of Clover Valley Road could be found in the Licking County Engineer's Office. The existing edge of roadway pavement was used to calculate the Present Road Occupied (P.R.O.) for this Road.

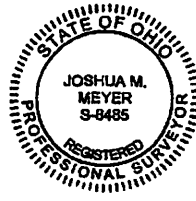
BASIS OF BEARINGS:
The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Clover Valley Road, having a bearing of North 03°31'03" East, is designated the "basis of bearings" for this survey.

SURVEY NOTE:
This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey in November and December, 2021 and April, 2022.



- Iron Pin Set
- Iron Pin Found
- Stone Found
- P.K. Nail Found
- Monument Found
- Magnetic Nail Set
- Magnetic Nail Found
- ▲ Railroad Spike Found

I.P. Set are 13/16" LD. iron pipes
30" long with cap inscribed EMHT INC.



By Joshua M. Meyer 10-26-2022
Joshua M. Meyer Date
Professional Surveyor No. 8485
jmeyer@emht.com

A:\2022\2022-0307\2022-0307-01.dwg 10/26/2022 2:33:33 PM L:\2022\2022-0307\2022-0307-01.dwg 10/26/2022 2:33:48 PM

EXHIBIT A

**PARCEL C105-WD
0.157 ACRE**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Section 24, Township 3, Range 15, United States Military District, being part of that 2.436 acre tract conveyed to Andrew J. Gibson and Lalie A. Gibson by deed of record in Instrument Number 201407140013169 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a P.K. nail found at the westerly centerline intersection of Green Chapel Road NW (Township Road 63) and Clover Valley Road NW (County Road 26), at the southerly common corner of said Section 24 and Section 23 of said Township 3, in the northerly line of Township 2 of said Range 15, at the southwesterly corner of that 2.512 acre tract conveyed to Biltwell Homes, LLC by deed of record in Instrument Number 202102090004257, the southeasterly corner of that 2.465 acre tract conveyed to Alex Luong by deed of record in Instrument Number 201908080016252, in the northerly line of that 47.245 acre tract conveyed to Cheryl A. Bush, Trustee or her successor(s) as Trustees of "The Bush Keystone Inheritance Trust", dated January 23, 2007 by deed of record in Instrument Number 201209100020565;

Thence North 03° 31' 03" East, with the centerline of said Clover Valley Road NW, the line common to said Sections 24 and 23, the line common to said 2.512 and 2.465 acre tracts, a distance of 190.86 feet to a magnetic nail set at the southeasterly corner of said 2.436 acre tract, the northeasterly corner of said 2.465 acre tract, in the westerly line of said 2.512 acre tract, the TRUE POINT OF BEGINNING;

Thence North 86° 23' 44" West, across said Clover Valley Road NW and with the line common to said 2.436 and 2.465 acre tracts (passing a 5/8 inch iron rebar capped "S.A. ENGLAND" found at a distance of 31.59 feet), a total distance of 40.00 feet to an iron pin set;

Thence across said 2.436 acre tract, the following courses and distances:

North 03° 31' 03" East, a distance of 115.00 feet to an iron pin set; and

North 18° 34' 48" East, a distance of 76.96 feet to an iron pin set in the northerly line of said 2.436 acre tract, the southerly line of that 5.004 acre tract conveyed to Kris E. Votaw by deed of record in Instrument Number 201506260013120;

Thence South 86° 47' 38" East, across said Clover Valley Road NW and with the line common to said 2.436 and 5.004 acre tracts, a distance of 20.00 feet to a magnetic nail set at the easterly common corner thereof, in the centerline of said Clover Valley Road NW, said common Section line, the westerly line of that 8.112 acre tract conveyed to Hemminger Creations, LLC by deed of record in Instrument Number 200212050046525;

Thence South 03° 31' 03" West, with said centerline, said common Section line, the easterly line of said 2.436 acre tract, the westerly lines of said 8.112 and 2.512 acre tracts, a

EXHIBIT A

**PARCEL C105-WD
0.157 ACRE**

-2-

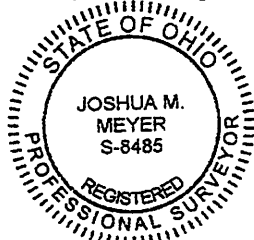
distance of 189.49 feet to the TRUE POINT OF BEGINNING, containing 0.157 acre, more or less, all of which is within Auditor's Parcel Number 052-173040-00.002 and 0.034 acre is within the present road occupied.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Clover Valley Road, having a bearing of North 03°31'03" East, is designated the "basis of bearings" for this survey.

This description is based on an actual field survey performed by or under the direct supervision of Joshua M. Meyer, Professional Surveyor Number 8485 in November and December, 2021, and April, 2022.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

1-12-2023

Joshua M. Meyer
Professional Surveyor No. 8485

Date

JMM:djf
C105-WD_0_157 ac 20220307-VS-BNDY.docx

PRE-APPROVAL LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY: BS	
DATE: 4/17/22	

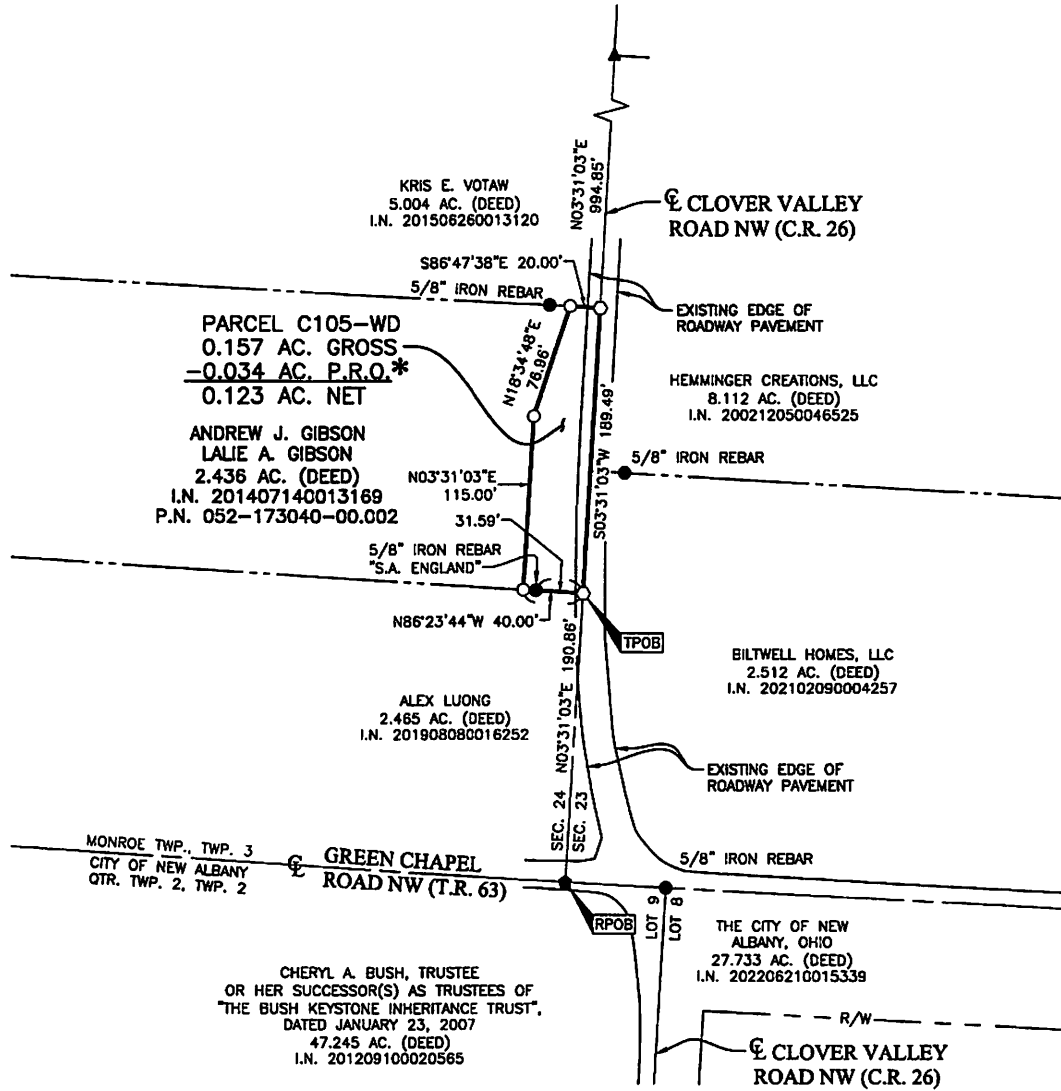


Evans, Mochwort, Haselston & Thom, Inc.
 Engineers • Surveyors • Planners • Scientists
 6530 New Albany Road, Columbus, OH 43254
 Phone: 614-775-4522 Toll Free: 800-773-3446
 emht.com

SURVEY OF ACREAGE PARCEL

SECTION 24, TOWNSHIP 3, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date: January 12, 2023 Scale: 1" = 80' Job No: 2022-0307 Sheet No: 1 of 1

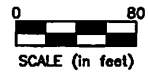


A 20220307-03-0001-DWG plotted by P. H. B. on 1/12/2023 3:45:20 PM last saved by P. H. B. on 1/12/2023 3:45:18 PM

*** ROAD RIGHT OF WAY NOTE:**
 The existing right-of-way width for Clover Valley Road has not been specified. A Commissioner Road Folder was found for Clover Valley Road and it contained a "Public Road Petition" but neither a Resolution from the County Commissioners nor a Road Record for this portion of Clover Valley Road could be found in the Licking County Engineer's Office. The existing edge of roadway pavement was used to calculate the Present Road Occupied (P.R.O.) for this Road.

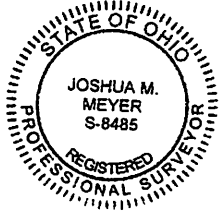
BASIS OF BEARINGS:
 The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Clover Valley Road, having a bearing of North 03°31'03" East, is designated the "basis of bearings" for this survey.


SURVEY NOTE:
 This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey in November and December, 2021 and April, 2022.



- Iron Pin Set
- Iron Pin Found
- Stone Found
- P.K. Nail Found
- Monument Found
- Magnetic Nail Set
- Magnetic Nail Found
- ▲ Railroad Spike Found

I.P. Set are 13/16" I.D. iron pipes
 30" long with cap inscribed EMHT INC.



By  1-12-2023
 Joshua M. Meyer
 Professional Surveyor No. 8485
 jmeyer@emht.com Date



ORDINANCE O-51-2023

AN ORDINANCE TO APPROPRIATE PROPERTY FROM THE OWNER, KRIS E. VOTAW, OF THE PROPERTY LOCATED AT 4821 CLOVER VALLEY ROAD IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE GREEN CHAPEL ROAD PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Green Chapel Road Project (the “Project”), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Green Chapel Road and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibit, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-42-2022 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owner(s) have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property from its owner, Kris E. Votaw, for the property located at 4821 Clover Valley Road, for the public purpose of making, repairing, improving and constructing Green Chapel Road and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described and depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel C107-WD).

Section 2. That Council hereby fixes the value of all the property and interests appropriated at Eighteen Thousand Seven Hundred Twenty-seven Dollars (\$18,727.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owner of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owner of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owner to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. 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 Ohio Revised Code Section 121.22.

Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this 21 day of March, 2023.

Attest:



Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:	
Prepared:	02/24/2023
Introduced:	03/07/2023
Revised:	
Adopted:	03/07/2023
Effective:	03/07/2023

EXHIBIT A

**PARCEL C107-WD
0.177 ACRE**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Section 24, Township 3, Range 15, United States Military District, being out of that 5.004 acre tract conveyed to Kris E. Votaw by deed of record in Instrument Number 201506260013120 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a P.K. nail found at the westerly centerline intersection of Green Chapel Road NW (Township Road 63) and Clover Valley Road NW (County Road 26), at the southerly common corner of said Section 24 and Section 23 of said Township 3, in the northerly line of Township 2 of said Range 15, at the southwesterly corner of that 2.512 acre tract conveyed to Biltwell Homes, LLC by deed of record in Instrument Number 202102090004257, the southeasterly corner of that 2.465 acre tract conveyed to Alex Luong by deed of record in Instrument Number 201908080016252, in the northerly line of that 47.245 acre tract conveyed to Cheryl A. Bush, Trustee or her successor(s) as Trustees of "The Bush Keystone Inheritance Trust", dated January 23, 2007 by deed of record in Instrument Number 201209100020565;

Thence North 03° 31' 03" East, with the centerline of said Clover Valley Road NW, the line common to said Sections 24 and 23, the easterly lines of said 2.465 acre tract, and that 2.436 acre tract conveyed to Andrew J. Gibson and Lalie A. Gibson by deed of record in 201407140013169 and the westerly lines of said 2.517 acre tract and that 8.112 acre tract conveyed to Hemminger Creations, LLC by deed of record in Instrument Number 200212050046525, a distance of 380.35 feet to a magnetic nail set at the southeasterly corner of said 5.004 acre tract, the northeasterly corner of said 2.436 acre tract, in the westerly line of said 8.112 acre tract, the TRUE POINT OF BEGINNING;

Thence North 86° 47' 38" West, across said Clover Valley Road NW, with the line common to said 5.004 and 2.436 acre tracts, a distance of 20.00 feet to an iron pin set;

Thence North 03° 31' 03" East, across said 5.004 acre tract, a distance of 385.01 feet to an iron pin set in the northerly line of said 5.004 acre tract, the southerly line of that 2.469 acre tract conveyed to William J. Abner and Mary F. Abner by deed of record in Instrument Number 200509120028500;

Thence South 86° 46' 38" East, across said Clover Valley Road NW and with the line common to said 5.004 and 2.469 acre tracts, a distance of 20.00 feet to a magnetic nail set at the easterly common corner thereof in the centerline of said Clover Valley Road NW, said common Section line, in the westerly line of that 9.248 acre tract conveyed to Colleen J. Hemminger by deed of record in Official Record 462, Page 751;

Thence South 03° 31' 03" West, with said centerline, said common Section line, the easterly line of said 5.004 acre tract, the westerly lines of said 9.248 and 8.112 acre tracts, a distance of 385.00 feet to the TRUE POINT OF BEGINNING, containing 0.177 acre, more or

EXHIBIT A

**PARCEL C107-WD
0.177 ACRE**

-2-

less, all of which is within Auditor's Parcel Number 052-173040-00.000 and 0.070 acre of which is within the present road occupied.

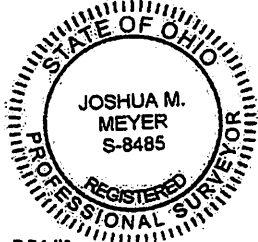
Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Clover Valley Road, having a bearing of North 03°31'03" East, is designated the "basis of bearings" for this survey.

This description is based on an actual field survey performed by or under the direct supervision of Joshua M. Meyer, Professional Surveyor Number 8485 in November and December, 2021, and April, 2022.

EVANS, MECHWART, HAMBLETON & TILTON, INC.



12-5-2022

Joshua M. Meyer
Professional Surveyor No. 8485

Date

JMM:djf
C107-WD_0_177 ac 20220307-VS-RNDY.docx

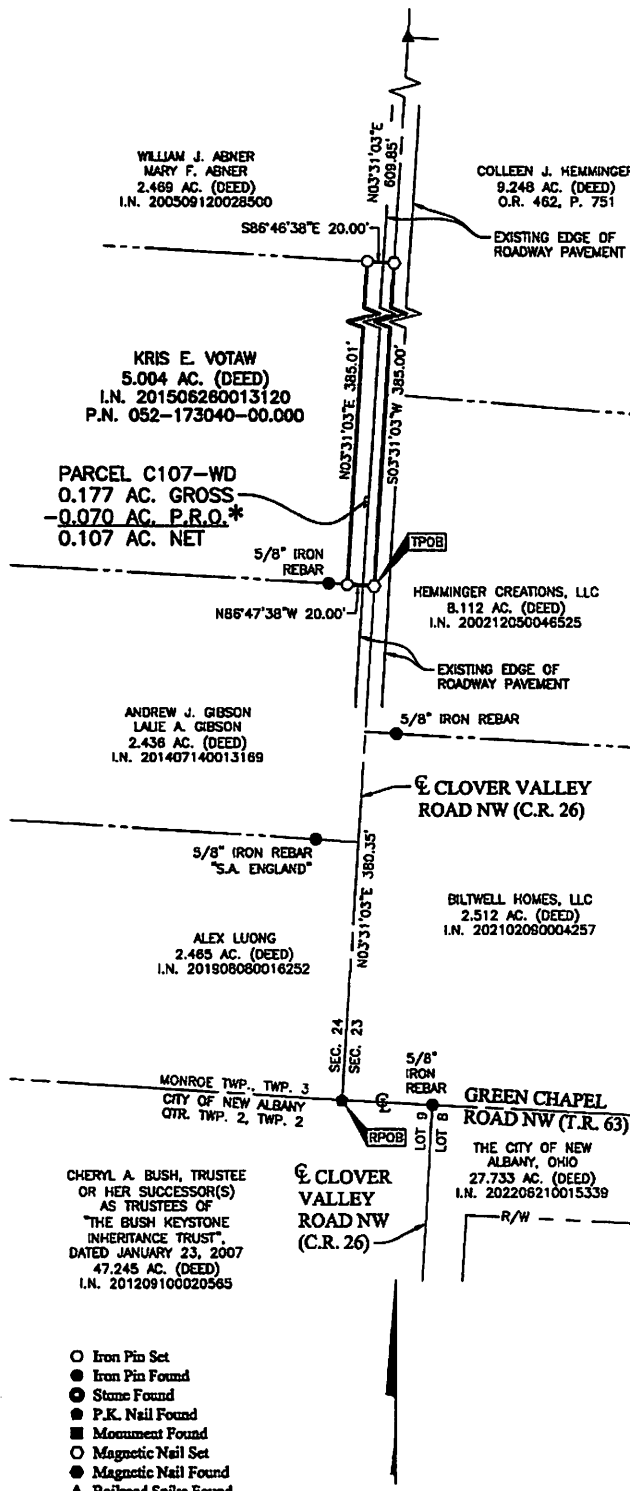
PRE-APPROVAL LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY:	<i>BS</i>
DATE:	<i>12/6/22</i>



SURVEY OF ACREAGE PARCEL

SECTION 24, TOWNSHIP 3, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date: December 5, 2022 Scale: 1" = 80' Job No: 2022-0307 Sheet No: 1 of 1



*** ROAD RIGHT OF WAY NOTES:**
 The existing right-of-way width for Clover Valley Road has not been specified. A Commissioner Road Folder was found for Clover Valley Road and it contained a "Public Road Petition" but neither a Resolution from the County Commissioners nor a Road Record for this portion of Clover Valley Road could be found in the Licking County Engineer's Office. The existing edge of roadway pavement was used to calculate the Present Road Occupied (P.R.O.) for this Road.

BASIS OF BEARINGS:
 The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Clover Valley Road, having a bearing of North 03°31'03" East, is designated the "basis of bearings" for this survey.

SURVEY NOTE:
 This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey in November and December, 2021 and April, 2022.

WILLIAM J. ASNER
 MARY F. ASNER
 2.469 AC. (DEED)
 I.N. 200509120028500

COLLEEN J. HEMMINGER
 9.248 AC. (DEED)
 O.R. 462, P. 751

KRIS E. VOTAW
 5.004 AC. (DEED)
 I.N. 201506280013120
 P.N. 052-173040-00.000

PARCEL C107-WD
 0.177 AC. GROSS
 -0.070 AC. P.R.O.*
 0.107 AC. NET

HEMMINGER CREATIONS, LLC
 8.112 AC. (DEED)
 I.N. 200212050046525

ANDREW J. GIBSON
 LALIE A. GIBSON
 2.436 AC. (DEED)
 I.N. 201407140013189

BILTWELL HOMES, LLC
 2.512 AC. (DEED)
 I.N. 202102090004257

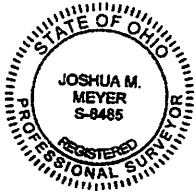
ALEX LUONG
 2.465 AC. (DEED)
 I.N. 201908080016252

CHERYL A. BUSH, TRUSTEE
 OR HER SUCCESSOR(S)
 AS TRUSTEES OF
 "THE BUSH KEYSTONE
 INHERITANCE TRUST",
 DATED JANUARY 23, 2007
 47.245 AC. (DEED)
 I.N. 201209100020565

THE CITY OF NEW
 ALBANY, OHIO
 27.733 AC. (DEED)
 I.N. 202208210015339

- Iron Pin Set
- Iron Pin Found
- Stone Found
- P.K. Nail Found
- Monument Found
- Magnetic Nail Set
- Magnetic Nail Found
- ▲ Railroad Spike Found

LP. Set are 13/16" I.D. iron pipes
 30" long with cap inscribed EMHT INC.



By *Joshua M. Meyer*
 Joshua M. Meyer
 Professional Surveyor No. 8485
 jmeyer@emht.com

12-5-2022
 Date



ORDINANCE O-52-2023

AN ORDINANCE TO APPROPRIATE PROPERTY FROM THE OWNERS, WILLIAM J. ABNER AND MARY F. ABNER, OF THE PROPERTY LOCATED AT 4925 CLOVER VALLEY ROAD IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE GREEN CHAPEL ROAD PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Green Chapel Road Project (the “Project”), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Green Chapel Road and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibit, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-42-2022 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owner(s) have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property from its owners, William J. Abner and Mary F. Abner, for the property located at 4925 Clover Valley Road, for the public purpose of making, repairing, improving and constructing Green Chapel Road and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described and depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel C108-WD).

Section 2. That Council hereby fixes the value of all the property and interests appropriated at Fourteen Thousand Twenty-seven Dollars (\$14,027.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owners of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owners of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owners to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. 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 Ohio Revised Code Section 121.22.

Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this 21 day of MARCH, 2023.

Attest:



Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:	
Prepared:	02/24/2023
Introduced:	03/07/2023
Revised:	
Adopted:	03/21/2023
Effective:	03/21/2023

EXHIBIT A

**PARCEL C108-WD
0.087 ACRE**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Section 24, Township 3, Range 15, United States Military District, being out of that 2.469 acre tract conveyed to William J. Abner and Mary F. Abner by deed of record in Instrument Number 200509120028500 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a P.K. nail found at the westerly centerline intersection of Green Chapel Road NW (Township Road 63) and Clover Valley Road NW (County Road 26), at the southerly common corner of said Section 24 and Section 23 of said Township 3, in the northerly line of Township 2 of said Range 15, at the southwesterly corner of that 2.512 acre tract conveyed to Biltwell Homes, LLC by deed of record in Instrument Number 202102090004257, the southeasterly corner of that 2.465 acre tract conveyed to Alex Luong by deed of record in Instrument Number 201908080016252, in the northerly line of that 47.245 acre tract conveyed to Cheryl A. Bush, Trustee or her successor(s) as Trustees of "The Bush Keystone Inheritance Trust", dated January 23, 2007 by deed of record in Instrument Number 201209100020565;

Thence North 03° 31' 03" East, with the centerline of said Clover Valley Road NW, the line common to said Sections 24 and 23, a distance of 765.35 feet to a magnetic nail set at the southeasterly corner of said 2.469 acre tract, the northeasterly corner of that 5.004 acre tract conveyed to Kris E. Votaw by deed of record in Instrument Number 201506260013120, in the westerly line of that 9.248 acre tract conveyed to Colleen J. Hemminger by deed of record in Official Record 462, Page 751, the TRUE POINT OF BEGINNING;

Thence North 86° 46' 38" West, across said Clover Valley Road NW, with the line common to said 2.469 and 5.004 acre tracts, a distance of 20.00 feet to an iron pin set;

Thence North 03° 31' 03" East, across said 2.469 acre tract, a distance of 190.00 feet to an iron pin set in the northerly line of said 2.469 acre tract, the southerly line of that 8.856 acre tract conveyed to Brian T. Edwards and Judy M. Edwards by deed of record in Instrument Number 200209130034351;

Thence South 86° 46' 38" East, across said Clover Valley Road NW, with the line common to said 2.469 and 8.856 acre tracts, a distance of 20.00 feet to a magnetic nail set at the easterly common corner thereof in the centerline of said Clover Valley Road NW, said common Section line, in the westerly line of that 14.424 acre tract conveyed to Colleen J. Hemminger by deed of record in Official Record 462, Page 751;

Thence South 03° 31' 03" West, with said Clover Valley Road NW centerline, said common Section line, the easterly line of said 2.469 acre tract, and the westerly lines of said 14.424 and 9.248 acre tracts, a distance of 190.00 feet to the TRUE POINT OF BEGINNING, containing 0.087 acre, more or less, all of which is within Auditor's Parcel Number 052-173040-00.001 and 0.036 acre of which is within the present road occupied.

EXHIBIT A

**PARCEL C108-WD
0.087 ACRE**

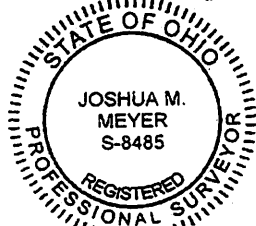
-2-

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Clover Valley Road, having a bearing of North 03°31'03" East, is designated the "basis of bearings" for this survey.

This description is based on an actual field survey performed by or under the direct supervision of Joshua M. Meyer, Professional Surveyor Number 8485 in November and December, 2021, and April, 2022.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

10-28-2022

Joshua M. Meyer
Professional Surveyor No. 8485

Date

JMM:djf
C108-WD_0_087 ac 20220307-VS-RNDY.docx

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY:	BS
DATE:	10/31/22



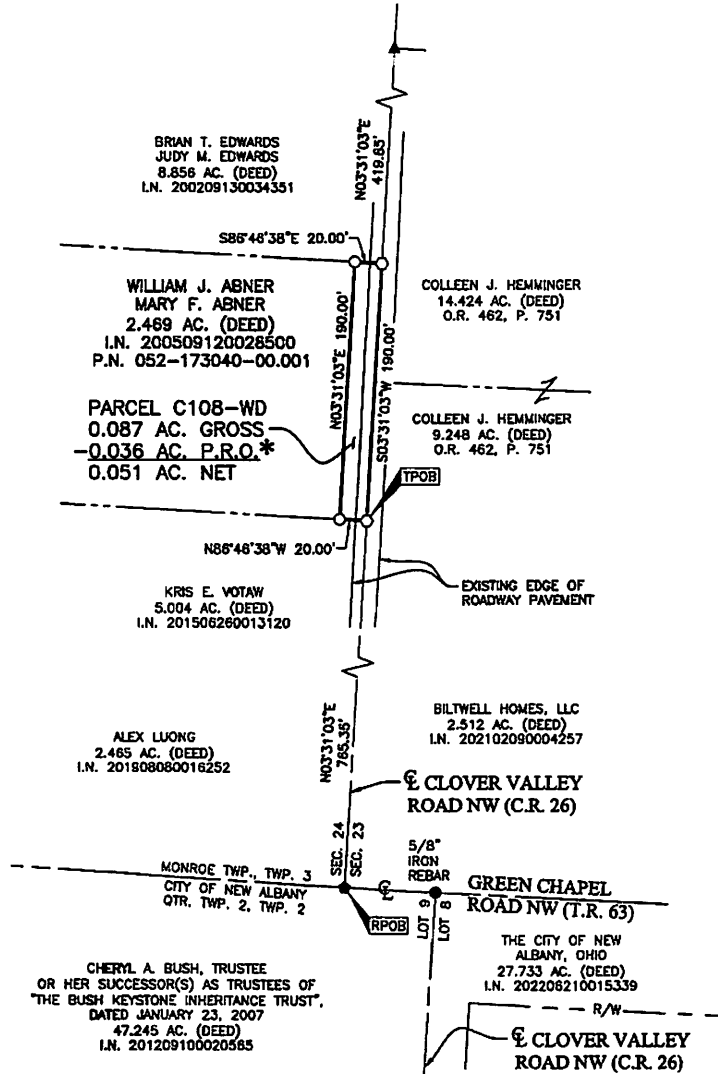
Evans, Meechwart, Hombelston & Tibbels, Inc.
 Engineers - Surveyors - Planners - Scientists
 5000 New Albany Road, Columbus, OH 43254
 Phone: 614.775.4300 Toll Free: 888.773.3448
 emht.com

SURVEY OF ACREAGE PARCEL

SECTION 24, TOWNSHIP 3, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date: October 28, 2022 Scale: 1" = 80' Job No: 2022-0307 Sheet No: 1 of 1

A:\2022\2022-0307\2022-0307-01-001.dwg created by JMEYER on 10/28/2022 10:08:31 AM
 A:\2022\2022-0307\2022-0307-01-001.dwg created by JMEYER on 10/28/2022 10:08:31 AM



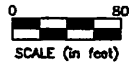
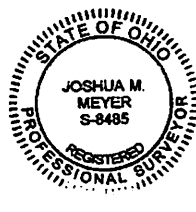
*** ROAD RIGHT OF WAY NOTES:**
 The existing right-of-way width for Clover Valley Road has not been specified. A Commissioner Road Folder was found for Clover Valley Road and it contained a "Public Road Petition" but neither a Resolution from the County Commissioners nor a Road Record for this portion of Clover Valley Road could be found in the Licking County Engineer's Office. The existing edge of roadway pavement was used to calculate the Present Road Occupied (P.R.O.) for this Road.

BASIS OF BEARINGS:
 The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Clover Valley Road, having a bearing of North 03°31'03" East, is designated the "basis of bearings" for this survey.

SURVEY NOTE:
 This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey in November and December, 2021 and April, 2022.

By *J. M. Meyer*
 Joshua M. Meyer
 Professional Surveyor No. 8485
 jmeyer@emht.com

10-28-2022
 Date



- Iron Pin Set
- Iron Pin Found
- Stone Found
- P.K. Nail Found
- Monument Found
- Magnetic Nail Set
- Magnetic Nail Found
- ▲ Railroad Spike Found

I.P. Set are 13/16" I.D. iron pipes
 30" long with cap inscribed EMHT INC.



ORDINANCE O-53-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNER, SAMANTHA K. BORELL, OF THE PROPERTY LOCATED AT 1876 MINK STREET IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Mink Street Project (the “Project”), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Mink Street and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibits, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-39-2022 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owner have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easement from its owner, Samantha K. Borell, for the property located at 1876 Mink Street, for the public purpose of making, repairing, improving and constructing Mink Street and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described as depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel M81-WD).
- B. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 2 (Project Parcel M81-T).

Section 2. That Council hereby fixes the value of all the interests appropriated at Three Hundred Dollars (\$300.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owner of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owner of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owner to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. 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 Ohio Revised Code Section 121.22.

Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this 21 day of March, 2023.

Attest:



Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:	
Prepared:	02/24/2023
Introduced:	03/07/2023
Revised:	
Adopted:	03/21/2023
Effective:	03/21/2023

EXHIBIT A

**PARCEL M81-WD
0.143 ACRE**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Section 13, Quarter Township 3, Township 2, Range 15, United States Military District, being part of that 4.175 acre tract conveyed to Samantha K. Borell by deed of record in Instrument Number 201001070000311 (all references are to the records of the Recorder's Office, Licking County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at a magnetic nail set at the centerline intersection of Beaver Road NW (60 feet) and Mink Street NW (County Road 41) (width varies), the southwesterly corner of that 213.743 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202201040000227, the northwesterly corner of that 1.501 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202211030026464, in the easterly line of that 1.973 acre tract conveyed to Pamela S. Howell by deed of record in Instrument Number 200906180013304, in the line common to said Quarter Township 3 and Quarter Township 2 of said Township 2;

Thence South 29° 32' 02" West, with the centerline of said Mink Street NW (passing a railroad spike found at a distance of 151.51 feet), a total distance of 311.51 feet to a magnetic nail set at a northwesterly corner of said 4.175 acre tract, the southwesterly corner of that 2.284 acre tract conveyed to Diane Sedziol and Joel Sedziol by deed of record in Instrument Number 201503200005197, the TRUE POINT OF BEGINNING;

Thence South 60° 27' 58" East, with the line common to said 4.175 and 2.284 acre tracts, a distance of 30.00 feet to a 1/2 inch rebar found;

Thence South 29° 32' 02" West, across said 4.175 acre tract, a distance of 81.54 feet to an iron pin set;

Thence South 27° 47' 42" West, continuing across said 4.175 acre tract, a distance of 121.25 feet to an iron pin set in the line common to said 4.175 acre tract and that 0.337 acre tract conveyed as Parcel 37-WDV to Board of Commissioners of Licking County, Ohio by deed of record in Instrument Number 201604050006475;

Thence North 76° 40' 18" West, with the line common to said 4.175 and 0.337 acre tracts, a distance of 30.98 feet to a magnetic nail set in the centerline of said Mink Street NW at a common corner of said 4.175 and 0.337 acre tracts, in the easterly line of that 1.705 acre tract conveyed as Parcel 30B-WDV to Board of Commissioners of Licking County, Ohio by deed of record in 201607060013962;

Thence North 27° 47' 42" East, with the centerline of said Mink Street NW, with the line common to said 4.175 and 1.705 acre tracts, a distance of 129.45 feet to a magnetic nail set;

EXHIBIT A

**PARCEL M81-WD
0.143 ACRE**

-2-

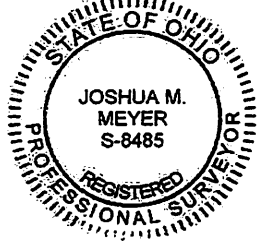
Thence North 29° 32' 02" East, continuing with said centerline, with the line common to said 4.175 and 1.705 acre tracts, a distance of 82.00 feet to the TRUE POINT OF BEGINNING, containing 0.143 acre, more or less, all of which is within the present road occupied.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street NW, having a bearing of North 27°47'52" East, is designated the "basis of bearings" for this survey.

This description is based on an actual field survey performed by or under the direct supervision of Joshua M. Meyer, Professional Surveyor Number 8485 in November and December, 2021, and April, 2022.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

11-16-2022

Joshua M. Meyer
Professional Surveyor No. 8485

Date

JMM:md
M81-WD_0_143 ac 20220233-VS-BNDY.docx

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY:	<i>BS</i>
DATE:	<i>11/18/22</i>

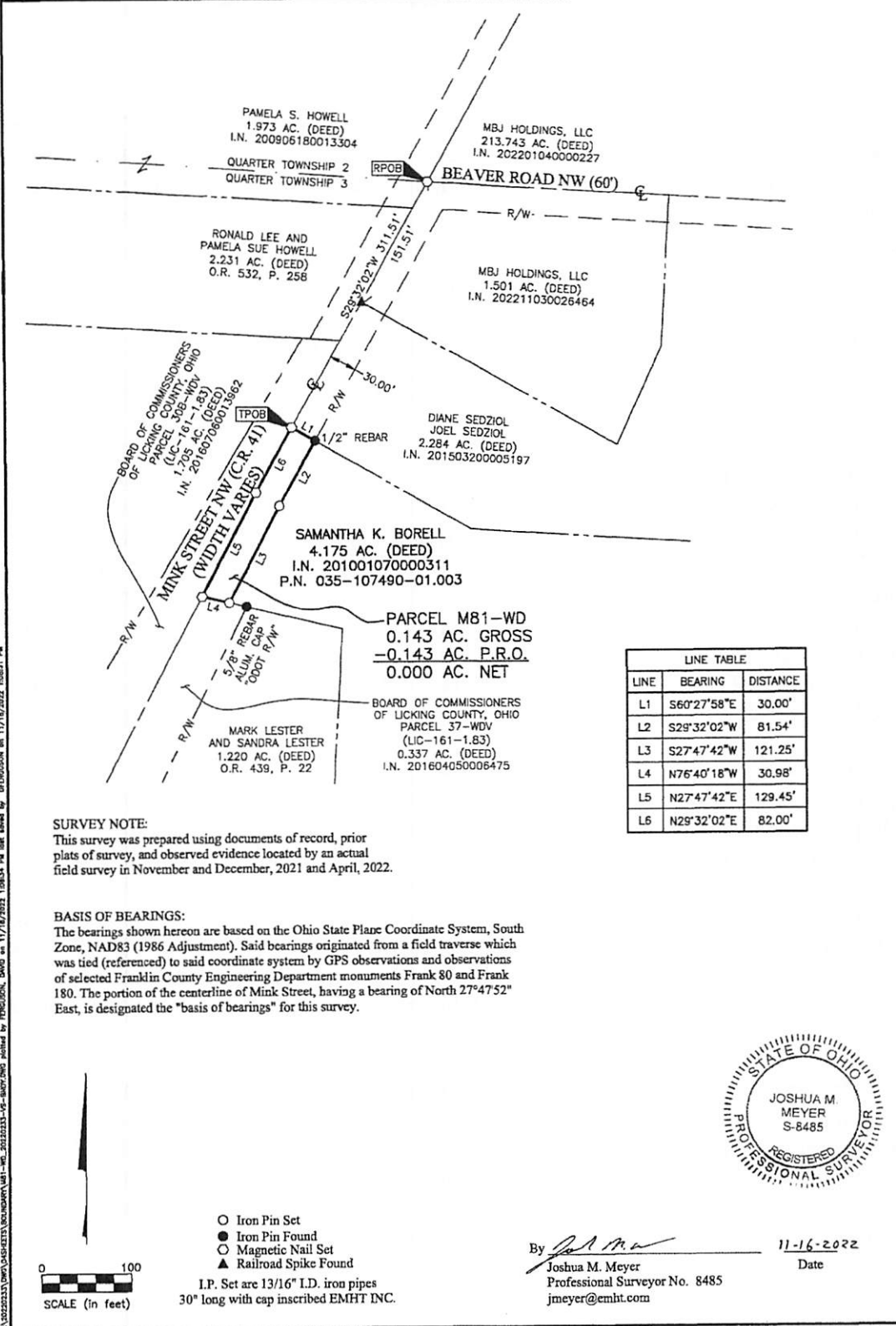


Evans, Mechwart, Hamilton & Thon, Inc.
 Engineers - Surveyors - Planners - Scientists
 6520 New Albany Road, Columbus, OH 43254
 Phone: 614.775.4300 Tel Fax: 608.775.2648
 emht.com

SURVEY OF ACREAGE PARCEL

SECTION 13, QUARTER TOWNSHIP 3, TOWNSHIP 2, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: November 16, 2022 Scale: 1" = 100' Job No: 2022-0233 Sheet No: 1 of 1



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S60°27'58"E	30.00'
L2	S29°32'02"W	81.54'
L3	S27°47'42"W	121.25'
L4	N76°40'18"W	30.98'
L5	N27°47'42"E	129.45'
L6	N29°32'02"E	82.00'

SURVEY NOTE:
 This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey in November and December, 2021 and April, 2022.

BASIS OF BEARINGS:
 The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street, having a bearing of North 27°47'52" East, is designated the "basis of bearings" for this survey.



By Joshua M. Meyer 11-16-2022
 Joshua M. Meyer Professional Surveyor No. 8485 Date
 jmeyer@emht.com



- Iron Pin Set
 - Iron Pin Found
 - Magnetic Nail Set
 - ▲ Railroad Spike Found
- I.P. Set are 13/16" I.D. iron pipes
 30" long with cap inscribed EMHT INC.

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL M81-T

A temporary easement(s) granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 035-107490-01.003

Prior Instrument Reference: Instrument #201001070000311, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Mink Street, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL M81-T
0.002 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Section 13, Quarter Township 3, Township 2, Range 15, United States Military District, being on, over and across that 4.175 acre tract conveyed to Samantha K. Borell by deed of record in Instrument Number 201001070000311 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Mink Street NW (County Road 41) (60 feet), at the northwesterly corner of that 0.337 acre tract conveyed as Parcel 37-WDV to Board of Commissioners of Licking County, Ohio by deed of record in Instrument Number 201604050006475;

Thence North 27° 47' 42" East, with the centerline of said Mink Street NW, a distance of 76.34 feet to a point;

Thence South 62° 12' 18" East, across said Mink Street NW, a distance of 30.00 feet to a point in the easterly right of way of said Mink Street NW, the TRUE POINT OF BEGINNING;

Thence North 27° 47' 42" East, with said easterly right of way line, a distance of 19.44 feet to a point;

Thence across said 4.175 acre tract, the following courses and distances:

South 62° 12' 18" East, a distance of 5.00 feet to a point;

South 27° 47' 42" West, a distance of 19.44 feet to a point; and

North 62° 12' 18" West, a distance of 5.00 feet to the TRUE POINT OF BEGINNING, containing 0.002 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk

Matthew A. Kirk
Professional Surveyor No. 7865

19 Oct 22

Date

MAK:jo
M81-T 0_002 ac 20220233-VS-ESMT-TEMP.docx



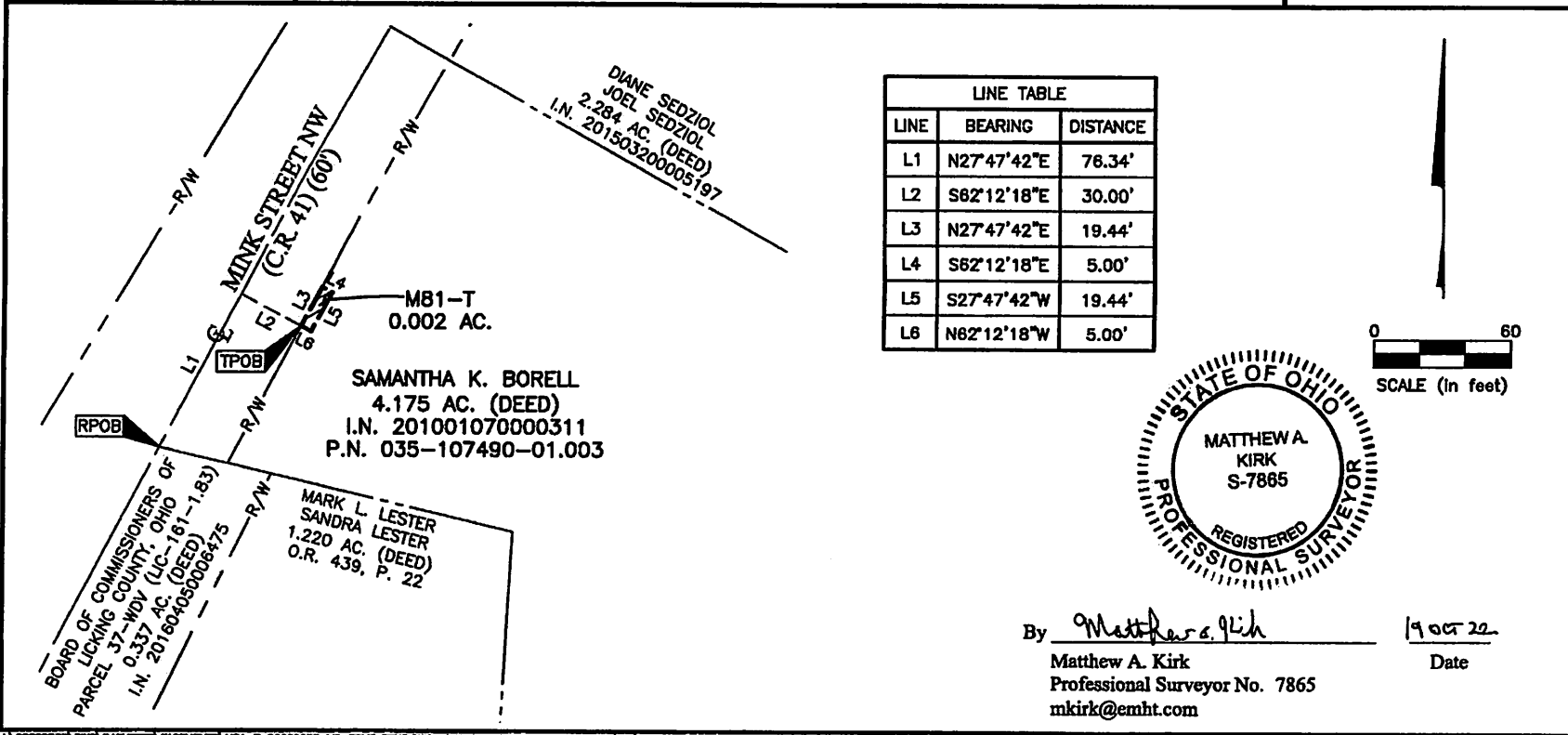


Evans, Machwari, Hamblaton & Tibon, Inc.
 Engineers • Surveyors • Planners • Scientists
 5600 New Albany Road, Columbus, OH 43254
 Phone: 614.775.4300 Toll Free: 800.775.3648
 emht.com

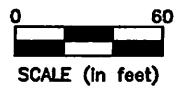
TEMPORARY EASEMENT

SECTION 13, QUARTER TOWNSHIP 3, TOWNSHIP 2, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: October 19, 2022
 Scale: 1" = 60'
 Job No: 20220233
 Sheet No: 1 of 1



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N27°47'42"E	76.34'
L2	S62°12'18"E	30.00'
L3	N27°47'42"E	19.44'
L4	S62°12'18"E	5.00'
L5	S27°47'42"W	19.44'
L6	N62°12'18"W	5.00'



By Matthew A. Kirk 19 Oct 22
 Matthew A. Kirk
 Professional Surveyor No. 7865
 mkirk@emht.com
 Date

Ordinance O-53-2023 EXHIBIT 2

J:\2022\2023\DWG\4545\ETS\EASEMENTS\M81-T_20220233-VS-ESMT-TEMP.DWG plotted by MEYER, JOSH on 10/19/2022 1:12:02 PM last saved by JMEYER on 10/19/2022 1:11:37 PM



ORDINANCE O-54-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENTS FROM THE OWNER, BILTWELL HOMES, LLC, OF THE PROPERTY LOCATED AT 12400 GREEN CHAPEL ROAD IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE GREEN CHAPEL ROAD PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Green Chapel Road Project (the “Project”), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Green Chapel Road and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibits, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-42-2022 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owner have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easements from its owner, Biltwell Homes, LLC, for the property located at 12400 Green Chapel Road, for the public purpose of making, repairing, improving and constructing Green Chapel Road and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described as depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel G42-WD).
- B. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 2 (Project Parcel G42-T1).
- C. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 3 (Project Parcel G42-T2).
- D. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 4 (Project Parcel G42-T3).
- E. Permanent easement as described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 5 (Project Parcel G42-S1).
- F. Permanent easement as described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 6 (Project Parcel G42-S2).

Section 2. That Council hereby fixes the value of all the interests appropriated at Thirty-five Thousand Five Hundred Ninety-six Dollars (\$35,596.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owner of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owner of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owner to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. 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 Ohio Revised Code Section 121.22.

Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this 21 day of March, 2023.

Attest:



Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:	
Prepared:	02/24/2023
Introduced:	03/07/2023
Revised:	
Adopted:	03/21/2023
Effective:	03/21/2023

EXHIBIT A

**PARCEL G42-WD
0.279 ACRE**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Section 23, Township 3, Range 15, United States Military District, being part of that 2.512 acre tract conveyed to Biltwell Homes, LLC by deed of record in Instrument Number 202102090004257 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

BEGINNING at a P.K. nail found at the westerly centerline intersection of Green Chapel Road NW (Township Road 63) and Clover Valley Road NW (County Road 26), at the southerly common corner of said Section 23 and Section 24 of said Township 3, in the northerly line of Township 2 of said Range 15, at the southwesterly corner of said 2.512 acre tract, the southeasterly corner of that 2.465 acre tract conveyed to Alex Luong by deed of record in Instrument Number 201908080016252, in the northerly line of that 47.245 acre tract conveyed to Cheryl A. Bush, Trustee or her successor(s) as Trustees of "The Bush Keystone Inheritance Trust", Dated January 23, 2007 by deed of record in Instrument Number 201209100020565;

Thence North 03° 31' 03" East, with the centerline of said Clover Valley Road NW, the line common to said Sections 23 and 24, the westerly line of said 2.512 acre tract, the easterly line of said 2.465 acre tract and the easterly line of that 2.436 acre tract conveyed to Andrew J. Gibson and Lalie A. Gibson by deed of record in Instrument Number 201407140013169, a distance of 272.51 feet to a magnetic nail set at the northwesterly corner of said 2.512 acre tract and the southwesterly corner of that 8.112 acre tract conveyed to Hemminger Creations, LLC by deed of record in Instrument Number 200212050046525;

Thence South 86° 48' 59" East, across said Clover Valley Road NW and with the line common to said 2.512 and 8.112 acre tracts (passing a 5/8 inch iron rebar found at a distance of 23.26 feet), a total distance of 24.00 feet to an iron pin set;

Thence crossing said 2.512 acre tract, the following courses and distances:

South 03° 31' 03" West, a distance of 130.00 feet to an iron pin set;

South 00° 32' 35" East, a distance of 39.17 feet to an iron pin set;

South 11° 34' 43" East, a distance of 53.75 feet to an iron pin set at a point of curvature;

With the arc of a curve to the left, having a central angle of 75° 31' 04", a radius of 55.00 feet, an arc length of 72.49 feet, a chord bearing of South 49° 20' 15" East and chord distance of 67.36 feet to an iron pin set at a point of tangency; and

South 87° 05' 47" East, a distance of 308.64 feet to an iron pin set in the easterly line of said 2.512 acre tract and the westerly line of that 3.0 acre tract conveyed to Alve E. Holley and Diana L. Holley, Co-Trustees, The Alve E. Holley and Diana L. Holley Revocable Living Trust,

EXHIBIT A

**PARCEL G42-WD
0.279 ACRE**

-2-

Dated the 19th day of December 2005 by deed of record in Instrument Number 200512220040519;

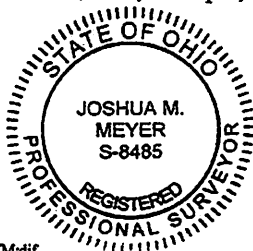
Thence South 03° 12' 50" West, across said Green Chapel Road NW and with the line common to said 2.512 and 3.0 acre tracts, a distance of 10.00 feet to a magnetic nail set at the southerly common corner thereof, in the centerline of said Green Chapel Road NW, the line common to said Townships 3 and 2 and a northerly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339;

Thence North 87° 05' 47" West, with the centerline of said Green Chapel Road NW, said common Township line, the southerly line of said 2.512 acre tract, and the northerly line of said 27.733 and 47.245 acre tracts (passing a 5/8 inch iron rebar found at a distance of 335.56 feet), a total distance of 403.17 feet to the POINT OF BEGINNING, containing 0.279 acre, more or less, all of which is within Auditor's Parcel Number 052-175056-00.000, 0.105 acre is within the present road occupied by said Green Chapel Road NW and 0.109 acre is within the present road occupied by said Clover Valley Road NW.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record. Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Green Chapel Road NW, having a bearing of North 87°05'47" West, is designated the "basis of bearings" for this survey.

This description is based on an actual field survey performed by or under the direct supervision of Joshua M. Meyer, Professional Surveyor Number 8485 in November and December, 2021, and April, 2022.



JMM:djf
G42-WD_0_279 ac 20220307-VS-BNDY.docx

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Joshua M. Meyer
Professional Surveyor No. 8485

10-13-2022

Date

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY: <u>BS</u>	
DATE: <u>10/17/22</u>	



SURVEY OF ACREAGE PARCEL

SECTION 23, TOWNSHIP 3, RANGE 15 UNITED STATES MILITARY DISTRICT TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

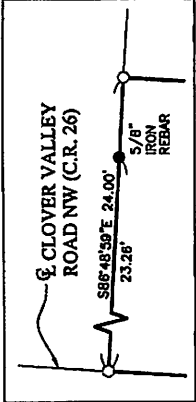
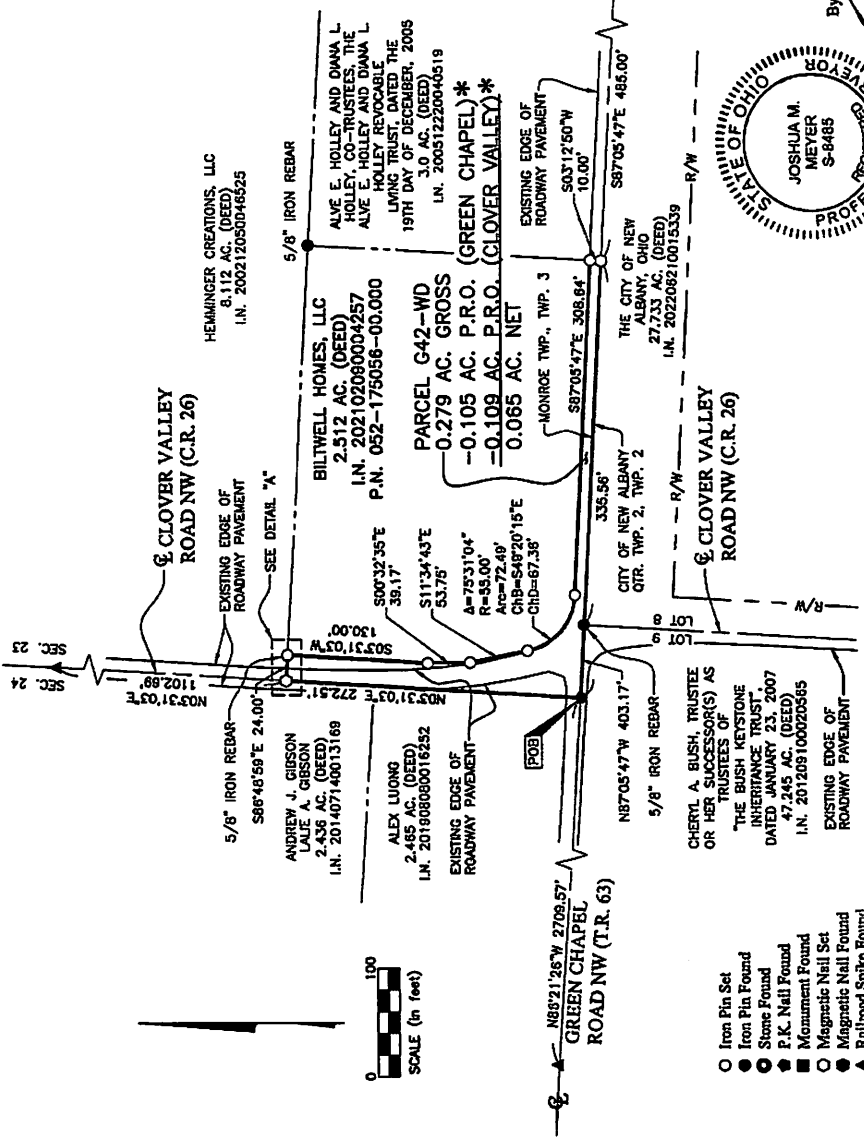
Date: October 13, 2022
 Scale: 1" = 100'
 Job No: 2022-0307
 Sheet No: 1 of 1

*** ROAD RIGHT OF WAY NOTES:**
 The existing right-of-way width for Clover Valley Road has not been specified. A Commissioner Road Folder was found for Clover Valley Road and it contained a "Public Road Petition" but neither a Resolution from the County Commissioners nor a Road Record for this portion of Clover Valley Road could be found in the Licking County Engineer's Office. The existing edge of roadway pavement was used to calculate the Present Road Occupied (P.R.O.) for this Road.

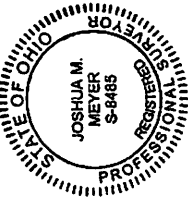
The existing right-of-way width for Green Chapel Road has not been specified since neither a Road Record nor a Commissioner Road Folder could be found in the Licking County Engineer's office. The existing edge of roadway pavement was used to calculate the Present Road Occupied (P.R.O.) for this Road.

BASIS OF BEARINGS:
 The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Green Chapel Road, having a bearing of North 87°05'47" West, is designated the "basis of bearings" for this survey.

SURVEY NOTE:
 This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey in November and December, 2021 and April, 2022.



DETAIL "A"
1"=1'



By: *Joshua M. Meyer*
 Joshua M. Meyer
 Professional Surveyor No. 8485
 jmeyer@emht.com
 Date: 10-13-2022

CHERYL A. BUSH, TRUSTEE
 OR HER SUCCESSOR(S) AS
 TRUSTEES OF
 "THE BUSH KEYSTONE
 INHERITANCE TRUST"
 DATED JANUARY 23, 2007
 47,245 AC. (DEED)
 I.N. 201208100020565
 EXISTING EDGE OF
 ROADWAY PAVEMENT

- Iron Pin Set
- Iron Pin Found
- Stone Found
- P.K. Nail Found
- Monument Found
- Magnetic Nail Set
- Magnetic Nail Found
- ▲ Railroad Spike Found

I.P. Set are 13/16" I.D. iron pipes
 30" long with cap inserted. EMHT INC.

Green Chapel Road from US-82 to Mink Street / G42-WD_20220307-VS-BNDY

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL G42-T1

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 052-175056-00.000

Prior Instrument References: Instrument Number 202102090004257, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Green Chapel Road, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL G42-T1
0.082 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Section 23, Township 3, Range 15, United States Military District, being on, over and across that 2.512 acre tract conveyed to Biltwell Homes, LLC by deed of record in Instrument Number 202102090004257 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Green Chapel Road NW, the line common to said Township 3 and Township 2 of said Range 15, at the southeasterly corner of said 2.512 acre tract and the southwesterly corner of that 3.0 acre tract conveyed to Alve E. Holley and Diana L. Holley, Co-Trustees, The Alve E. Holley and Diana L. Holley Revocable Living Trust, Dated the 19th day of December 2005 by deed of record in Instrument Number 200512220040519;

Thence North 03° 12' 50" East, across said Green Chapel Road NW and with the line common to said 2.512 and 3.0 acre tracts, a distance of 10.00 feet, to a point;

Thence North 87° 05' 47" West, across said 2.512 acre tract, a distance of 268.02 feet to the TRUE POINT OF BEGINNING;

Thence across said 2.512 acre tract, the following courses and distances:

North 87° 05' 47" West, a distance of 40.63 feet to a point of curvature;

With the arc of a curve to the right, having a central angle of 75° 31' 04", a radius of 55.00 feet, an arc length of 72.49 feet, a chord bearing of North 49° 20' 15" West and chord distance of 67.36 feet to a point of tangency;

North 11° 34' 43" West, a distance of 53.75 feet to a point;

North 00° 32' 35" West, a distance of 39.17 feet to a point;

North 03° 31' 03" East, a distance of 130.00 feet to a point in the northerly line of said 2.512 acre tract and in the southerly line of that 8.112 acre tract conveyed to Hemminger Creations, LLC by deed of record in Instrument Number 200212050046525;

South 01° 21' 58" East, a distance of 158.94 feet to a point;

South 18° 55' 38" East, a distance of 85.00 feet to a point;

South 57° 09' 34" East, a distance of 30.00 feet to a point;

South 87° 05' 47" East, a distance of 38.84 feet to a point; and

South 02° 54' 13" West, a distance of 10.00 feet to the TRUE POINT OF BEGINNING, containing 0.082 acre, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Heather L. King
Heather L. King
Professional Surveyor No. 8307

10/21/22
Date

HLK:djf
G42-T1_0_082 ac 20220307-VS-ESMT-TEMP.docx

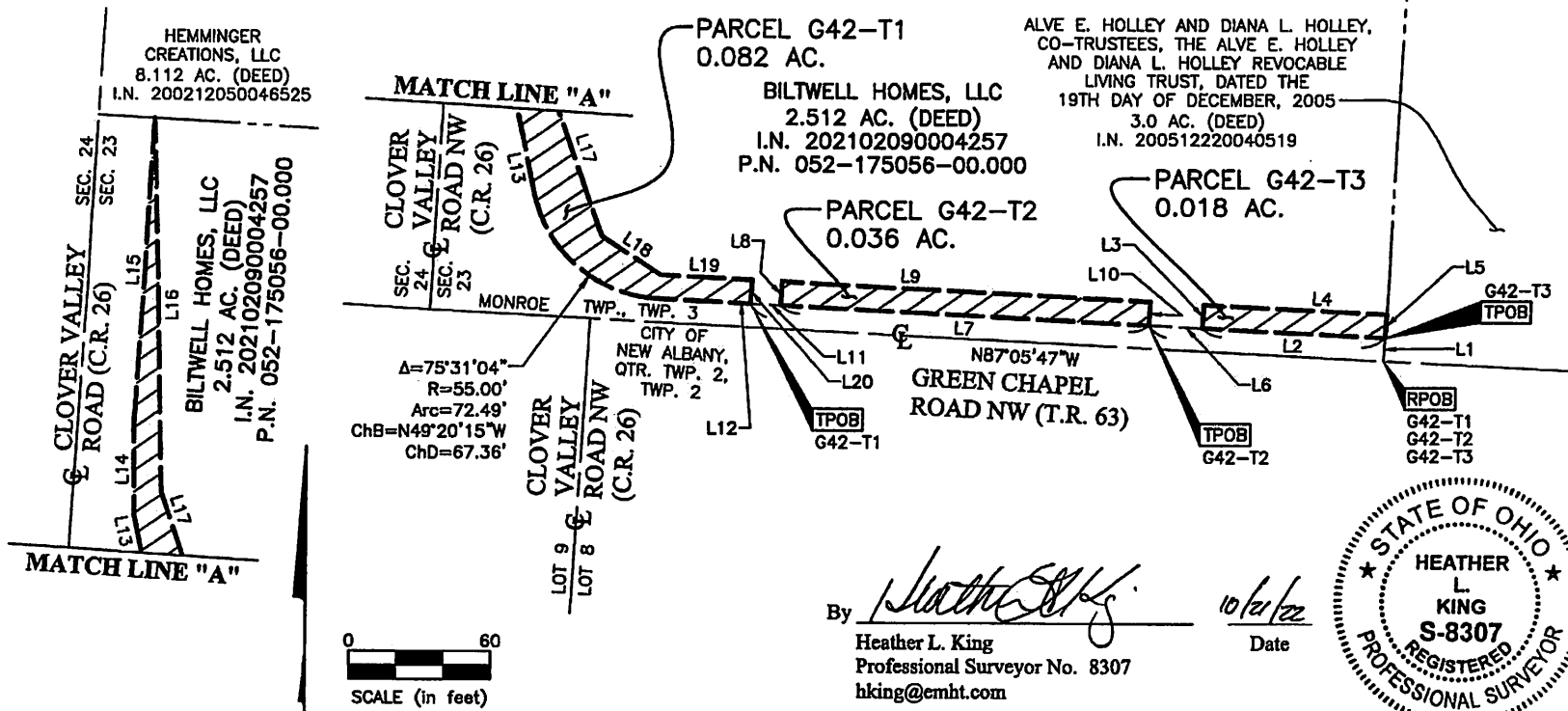


Evans, Mechtwor, Hambleton & Titon, Inc.
 Engineers - Surveyors - Planners - Scientists
 5500 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4500 Toll Free: 800.773.3448
 emht.com

TEMPORARY EASEMENTS

SECTION 23, TOWNSHIP 3, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date:	October 13, 2022
Scale:	1" = 60'
Job No:	2022-0307
Sheet No:	1 of 2



By Heather L. King Date 10/12/22
 Heather L. King
 Professional Surveyor No. 8307
 hking@emht.com



Ordinance O-54-2023 EXHIBIT 2

J:\20220307\DWG\04SHEETS\EASEMENTS\G42-T_20220307-VS-ESMT-TEMP.DWG plotted by FERROUSON, DAVID on 10/13/2022 8:16:33 AM last saved by DFERROUSON on 10/13/2022 8:16:30 AM



Evans, Meacham, Hamilton & Thron, Inc.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43254
 Phone 614.775.4500
 Fax 614.775.4500
 emht.com

TEMPORARY EASEMENTS
 SECTION 23, TOWNSHIP 3, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date: October 13, 2022
 Scale: 1" = N/A
 Job No: 2022-0307
 Sheet No: 2 of 2

LINE	BEARING	DISTANCE
L1	N03°12'50"E	10.00'
L2	N87°05'47"W	77.37'
L3	N02°54'13"E	10.00'
L4	S87°05'47"E	77.43'
L5	S03°12'50"W	10.00'
L6	N87°05'47"W	99.81'
L7	N87°05'47"W	155.52'
L8	N02°54'13"E	10.00'
L9	S87°05'47"E	155.52'
L10	S02°54'13"W	10.00'

LINE TABLE

LINE	BEARING	DISTANCE
L11	N87°05'47"W	268.02'
L12	N87°05'47"W	40.63'
L13	N11°34'43"W	53.75'
L14	N00°32'35"W	39.17'
L15	N03°31'03"E	130.00'
L16	S01°21'58"E	158.94'
L17	S18°55'38"E	85.00'
L18	S57°09'34"E	30.00'
L19	S87°05'47"E	38.84'
L20	S02°54'13"W	10.00'

LINE TABLE

\\20221007\ADMIN\ASHEETS\ASHEETS\042-L-20221007-VS-ESMT-TEMP.DWG plotted by FERUSON, DAVID on 10/13/2022 8:19:34 AM last saved by FERUSON on 10/13/2022 8:18:30 AM

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL G42-T2

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 052-175056-00.000

Prior Instrument References: Instrument Number 202102090004257, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Green Chapel Road, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL G42-T2
0.036 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Section 23, Township 3, Range 15, United States Military District, being on, over and across that 2.512 acre tract conveyed to Biltwell Homes, LLC by deed of record in Instrument Number 202102090004257 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Green Chapel Road NW, the line common to said Township 3 and Township 2 of said Range 15, at the southeasterly corner of said 2.512 acre tract and the southwesterly corner of that 3.0 acre tract conveyed to Alve E. Holley and Diana L. Holley, Co-Trustees, The Alve E. Holley and Diana L. Holley Revocable Living Trust, Dated the 19th day of December 2005 by deed of record in Instrument Number 200512220040519;

Thence North 03° 12' 50" East, across said Green Chapel Road NW and with the line common to said 2.512 and 3.0 acre tracts, a distance of 10.00 feet, to a point;

Thence North 87° 05' 47" West, across said 2.512 acre tract, a distance of 99.81 feet to the TRUE POINT OF BEGINNING;

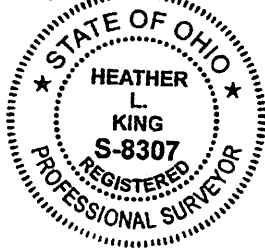
Thence across said 2.512 acre tract, the following courses and distances:

North 87° 05' 47" West, a distance of 155.52 feet to a point;

North 02° 54' 13" East, a distance of 10.00 feet to a point;

South 87° 05' 47" East, a distance of 155.52 feet to a point; and

South 02° 54' 13" West, a distance of 10.00 feet to the TRUE POINT OF BEGINNING, containing 0.036 acre, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Heather L. King
Heather L. King
Professional Surveyor No. 8307

10/21/22
Date

HLK:djf
G42-T2_0_036 ac 20220307-VS-ESMT-TEMP.docx

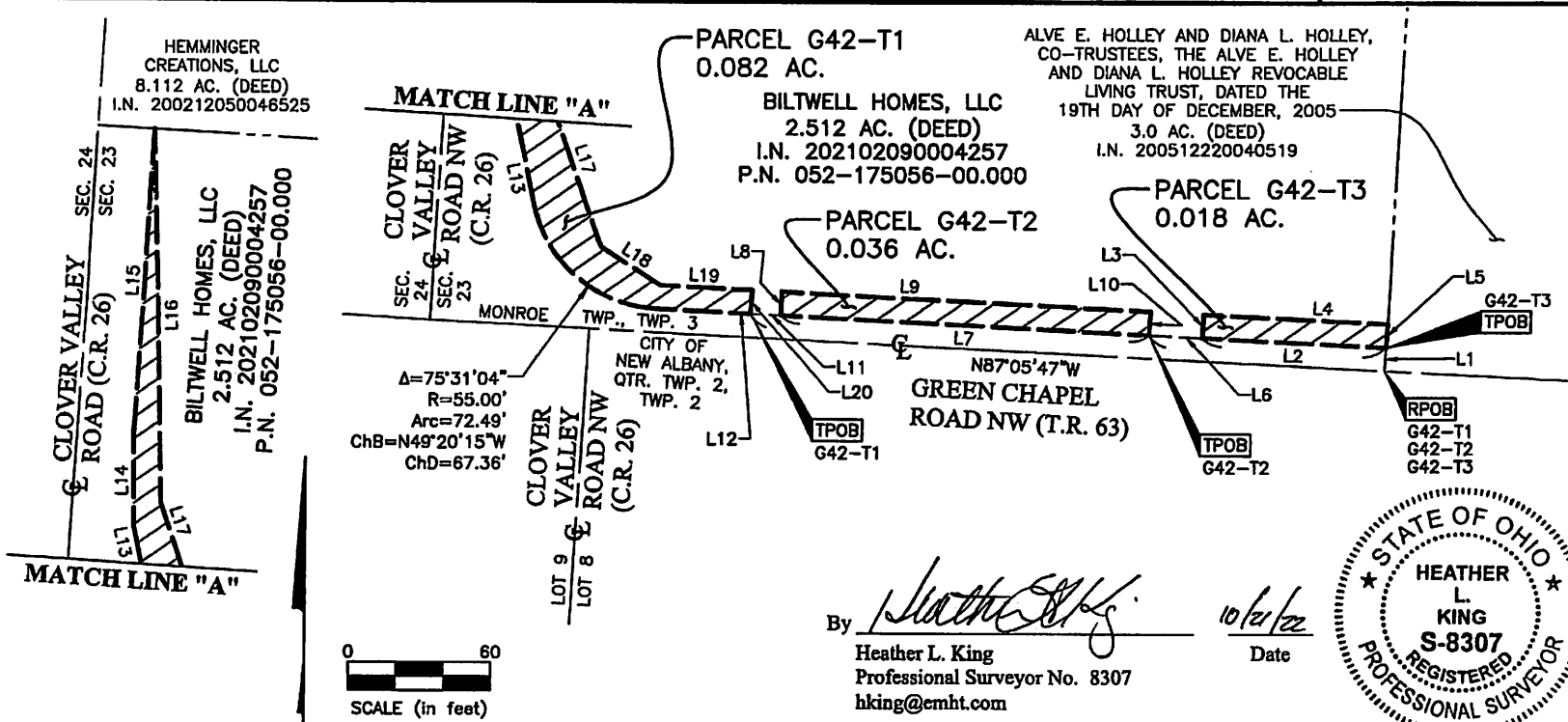


Evans, Mechwart, Hambleton & Tiron, Inc.
 Engineers - Surveyors - Planners - Scientists
 5500 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4500 Toll Free: 800.775.3648
 emht.com

TEMPORARY EASEMENTS

SECTION 23, TOWNSHIP 3, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date:	October 13, 2022
Scale:	1" = 60'
Job No:	2022-0307
Sheet No:	1 of 2



Ordinance O-54-2023 EXHIBIT 3



EVERS, MOCHWORTH, HORNBLISS & THORN, INC.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4500 Toll Free: 800.775.4648
 emht.com

TEMPORARY EASEMENTS
 SECTION 23, TOWNSHIP 3, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date: October 13, 2022
 Scale: 1" = N/A
 Job No: 2022-0307
 Sheet No: 2 of 2

LINE	BEARING	DISTANCE
L1	N03°12'50"E	10.00'
L2	N87°05'47"W	77.37'
L3	N02°54'13"E	10.00'
L4	S87°05'47"E	77.43'
L5	S03°12'50"W	10.00'
L6	N87°05'47"W	99.81'
L7	N87°05'47"W	155.52'
L8	N02°54'13"E	10.00'
L9	S87°05'47"E	155.52'
L10	S02°54'13"W	10.00'

LINE	BEARING	DISTANCE
L11	N87°05'47"W	268.02'
L12	N87°05'47"W	40.63'
L13	N11°34'43"W	53.75'
L14	N00°32'35"W	39.17'
L15	N03°31'03"E	130.00'
L16	S01°21'58"E	158.94'
L17	S18°55'38"E	85.00'
L18	S57°09'34"E	30.00'
L19	S87°05'47"E	38.84'
L20	S02°54'13"W	10.00'

**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL G42-T3

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 052-175056-00.000

Prior Instrument References: Instrument Number 202102090004257, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Green Chapel Road, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL G42-T3
0.018 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Section 23, Township 3, Range 15, United States Military District, being on, over and across that 2.512 acre tract conveyed to Biltwell Homes, LLC by deed of record in Instrument Number 202102090004257 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Green Chapel Road NW, the line common to said Township 3 and Township 2 of said Range 15, at the southeasterly corner of said 2.512 acre tract and the southwesterly corner of that 3.0 acre tract conveyed to Alve E. Holley and Diana L. Holley, Co-Trustees, The Alve E. Holley and Diana L. Holley Revocable Living Trust, Dated the 19th day of December 2005 by deed of record in Instrument Number 200512220040519;

Thence North 03° 12' 50" East, across said Green Chapel Road NW and with the line common to said 2.512 and 3.0 acre tracts, a distance of 10.00 feet to the TRUE POINT OF BEGINNING;

Thence across said 2.512 acre tract, the following courses and distances:

North 87° 05' 47" West, a distance of 77.37 feet to a point;

North 02° 54' 13" East, a distance of 10.00 feet to a point; and

South 87° 05' 47" East, a distance of 77.43 feet to a point in the line common to said 2.512 and 3.0 acre tracts;

Thence South 03° 12' 50" West, with said common line, a distance of 10.00 feet to the TRUE POINT OF BEGINNING, containing 0.018 acre, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Heather L. King
Heather L. King
Professional Surveyor No. 8307

10/21/22
Date

HLK:djf
G42-T3_0_018 ac 20220307-VS-ESMT-TEMP.docx



Evans, Mechtworl, Hambleton & Titon, Inc.
 Engineers - Surveyors - Planners - Scientists
 5500 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4500 Toll Free: 888.775.3648
 emht.com

TEMPORARY EASEMENTS

SECTION 23, TOWNSHIP 3, RANGE 15

UNITED STATES MILITARY DISTRICT

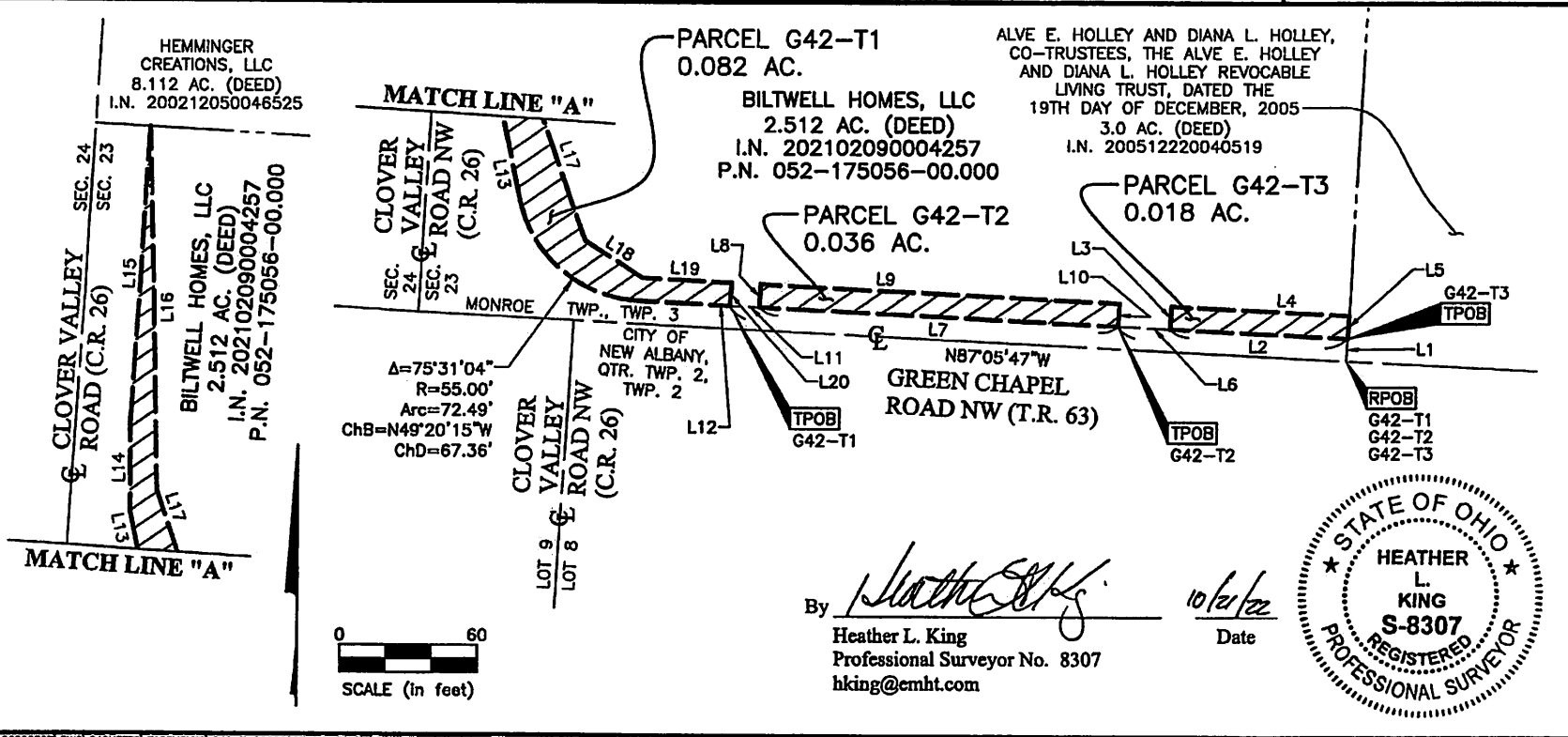
TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date: October 13, 2022

Scale: 1" = 60'

Job No: 2022-0307

Sheet No: 1 of 2



Ordinance O-54-2023 EXHIBIT 4

EASEMENT

PARCEL G42-S1

A perpetual non-exclusive easement granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to occupy for drainage, stormwater management, utilities and appurtenances necessary for the establishment, construction, reconstruction, widening, repair or maintenance and use of a public road (the “Project”) the following described real estate (“Easement Area”) and for other purposes described herein:

SEE EXHIBIT A ATTACHED

Licking County Current Tax Parcel No. 052-175056-00.000

Prior Instrument Reference: Instrument Number 202102090004257, Licking County, Ohio Recorder’s Office

The purpose of the easement is for drainage, stormwater management and utilities appurtenant to a public road, together with the right to construct, reconstruct, operate, maintain, repair, replace, and/or remove said drainage, stormwater and utility facilities that may be necessary or convenient for the providing of such drainage, stormwater and utility services, in, upon, across, over, under, and through the Easement Area, together with ingress and egress thereto. The City may assign this Easement to parties who may be responsible for the proper use, operation, and maintenance of the drainage, stormwater, utility and public roadway that required this Easement.

Upon completion of any construction of any drainage, stormwater and utilities in the Easement Area, the Easement Area will be graded, seeded or erosion control measures shall be installed and the Easement Area shall be returned as reasonably practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. The City shall restore the initial construction in the Easement Area in accordance with the roadway improvement plans and specifications on file at the Licking County Engineer’s Office.

The Owner shall not unreasonably interfere with the drainage, stormwater or utility easement or its purposes and shall not convey any other easement within the Easement Area; place any additional structures of a temporary or permanent type on, above, or under the Easement Area; add or remove any dirt, stone, fill, trees or other vegetation or materials within the Easement Area; or disturb or alter any slopes, drainage courses or water flows within the Easement Area. However, the Owner may continue to enjoy the use of said property for any purposes which do not interfere with or prevent the use of this Easement by the City including ingress and egress over said Easement not inconsistent with its intended use.

EXHIBIT A

**PARCEL G42-S1
0.003 ACRE**

EASEMENT

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Section 23, Township 3, Range 15, United States Military District, being on, over and across that 2.512 acre tract conveyed to Biltwell Homes, LLC by deed of record in Instrument Number 202102090004257 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Green Chapel Road NW, the line common to said Township 3 and Township 2 of said Range 15, at the southeasterly corner of said 2.512 acre tract and the southwesterly corner of that 3.0 acre tract conveyed to Alve E. Holley and Diana L. Holley, Co-Trustees, The Alve E. Holley and Diana L. Holley Revocable Living Trust, Dated the 19th day of December 2005 by deed of record in Instrument Number 200512220040519;

Thence North 03° 12' 50" East, across said Green Chapel Road NW and with the line common to said 2.512 and 3.0 acre tracts, a distance of 10.00 feet, to a point;

Thence North 87° 05' 47" West, across said 2.512 acre tract, a distance of 255.33 feet to the TRUE POINT OF BEGINNING;

Thence across said 2.512 acre tract, the following courses and distances:

North 87° 05' 47" West, a distance of 12.69 feet to a point;

North 02° 54' 13" East, a distance of 10.00 feet to a point;

South 87° 05' 47" East, a distance of 12.69 feet to a point; and

South 02° 54' 13" West, a distance of 10.00 feet to the TRUE POINT OF BEGINNING, containing 0.003 acre, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Heather L. King
Heather L. King
Professional Surveyor No. 8307

10/21/22
Date

HLK:djf
G42-S1_0_003 ac 20220307-VS-ESMT-DRAN.docx

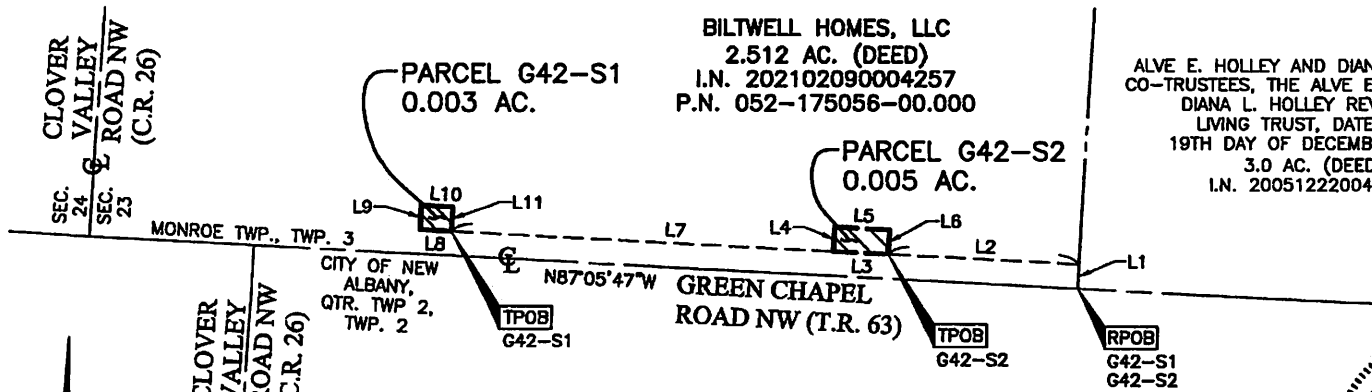


Evans, Mechwart, Hambleton & Thron, Inc.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4500 Toll Free: 888.775.3448
 emht.com

EASEMENTS

SECTION 23, TOWNSHIP 3, RANGE 15 UNITED STATES MILITARY DISTRICT TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date: October 13, 2022
 Scale: 1" = 60'
 Job No: 2022-0307
 Sheet No: 1 of 1



ALVE E. HOLLEY AND DIANA L. HOLLEY,
 CO-TRUSTEES, THE ALVE E. HOLLEY AND
 DIANA L. HOLLEY REVOCABLE
 LIVING TRUST, DATED THE
 19TH DAY OF DECEMBER, 2005
 3.0 AC. (DEED)
 I.N. 200512220040519

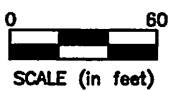
BILTWELL HOMES, LLC
 2.512 AC. (DEED)
 I.N. 202102090004257
 P.N. 052-175056-00.000

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N03°12'50"E	10.00'
L2	N87°05'47"W	77.37'
L3	N87°05'47"W	22.43'
L4	N02°54'13"E	10.00'
L5	S87°05'47"E	22.43'
L6	S02°54'13"W	10.00'

LINE TABLE		
LINE	BEARING	DISTANCE
L7	N87°05'47"W	255.33'
L8	N87°05'47"W	12.69'
L9	N02°54'13"E	10.00'
L10	S87°05'47"E	12.69'
L11	S02°54'13"W	10.00'



By Heather L. King 10/21/22
 Heather L. King
 Professional Surveyor No. 8307
 hking@emht.com
 Date



Ordinance O-54-2023 EXHIBIT 5

A:\2022\0307\DRAWINGS\SECTIONS\EASEMENTS\G42-S_20220307-VS-ESMT-DRAWING plotted by KING, HEATHER on 10/21/2022 1:21:36 PM last saved by KING on 10/21/2022 1:21:20 PM

EASEMENT

PARCEL G42-S2

A perpetual non-exclusive easement granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to occupy for drainage, stormwater management, utilities and appurtenances necessary for the establishment, construction, reconstruction, widening, repair or maintenance and use of a public road (the “Project”) the following described real estate (“Easement Area”) and for other purposes described herein:

SEE EXHIBIT A ATTACHED

Licking County Current Tax Parcel No. 052-175056-00.000

Prior Instrument Reference: Instrument Number 202102090004257, Licking County, Ohio Recorder’s Office

The purpose of the easement is for drainage, stormwater management and utilities appurtenant to a public road, together with the right to construct, reconstruct, operate, maintain, repair, replace, and/or remove said drainage, stormwater and utility facilities that may be necessary or convenient for the providing of such drainage, stormwater and utility services, in, upon, across, over, under, and through the Easement Area, together with ingress and egress thereto. The City may assign this Easement to parties who may be responsible for the proper use, operation, and maintenance of the drainage, stormwater, utility and public roadway that required this Easement.

Upon completion of any construction of any drainage, stormwater and utilities in the Easement Area, the Easement Area will be graded, seeded or erosion control measures shall be installed and the Easement Area shall be returned as reasonably practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. The City shall restore the initial construction in the Easement Area in accordance with the roadway improvement plans and specifications on file at the Licking County Engineer’s Office.

The Owner shall not unreasonably interfere with the drainage, stormwater or utility easement or its purposes and shall not convey any other easement within the Easement Area; place any additional structures of a temporary or permanent type on, above, or under the Easement Area; add or remove any dirt, stone, fill, trees or other vegetation or materials within the Easement Area; or disturb or alter any slopes, drainage courses or water flows within the Easement Area. However, the Owner may continue to enjoy the use of said property for any purposes which do not interfere with or prevent the use of this Easement by the City including ingress and egress over said Easement not inconsistent with its intended use.

EXHIBIT A

**PARCEL G42-S2
0.005 ACRE**

EASEMENT

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Section 23, Township 3, Range 15, United States Military District, being on, over and across that 2.512 acre tract conveyed to Biltwell Homes, LLC by deed of record in Instrument Number 202102090004257 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Green Chapel Road NW, the line common to said Township 3 and Township 2 of said Range 15, at the southeasterly corner of said 2.512 acre tract and the southwesterly corner of that 3.0 acre tract conveyed to Alve E. Holley and Diana L. Holley, Co-Trustees, The Alve E. Holley and Diana L. Holley Revocable Living Trust, Dated the 19th day of December 2005 by deed of record in Instrument Number 200512220040519;

Thence North 03° 12' 50" East, across said Green Chapel Road NW and with the line common to said 2.512 and 3.0 acre tracts, a distance of 10.00 feet, to a point;

Thence North 87° 05' 47" West, across said 2.512 acre tract, a distance of 77.37 feet to the TRUE POINT OF BEGINNING;

Thence across said 2.512 acre tract, the following courses and distances:

North 87° 05' 47" West, a distance of 22.43 feet to a point;

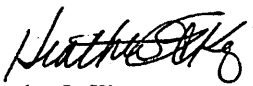
North 02° 54' 13" East, a distance of 10.00 feet to a point;

South 87° 05' 47" East, a distance of 22.43 feet to a point; and

South 02° 54' 13" West, a distance of 10.00 feet to the TRUE POINT OF BEGINNING, containing 0.005 acre, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.


Heather L. King
Professional Surveyor No. 8307

10/21/22
Date

HLK:djf
G42-S2_0_005 ac 20220307-VS-ESMT-DRAN.docx

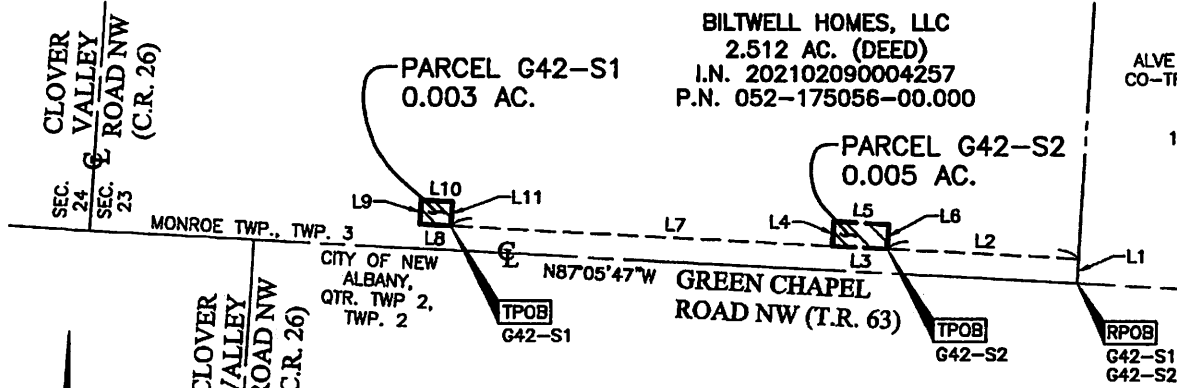


Evans, Mechwart, Hambleton & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43254
 Phone: 614.775.4500 Toll Free: 888.775.3648
 emht.com

EASEMENTS

SECTION 23, TOWNSHIP 3, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date: October 13, 2022
 Scale: 1" = 60'
 Job No: 2022-0307
 Sheet No: 1 of 1



CITY OF NEW ALBANY,
 QTR. TWP. 2,
 TWP. 2

ALVE E. HOLLEY AND DIANA L. HOLLEY,
 CO-TRUSTEES, THE ALVE E. HOLLEY AND
 DIANA L. HOLLEY REVOCABLE
 LIVING TRUST, DATED THE
 19TH DAY OF DECEMBER, 2005
 3.0 AC. (DEED)
 I.N. 200512220040519



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N03°12'50"E	10.00'
L2	N87°05'47"W	77.37'
L3	N87°05'47"W	22.43'
L4	N02°54'13"E	10.00'
L5	S87°05'47"E	22.43'
L6	S02°54'13"W	10.00'

LINE TABLE		
LINE	BEARING	DISTANCE
L7	N87°05'47"W	255.33'
L8	N87°05'47"W	12.69'
L9	N02°54'13"E	10.00'
L10	S87°05'47"E	12.69'
L11	S02°54'13"W	10.00'



By Heather L. King 10/21/22
 Heather L. King
 Professional Surveyor No. 8307
 hking@emht.com
 Date

Ordinance O-54-2023 EXHIBIT 6



ORDINANCE O-55-2023

AN ORDINANCE TO APPROPRIATE PROPERTY FROM THE OWNERS, LAUREN MCCUEN AND JOSHUA WESTFALL, OF THE PROPERTY LOCATED AT 11820 GREEN CHAPEL ROAD IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE GREEN CHAPEL ROAD PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Green Chapel Road Project (the “Project”), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Green Chapel Road and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibits, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-42-2022 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owners have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public ; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property from its owners, Lauren McCuen and Joshua Westfall, for the property located at 11820 Green Chapel Road, for the public purpose of making, repairing, improving and constructing Green Chapel Road and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described as depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel G51-WD).

Section 2. That Council hereby fixes the value of all the interests appropriated at Eight Thousand Four Hundred Two Dollars (\$8,402.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owners of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owners of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owners to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.

Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. 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 Ohio Revised Code Section 121.22.

Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this 21 day of March, 2023.

Attest:



Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:	
Prepared:	02/24/2023
Introduced:	03/07/2023
Revised:	
Adopted:	03/21/2023
Effective:	03/21/2023

EXHIBIT A

**PARCEL G51-WD
0.092 ACRE**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Section 23, Township 3, Range 15, United States Military District, being out of that 5.654 acre tract conveyed to Lauren Mccuen and Joshua Westfall by deed of record in Instrument Number 201908090016315 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

BEGINNING at a magnetic nail set in the centerline of Green Chapel Road NW (Township Road 63) at the southerly common corner of said Section 23 and Lot 7 (First Range of Lots), of Quarter Township 4, Township 3, in the northerly line of Lot 8, Quarter Township 2, Township 2, said Range 15, the southeasterly corner of said 5.654 acre tract, the southwesterly corner of that 6.232 acre tract conveyed to Timothy K. Burke and Alita Ann Mercer Burke by deed of record in Instrument Number 202208190020456, in the northerly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339;

Thence North 87° 01' 59" West, with said Green Chapel Road NW centerline, the line common to said Townships 3 and 2, the southerly line of said 5.654 acre tract, the northerly line of said 27.733 acre tract, a distance of 180.12 feet to a magnetic nail set at the southwesterly corner of said 5.654 acre tract, the southeasterly corner of that 5.63 acre tract conveyed to Andrea J. Ford by deed of record in Instrument Number 200505230015205;

Thence North 02° 58' 52" East, across said Green Chapel Road NW, with the line common to said 5.654 and 5.63 acre tracts, a distance of 19.86 feet to an iron pin set;

Thence across said 5.654 acre tract, the following courses and distances:

South 86° 49' 42" East, a distance of 66.05 feet to an iron pin set at a point of curvature;
and

With the arc of a curve to the left, having a central angle of 13° 01' 33", a radius of 506.00 feet, an arc length of 115.04 feet, a chord bearing of North 86° 39' 31" East and chord distance of 114.79 feet to an iron pin set in the line common to said 5.654 and 6.232 acre tracts, the line common to said Section 23 and said Lot 7;

Thence South 03° 00' 43" West, with said common line, across said Green Chapel Road NW (passing a 3/4 inch iron pipe found at a distance of 12.28 feet), a total distance of 32.23 feet to the POINT OF BEGINNING, containing 0.092 acre, more or less, all of which is within Auditor's Parcel Number 052-173646-00.007 and 0.044 acre of which is within the present road occupied.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

EXHIBIT A

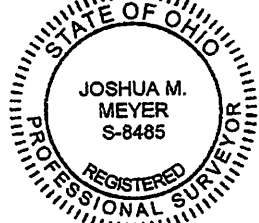
**PARCEL G51-WD
0.092 ACRE**

-2-

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Green Chapel Road NW, having a bearing of North 87° 01' 59" West, is designated the "basis of bearings" for this survey.

This description is based on an actual field survey performed by or under the direct supervision of Joshua M. Meyer, Professional Surveyor Number 8485 in November and December, 2021, and April, 2022.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

11-3-2022

Joshua M. Meyer
Professional Surveyor No. 8485

Date

JMM:djf
G51-WD_0_092 ac 20220307-VS-BNDY.docx

PRE-APPROVAL LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY:	BS
DATE:	11/9/22

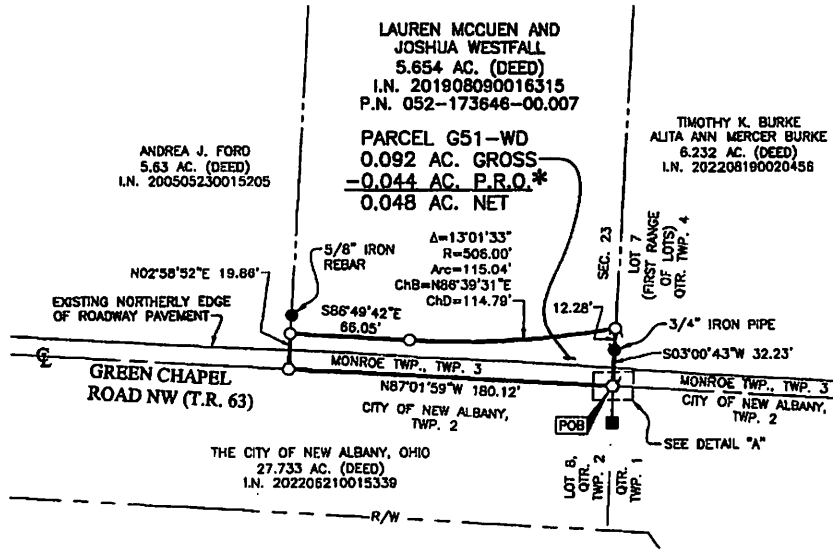


Evans, MacFewart, Hertzler & Tolan, Inc.
 Engineers • Surveyors • Planners • Scientists
 680 New Albany Road, Columbus, OH 43254
 Phone: 614.773.4300 Fax: 614.773.3668
 emht.com

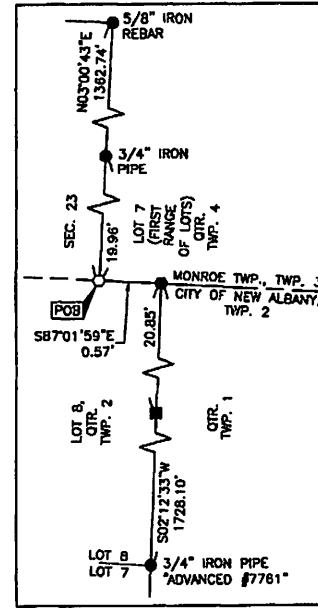
SURVEY OF ACREAGE PARCEL

SECTION 23, TOWNSHIP 3, RANGE 15 UNITED STATES MILITARY DISTRICT TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date:	November 3, 2022
Scale:	1" = 60'
Job No:	2022-0307
Sheet No:	1 of 1



*** ROAD RIGHT OF WAY NOTES:**
 The existing right-of-way width for Green Chapel Road has not been specified since neither a Road Record nor a Commissioner Road Folder could be found in the Licking County Engineer's office. The existing edge of roadway pavement was used to calculate the Present Road Occupied (P.R.O.) for this Road.



DETAIL "A"
N.T.S.

- Iron Pin Set
- Iron Pin Found
- Stone Found
- P.K. Nail Found
- Fence Post Found
- Magnetic Nail Set
- Magnetic Nail Found
- ▲ Railroad Spike Found

I.P. Set arc 13/16" I.D. Iron pipes
 30" long with cap inscribed EMHT INC.



BASIS OF BEARINGS:
 The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Green Chapel Road NW, having a bearing of North 87°01'59" West, is designated the "basis of bearings" for this survey.

SURVEY NOTE:
 This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey in November and December, 2021 and April, 2022.

By Joshua M. Meyer
 Joshua M. Meyer
 Professional Surveyor No. 8485
 jmeyer@emht.com

11-3-2022
 Date



Ordinance O-55-2023 EXHIBIT 1



ORDINANCE O-56-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNERS, TIMOTHY K. BURKE AND ALITA ANN MERCER BURKE, OF THE PROPERTY LOCATED AT 11798 GREEN CHAPEL ROAD IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE GREEN CHAPEL ROAD PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

WHEREAS, the City of New Albany is preparing to construct the Green Chapel Road Project (the “Project”), a public roadway construction and improvement project in Licking County, Ohio in the area where Intel Corporation is in the process of constructing a \$20 billion+ semiconductor and chip manufacturing project in the City, which Project is necessary and essential for a public purpose to improve public roads and accommodate the increase in of traffic in the area; and

WHEREAS, the Project includes the making, repairing, widening, improving, and construction of Green Chapel Road and its intersecting roadways which roadways are, will be and will remain open to the public without charge; and

WHEREAS, the roadways and the Project will require the City of New Albany to obtain the premises described herein and on the attached Exhibits, which is located in Licking County, Ohio; and

WHEREAS, a Resolution of intent was previously adopted by Council in Resolution No. R-3-2023 and said Resolution was served according to law and return of service has been made; and

WHEREAS, the requirements of Ohio Revised Code Section 163.04 have been met and the City and the owners have been unable to agree on a conveyance or the terms of a conveyance; and

WHEREAS, it is in the interest of the City of New Albany, and the general interest of the community, traveling public and region to facilitate the Project and opportunities the development will bring to the City, townships, Licking County, region and entire State of Ohio, to immediately provide more effective streets and roads in the area for the development and traveling public; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be effective immediately upon adoption to meet the required public road and infrastructure improvement deadlines for the support, receipt of funding for and development of the Project and the construction and timely commencement of the construction of the Project and the domestic semiconductor manufacturing operations, including federal, state, and city funding requirements, contracts and support obligations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, with the affirmative vote of at least two-thirds of all members elected thereto, that:

Section 1. The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easement from its owners, Timothy K. Burke and Alita Ann Mercer Burke, for the property located at 11798 Green Chapel Road, for the public purpose of making, repairing, improving and constructing Green Chapel Road and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described as depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel G52-WD).
- B. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 2 (Project Parcel G52-T).

Section 2. That Council hereby fixes the value of all the interests appropriated at Forty-seven Thousand Three Hundred Fifty-seven Dollars (\$47,357.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owners of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

Section 3. That Council finds that the appropriation is a public exigency necessary for the stated public purposes, that the City has been unable to agree with the owners of the property on the terms of a conveyance and the other requirements of Ohio Revised Code Section 163.04 have been met, and that the City intends to obtain immediate possession of the property.

Section 4. That the City Law Director or his designee is directed to proceed with the appropriation and is hereby authorized to file a petition for appropriation in the Licking County Common Pleas Court, to have a jury impaneled to assess the compensation to be paid for the real estate herein described above.

Section 5. That Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council or other appropriate officers and designees of the City to take any other actions as may be appropriate to implement this Ordinance, including the authority to reach a reasonable administrative resolution with the property owners to acquire the property interest in an amount greater than the appraised value and accept and record instruments of conveyance and all other documents necessary to carry out the terms and intent of this Ordinance. Should the City reach a reasonable administrative resolution at an amount greater than the appraised value, no further legislation is required.


Section 6: For the reasons stated in the preamble and herein, council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 7. 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 Ohio Revised Code Section 121.22.

Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this 21 day of March, 2023.

Attest:



Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared:	02/24/2023
Introduced:	03/07/2023
Revised:	
Adopted:	03/21/2023
Effective:	03/21/2023

EXHIBIT A

**PARCEL G52-WD
0.319 ACRE**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
FOR PUBLIC HIGHWAY, STREET AND ROADWAY PURPOSES
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Grantor/Owner, for his/its heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Lot 7 (First Range of Lots), Quarter Township 4, Township 3, Range 15, United States Military District, being out of that 6.232 acre tract conveyed to Timothy K. Burke and Alita Ann Mercer Burke by deed of record in Instrument Number 202208190020456 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

BEGINNING at a magnetic nail set in the centerline of Green Chapel Road NW (Township Road 63) at the southerly common corner of said Lot 7 and Section 23 of said Township 3, in the northerly line of Lot 8, Quarter Township 2, Township 2 of said Range 15, the southwesterly corner of said 6.232 acre tract, the southeasterly corner of that 5.654 acre tract conveyed to Lauren McCuen and Joshua Westfall by deed of record in Instrument Number 201908090016315, in the northerly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339;

Thence North 03° 00' 43" East, across said Green Chapel Road NW, with the line common to said 6.232 and 5.654 acre tracts (passing a 3/4 inch iron pipe found at a distance of 19.96 feet), a total distance of 32.23 feet to an iron pin set on the arc of a curve;

Thence across said 6.232 acre tract, the following courses and distances:

With the arc of a curve to the left, having a central angle of 11° 28' 15", a radius of 506.00 feet, an arc length of 101.30 feet, a chord bearing of North 74° 24' 36" East and chord distance of 101.13 feet to an iron pin set at a point of reverse curvature;

With the arc of a curve to the right, having a central angle of 58° 34' 32", a radius of 105.00 feet, an arc length of 107.35 feet, a chord bearing of South 82° 02' 15" East and chord distance of 102.73 feet to an iron pin set at a point of tangency;

South 52° 44' 59" East, a distance of 55.78 feet to an iron pin set at a point of curvature;

With the arc of a curve to the left, having a central angle of 06° 53' 12", a radius of 87.00 feet, an arc length of 10.46 feet, a chord bearing of South 56° 11' 35" East and chord distance of 10.45 feet to an iron pin set; and

South 86° 44' 16" East, a distance of 8.54 feet to a 3/4 inch iron pipe capped "R/W SURVEY" found in the easterly line of said 6.232 acre tract, the westerly line of that 6.790 acre tract conveyed to Stephanie R. Trathen and Brandon J. Trathen by deed of record in Instrument Number 201504140006854;

Thence South 03° 01' 03" West, with the line common to said 6.232 and 6.790 acre tracts and across said Green Chapel Road NW, a distance of 20.00 feet to a railroad spike found at the southerly common corner thereof, in the centerline of said Green Chapel Road NW, the southerly

EXHIBIT A

**PARCEL G52-WD
0.319 ACRE**

-2-

line of said Township 3, the northerly line of Quarter Township 1, said Township 2, the northerly line of said 27.733 acre tract;

Thence North 86° 44' 16" West, with said Green Chapel Road NW centerline, the southerly line of said 6.232 acre tract, the line common to said Townships 3 and 2, said northerly line, a distance of 261.26 feet to a magnetic nail found at the northerly common corner of said Lot 8 and Quarter Township 1;

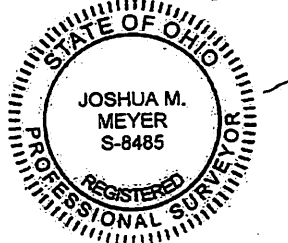
Thence North 87° 01' 59" West, with said Green Chapel Road NW centerline, said common Township line, the southerly line of said 6.232 acre tract and said northerly line, a distance of 0.57 feet to the POINT OF BEGINNING, containing 0.319 acre, more or less, all of which is within Auditor's Parcel Number 052-172710-00.000 and 0.057 acre of which is within the present road occupied.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Green Chapel Road NW, having a bearing of North 86° 44' 16" West, is designated the "basis of bearings" for this survey.

This description is based on an actual field survey performed by or under the direct supervision of Joshua M. Meyer, Professional Surveyor Number 8485 in November and December, 2021, and April, 2022.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Joshua M. Meyer
Professional Surveyor No. 8485

11-3-2022

Date

JMM:djt
G52-WD_0_319 ac 20220307-VS-ENDY.docx

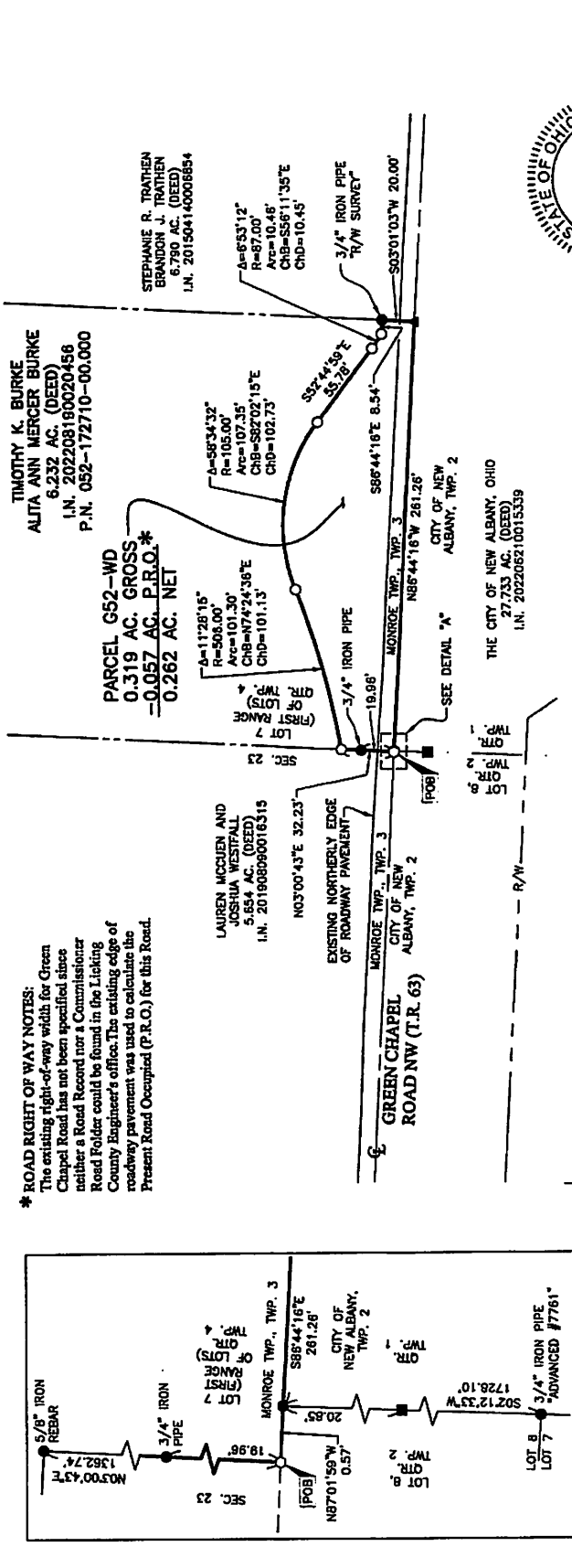
PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY:	<i>BS</i>
DATE:	<i>11/15/22</i>

Date: November 3, 2022
 Scale: 1" = 60'
 Job No: 2022-0307
 Sheet No: 1 of 1

SURVEY OF ACREAGE PARCEL

LOT 7 (FIRST RANGE OF LOTS), QUARTER TOWNSHIP 4, TOWNSHIP 3, RANGE 15 UNITED STATES MILITARY DISTRICT TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

EMHIT
 ENGINEERS
 2000 West 10th Street, Columbus, OH 43204
 Phone 614.776.4333 Fax 614.776.4334
 Email info@emhit.com



*** ROAD RIGHT OF WAY NOTES:**
 The existing right-of-way width for Green Chapel Road has not been specified since neither a Road Record nor a Commissioner Road Folder could be found in the Licking County Engineer's office. The existing edge of roadway pavement was used to calculate the Present Road Occupied (P.R.O.) for this Road.

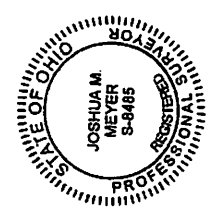
BASIS OF BEARINGS:
 The bearings shown hereon are based on the Ohio State Plane Coordinates System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Green Chapel Road NW, having a bearing of North 86°44'16" West, is designated the "basis of bearings" for this survey.

SURVEY NOTE:
 This survey was prepared using documents of record, prior plans of survey, and observed evidence located by an actual field survey in November and December, 2021 and April, 2022.

- Iron Pin Set
 - Iron Pin Found
 - Stone Found
 - P.K. Nail Found
 - Fence Post Found
 - Magnetic Nail Set
 - Magnetic Nail Found
 - ▲ Railroad Spike Found
- I.P. Set are 1 1/2" I.D. iron pipes
 30" long with cap inscribed EMHIT INC.



DETAIL "A"
 N.T.S.



By: *Joshua M. Meyer*
 Joshua M. Meyer
 Professional Surveyor No. 8485
 jmeyer@emhit.com

Date: 11-3-2022



**TEMPORARY RIGHT-OF-WAY EASEMENT
FOR A PUBLIC IMPROVEMENT
WITHOUT OF LIMITATION OF ACCESS**

PARCEL G52-T

Temporary easements granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to exclusively occupy and use for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto (the “Project”) the following described real estate (“Easement Area”):

SEE EXHIBIT A ATTACHED

Licking County, Ohio Current Tax Parcel No. 05217271000.000

Prior Instrument Reference: Instrument #202208190020456, Licking County Recorder’s Office.

The temporary easement is for the purposes of: (a) constructing, installing, reconstructing, widening, replacing, removing, repairing, maintaining, and performing all work necessary to complete the Project and improvements of certain portions of Mink Street, with access to the Owner’s adjacent property to be maintained during the term of this temporary easement, in accordance with the plans and specifications on file at the Licking County Engineer’s office (the “Improvements”); (b) ingress and egress to and from Owner’s adjoining parcels; (c) to enter upon the above described land with necessary equipment and use said land during the period of the temporary easement; (d) grading, seeding, drainage, relocation and/or maintenance work necessary for the Project and Improvements; and (e) restoration of the Easement Area as provided below.

The duration of this temporary easement is twenty-four (24) months. The period of the temporary easement shall begin immediately following the date on which the work on the Project and Improvements described above is first commenced by or on behalf of the City or its duly authorized employees, contractors, permittees, designees, agents, successors and assigns and possession is taken of the Easement Area for Project related work for the construction of the Improvements. The easement shall terminate upon completion of the required work in accordance with the plans and specifications for the Project prepared for the City (the “Period”) or twenty-four (24) months from commencement, whichever first occurs. The Project shall be deemed completed upon inspection and acceptance of the Improvements by the City of New Albany or its authorized agent.

On termination, and without regard to enhancements or appurtenance installed by Owner, the Easement Area will be returned as nearly as practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. During the existence of this easement, the Owner, its heirs, successors and assigns shall not take or permit any action that interferes with the City’s temporary use inconsistent with the rights retained herein.

EXHIBIT A

**PARCEL G52-T
0.043 ACRE**

**TEMPORARY EASEMENT
WITHOUT LIMITATION OF ACCESS**

An exclusive temporary easement for the establishment, construction, reconstruction, widening, repair or maintenance of a public road and appurtenances thereto, including, but not limited to any grading, seeding, drainage, relocation and/or maintenance work deemed necessary by the City of New Albany and/or Licking County, Ohio, their successors and assigns, with access to Grantor's Property to be maintained during the term of this temporary easement.

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Lot 7 (First Range of Lots), Quarter Township 4, Township 3, Range 15, United States Military District, being on, over and across that 6.232 acre tract conveyed to Timothy K. Burke and Alita Ann Mercer Burke by deed of record in Instrument Number 202208190020456 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Green Chapel Road NW (Township Road 63), at the southeasterly corner of said 6.232 acre tract, the southwesterly corner of that 6.790 acre tract conveyed to Stephanie R. Trathen and Brandon J. Trathen by deed of record in Instrument Number 201504140006854, in the southerly line of said Township 3, the northerly line of Quarter Township 1, Township 2 of said Range 15, the northerly line of that 27.733 acre tract conveyed to The City of New Albany by deed of record in Instrument Number 202206210015339;

Thence North 86° 44' 16" West, with said centerline, the line common to said 6.232 and 27.733 acre tracts, the line common to said Townships 3 and 2, a distance of 107.65 feet to a point;

Thence across said 6.232 acre tract, the following courses and distances:

North 03° 15' 44" East, a distance of 73.37 feet to a point on the arc of a curve, being the TRUE POINT OF BEGINNING;

With the arc of a curve to the left, having a central angle of 27° 40' 59", a radius of 105.00 feet, an arc length of 50.73 feet, a chord bearing of South 87° 35' 26" West and chord distance of 50.24 feet to a point;

North 03° 43' 11" East, a distance of 41.60 feet to a point;

South 86° 44' 16" East, a distance of 50.00 feet to a point; and

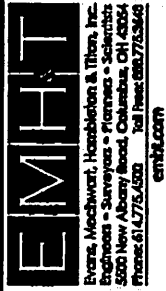
South 03° 47' 29" West, a distance of 36.64 feet to the TRUE POINT OF BEGINNING, containing 0.043 acre, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Heather L. King
Heather L. King
Professional Surveyor No. 8307

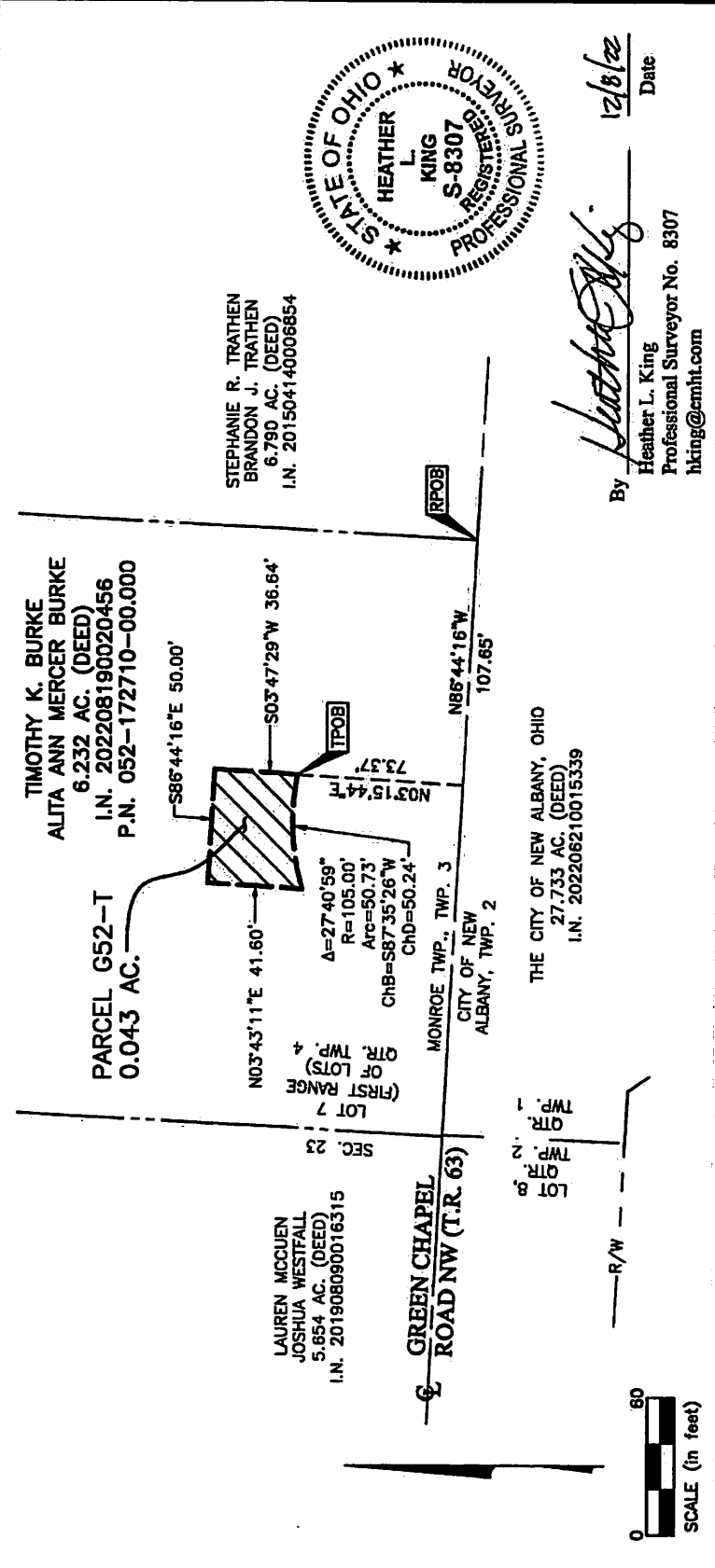
12/8/22
Date



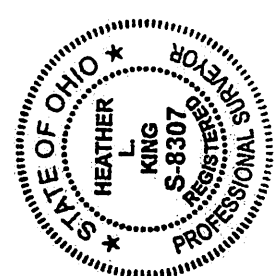
Date: November 28, 2022
 Scale: 1" = 60'
 Job No: 2022-0307
 Sheet No: 1 of 1

TEMPORARY EASEMENT

LOT 7 (FIRST RANGE OF LOTS), QUARTER TOWNSHIP 4, TOWNSHIP 3, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO



STEPHANIE R. TRATHEN
 BRANDON J. TRATHEN
 6.790 AC. (DEED)
 I.N. 201504140006854



By: *Heather L. King*
 Heather L. King
 Professional Surveyor No. 8307
 hking@cmht.com
 Date: 12/8/22



C:\Users\cmht\OneDrive\Documents\G52-T\G52-T.dwg plotted by FERGUSON, DBOB on 11/28/2022 8:16:45 AM last saved by FERGUSON on 11/28/2022 8:16:45 AM