



ORDINANCE O-19-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNER, ROBERT MYERS, OF THE PROPERTY LOCATED AT 3082 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, Robert Myers, for the property located at 3082 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 M61-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 M61-T).

Section 2. That Council hereby fixes the value of all the property and interests appropriated at Thirty-six Thousand Two Hundred Sixty-two Dollars (\$36,262.00), 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 second reading and 30-day 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.

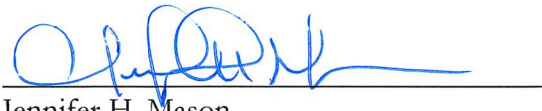
Section 8. Pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon its adoption.

CERTIFIED AS ADOPTED this 7 day of March, 2023.

Attest:

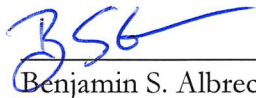


Sloan T. Spalding
Mayor



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 M61-WD
0.335 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 Lots 12 and 13, Middle Division of the Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being part of that 5.180 acre tract conveyed to Robert Myers by deed of record in Official 220, Page 802 (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 436.95 feet to a magnetic nail set at the southwesterly corner of said 5.180 acre tract, the northwesterly corner of that 5.574 acre tract conveyed to Kitty I. Guinsler by deed of record in Instrument Number 201012160025965, in the easterly 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, the TRUE POINT OF BEGINNING; and

North 27° 47' 52" East, with the centerline of said Mink Street NW, with the westerly line of said 5.180 acre tract, and the easterly lines of said 11.865 acre tract and that 1.663 acre tract conveyed to Anthony Verdone and Wendy Verdone by deed of record in Instrument Number 200503100007065, a distance of 209.25 feet to a magnetic nail set at the westerly common corner of said 5.180 acre tract and 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 86° 43' 19" East, with the line common to said 5.180 acre tract, and partly across the right of way of said Mink Street, (passing a bent 5/8 inch Iron Rebar found at a distance of 31.58 feet) a total distance of 74.67 feet to an iron pin set;

Thence across said 5.180 acre tract, the following courses and distances:

with the arc of a curve to the right, having a central angle of 03° 27' 56", a radius of 1062.00 feet, an arc length of 64.24 feet, a chord bearing of South 26° 00' 31" West and chord distance of 64.23 feet to an iron pin set at a point of tangency;

South 27° 44' 29" West, a distance of 125.66 feet to an iron pin set at a point of curvature; and

EXHIBIT A

**PARCEL M61-WD
0.335 ACRE**

-2-

with the arc of a curve to the right, having a central angle of 00° 59' 51", a radius of 1062.00 feet, an arc length of 18.49 feet, a chord bearing of South 28° 14' 25" West and chord distance of 18.49 feet to an iron pin set in the line common to said 5.180 and 5.574 acre tracts;

Thence North 86° 43' 12" West, with said common line, a distance of 76.85 feet to the TRUE POINT OF BEGINNING, containing 0.335 acre, more or less, all of which is within Auditor's Parcel Number 037-112152-00.006 and 0.144 acre of which 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 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
M61-WD_0_335 ac 20220233-VS-BNDY.docx

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Joshua M. Meyer
Professional Surveyor No. 8485

10-17-2022

Date

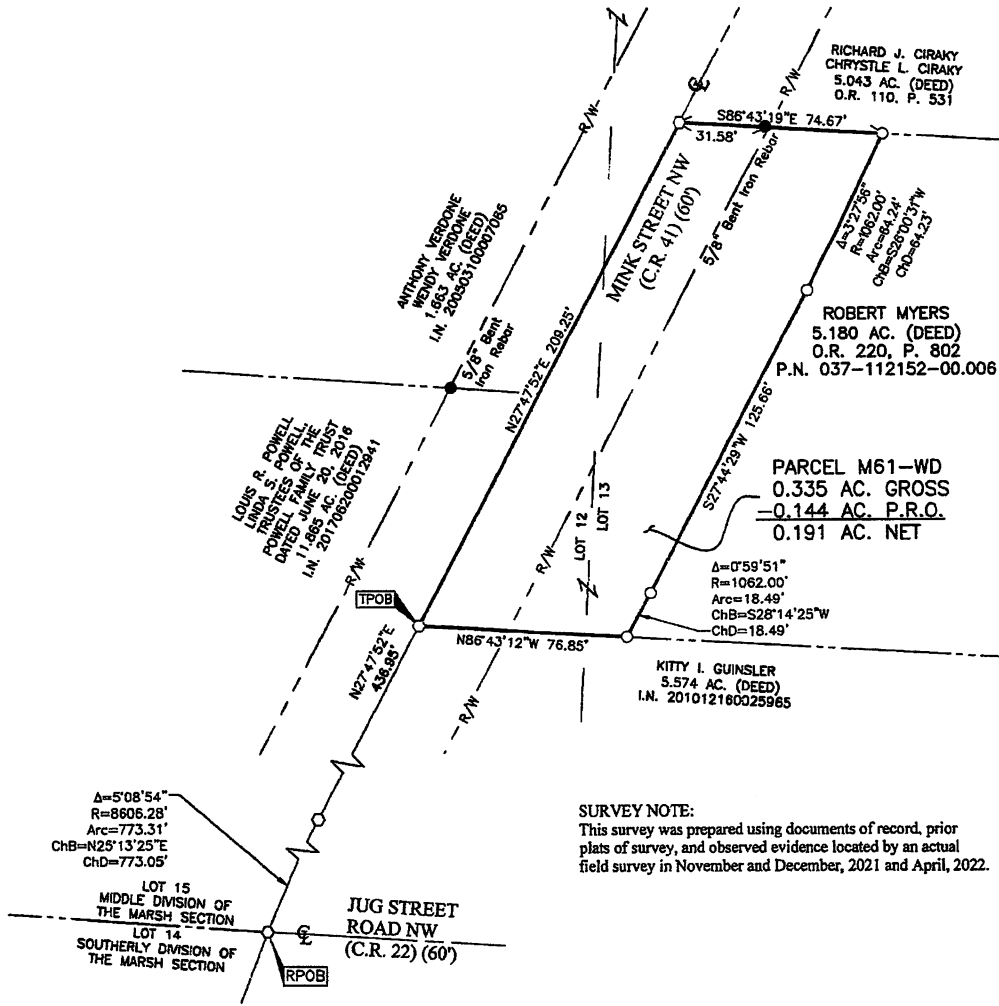
PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED	CONDITIONAL
<input checked="" type="checkbox"/>	<input type="checkbox"/>
APPROVED BY:	BS
DATE:	10/25/22



Evans, Mechwart, Hambleton & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4500 Fax: 614.775.3648
 emht.com

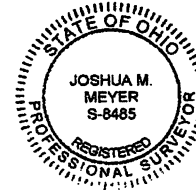
SURVEY OF ACREAGE PARCEL
LOTS 12 & 13, MIDDLE DIVISION OF THE MARSH SECTION
QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15
UNITED STATES MILITARY DISTRICT
TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: October 17, 2022 Scale: 1" = 40' Job No: 20220233 Sheet No: 1 of 1



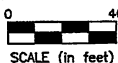
SURVEY NOTE:
 This survey was prepared using documents of record, prior
 plats of survey, and observed evidence located by an actual
 field survey in November and December, 2021 and April, 2022.

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 27°47'52"
 East, is designated the "basis of bearings" for this survey.



- Iron Pin Set
- Iron Pin Found
- Magnetic Nail Set

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



By *Joshua M. Meyer* 10-17-2022 Date
 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 M61-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. 037-112152-00.006

Prior Instrument Reference: Volume 220, Page 802, 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 M61-T
0.081 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 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 5.180 acre tract conveyed to Robert Myers by deed of record in Official 220, Page 802 (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 5.180 acre tract, the northwesterly corner of that 5.574 acre tract conveyed to Kitty I. Guinsler by deed of record in Instrument Number 201012160025965;

Thence South 86° 43' 12" East, across said Mink Street and with the northerly line of said 5.574 acre tract, a distance of 76.85 feet to the TRUE POINT OF BEGINNING;

Thence across said 5.180 acre tract, the following courses and distances:

With the arc of a curve to the left, having a central angle of 00° 59' 51", a radius of 1062.00 feet, an arc length of 18.49 feet, a chord bearing of North 28° 14' 25" East and chord distance of 18.49 feet to a point of tangency;

North 27° 44' 29" East, a distance of 125.66 feet to a point of curvature; and

With the arc of a curve to the left, having a central angle of 03° 27' 56", a radius of 1062.00 feet, an arc length of 64.24 feet, a chord bearing of North 26° 00' 31" East and chord distance of 64.23 feet to a point in the southerly line of that 5.043 acre tract conveyed to Richard J. Ciraky and Chrystle L. Ciraky by deed of record in Official 110, Page 531;

Thence across said 5.180 acre tract, the following courses and distances:

South 12° 57' 27" West, a distance of 66.39 feet to a point;

South 27° 44' 29" West, a distance of 66.16 feet to a point;

South 87° 35' 39" East, a distance of 43.53 feet to a point;

South 03° 28' 04" West, a distance of 17.75 feet to a point;

North 87° 35' 39" West, a distance of 49.40 feet to a point;

South 27° 44' 29" West, a distance of 40.81 feet to a point of curvature; and

With the arc of a curve to the right, having a central angle of 00° 34' 07", a radius of 1079.00 feet, an arc length of 10.71 feet, a chord bearing of South 28° 01' 33" West and chord distance of 10.71 feet to a point in the northerly line of said 5.574 acre tract;

EXHIBIT A

**PARCEL M61-T
0.081 ACRE**

-2-

Thence North 86° 43' 12" West, with the said northerly line, a distance of 18.79 feet to the TRUE POINT OF BEGINNING, containing 0.081 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

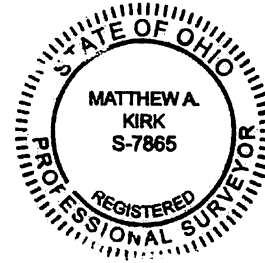
Matthew A. Kirk

18 OCT 22

Matthew A. Kirk
Professional Surveyor No. 7865

Date

MAK:jo
M61-T_0_081 ac 20220233-VS-ESMT-TEMP.docx

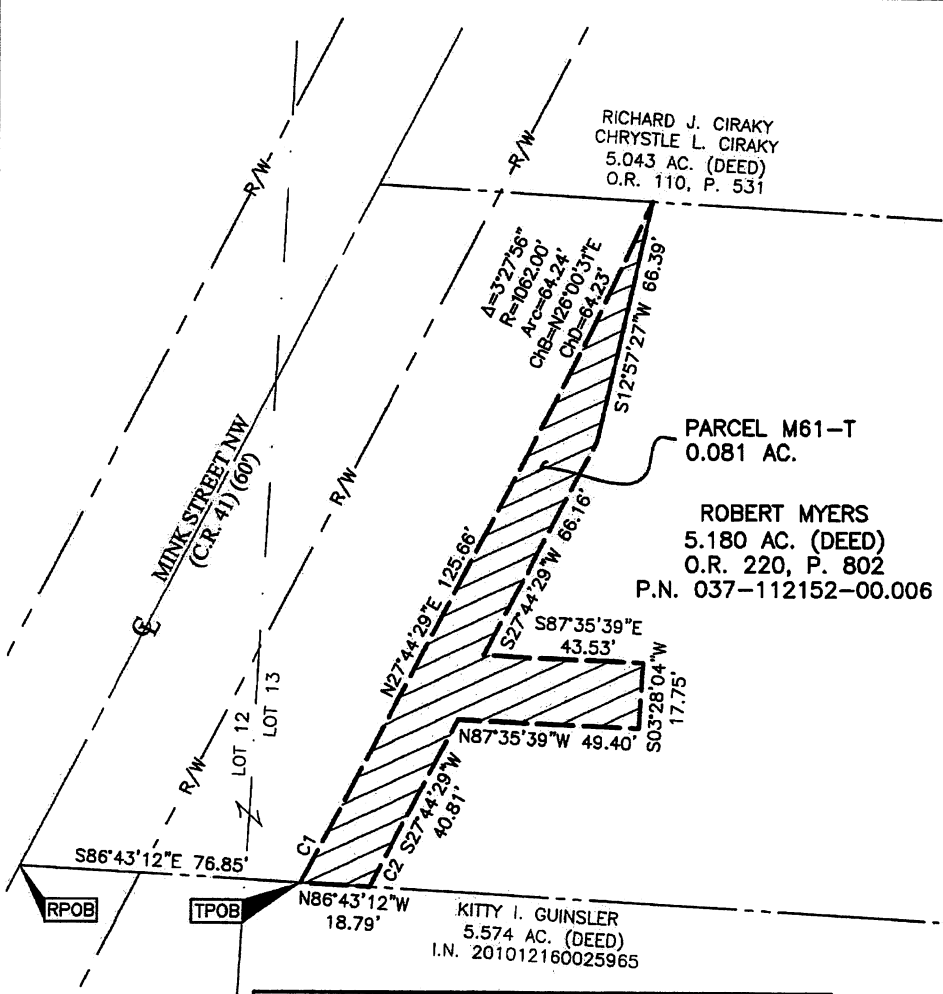




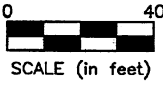
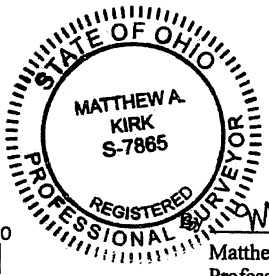
Evans, Mechwart, Hambleton & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4500 Toll Free: 888.775.3668
 emht.com

TEMPORARY EASEMENT
LOT 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 18, 2022 Scale: 1" = 40' Job No: 20220233 Sheet No: 1 of 1



CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CH. BEARING	CH. DIST.
C1	0°59'51"	1062.00'	18.49'	N28°14'25"E	18.49'
C2	0°34'07"	1079.00'	10.71'	S28°01'33"W	10.71'



Matthew A. Kirk
 Matthew A. Kirk
 Professional Surveyor No. 7865
 mkirk@emht.com
 18 OCT 22
 Date

J:\20220233\DWG\ASHEETS\EASEMENTS\M61-T_20220233-15-ESMF-TEMP.DWG plotted by OIMS, JACOB on 10/17/2022 1:58:42 PM
 J:\20220233\DWG\ASHEETS\EASEMENTS\M61-T_20220233-15-ESMF-TEMP.DWG plotted by OIMS, JACOB on 10/17/2022 1:58:42 PM



ORDINANCE O-20-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNER, NICKOLAS J. COTTON AND DARA M. MYSER, OF THE PROPERTY LOCATED AT 2856 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, Nickolas J. Cotton and Dara M. Myser, for the property located at 2856 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 M69-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 M69-T).

Section 2. That Council hereby fixes the value of all the property and interests appropriated at Sixty-three Thousand Nine Hundred Forty-seven Dollars (\$63,947.00), 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 second reading and 30-day 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 7 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

PRE-APPROVAL LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY:	GR
DATE:	10/18/2022

EXHIBIT A

**PARCEL M69-WD
0.634 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 Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being out of that 6 acre tract conveyed to Nickolas J. Cotton, and Dara M. Myser by deed of record in Instrument Number 202008060019783 (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 Jug Street Road NW (County Road 22) (60 feet) and Mink Street NW (County Road 41) (60 feet), in the line common to said Lot 14 and Lot 15 of the Middle Division of the Marsh Section;

Thence South 20° 54' 35" West, with the centerline of said Mink Street NW, a distance of 228.51 feet to a magnetic nail set at the westerly common corner of said 6 acre tract and that 1 acre tract conveyed to Thomas O. Bell and Winona E. Bell by deed of record in Deed Book 756, Page 71, in the easterly line of that 2.199 acre tract conveyed to Gregory P. Dingess by deed of record in Instrument Number 201209190021541, the TRUE POINT OF BEGINNING;

Thence South 86° 32' 27" East, with the line common to said 6 and 1 acre tracts, a distance of 73.38 feet to an iron pin set;

Thence South 20° 54' 35" West, across said 6 acre tract, a distance of 394.76 feet to an iron pin set in the line common to said 6 acre tract and that 6.326 acre tract conveyed to Harry N. Green by deed of record in Instrument Number 201512080026386;

Thence North 86° 32' 38" West, with the line common to said 6 and 6.326 acre tracts, (passing a 5/8 inch bent iron rebar found at a distance of 48.82 feet), a total distance of 73.38 feet to a magnetic nail set in the centerline of said Mink Street NW at a common corner of said 6 and 6.326 acre tracts, in the easterly line of that 5.042 acre tract conveyed to Gregory P. Dingess by deed of record in Instrument Number 200808270019387;

Thence North 20° 54' 35" East, with the centerline of said Mink Street NW, the westerly line of said 6 acre tract, the easterly line of said 5.042 acre tract, the easterly line of that 1.162 acre tract conveyed to Gregory Patrick Dingess and Ernestine Dingess by deed of record in Instrument Number 200712070031301 and the easterly line of said 2.199 acre tract, a distance of 394.77 feet to the TRUE POINT OF BEGINNING, containing 0.634 acre, all of which is within Auditor's Parcel Number 037-112254-00.000 and 0.272 acre of which is 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.

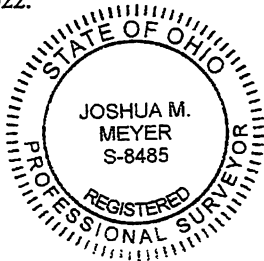
EXHIBIT A

**PARCEL M69-WD
0.634 ACRE**

-2-

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 20° 54' 35" 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.

10-14-2022

Joshua M. Meyer
Professional Surveyor No. 8485

Date

JMM:td
M69-WD 0_634 ac 20220233-VS-BNDY.docx



Evans, Mechwart, Hamblen & Tilton, Inc.
 Engineers - Surveyors - Planners - Scientists
 5500 New Albany Road, Columbus, OH 43254
 Phone: 614.775.4500 Toll Free: 888.775.3649
 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: October 14, 2022 Scale: 1" = 60' Job No: 2022-0233 Sheet No: 1 of 1

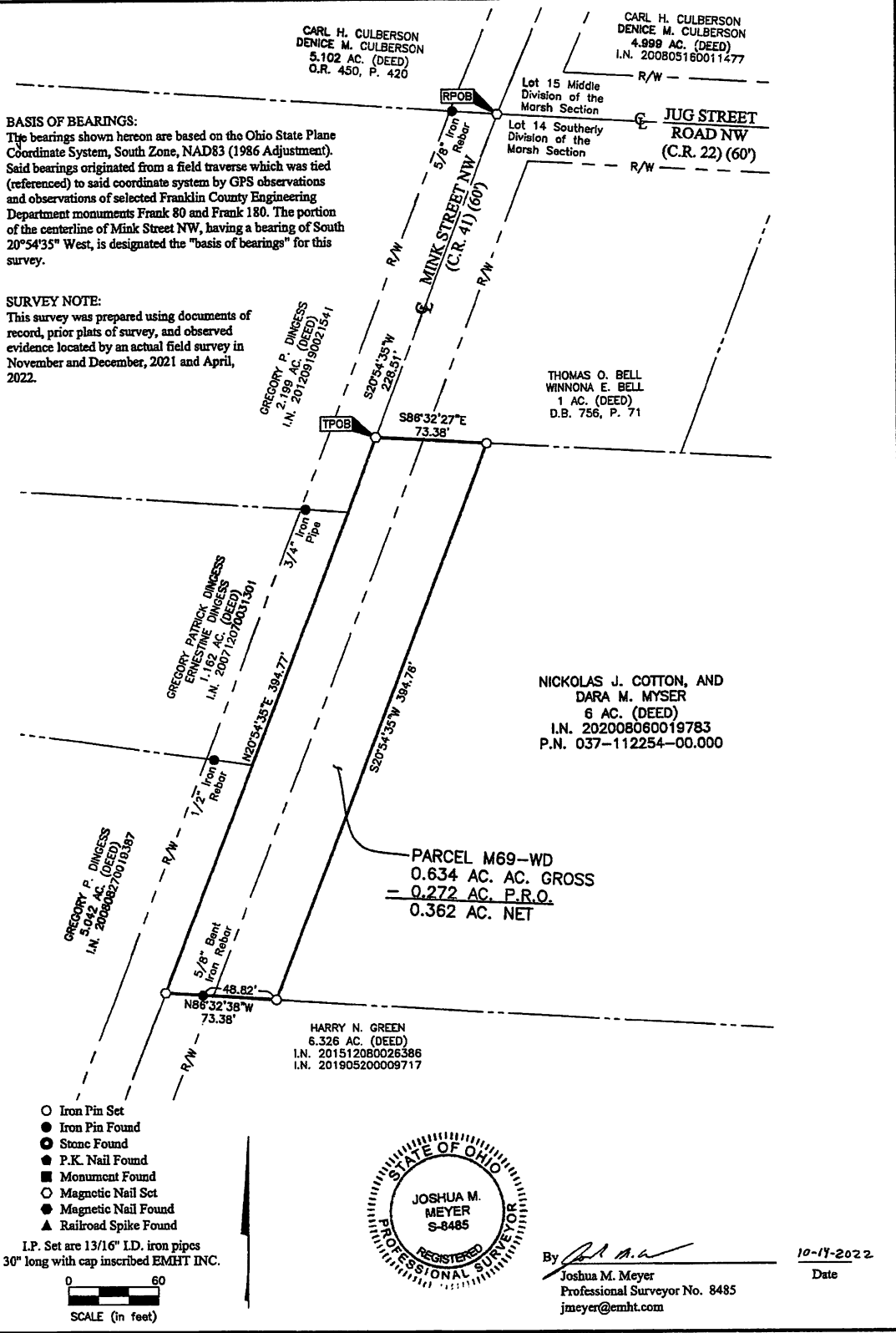
BASIS OF BEARINGS:

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:

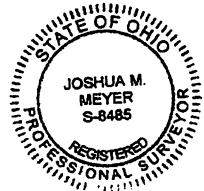
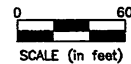
This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey in November and December, 2021 and April, 2022.

A:\2022\23\Survey\20220233-VS-BNDY\DWG\20220233-VS-BNDY.dwg plotted by JRM/EMHT on 10/14/2022 8:11:23 AM last saved by JRM/EMHT on 10/14/2022 8:11:23 AM



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

10-14-2022
 Date

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

PARCEL M69-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. 037-112254-00.000

Prior Instrument Reference: Instrument No. 202008060019783, 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 M69-T
0.017 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 Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being on, over and across that 6 acre tract conveyed to Nickolas J. Cotton and Dara M. Myser by deed of record in Instrument Number 202008060019783 (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 a corner common to said 6 acre tract and that 6.326 acre tract conveyed to Harry N. Green by deeds of record in Instrument Numbers 201512080026386 and 201905200009717;

Thence North 20° 54' 35" East, with the centerline of said Mink Street NW and with the westerly line of said 6 acre tract, a distance of 57.31 feet to a point;

Thence South 69° 05' 25" East, across the right-of-way of said Mink Street NW and across said 6 acre tract, a distance of 70.00 feet to the TRUE POINT OF BEGINNING;

Thence across said 6 acre tract, the following courses and distances:

North 20° 54' 35" East, a distance of 53.49 feet to a point;

South 69° 05' 25" East, a distance of 14.00 feet to a point;

South 20° 54' 35" West, a distance of 53.49 feet to a point; and

North 69° 05' 25" West, a distance of 14.00 feet to the TRUE POINT OF BEGINNING, containing 0.017 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
M69-T_0_017c 20220233-VS-ESMT-TEMP.docx

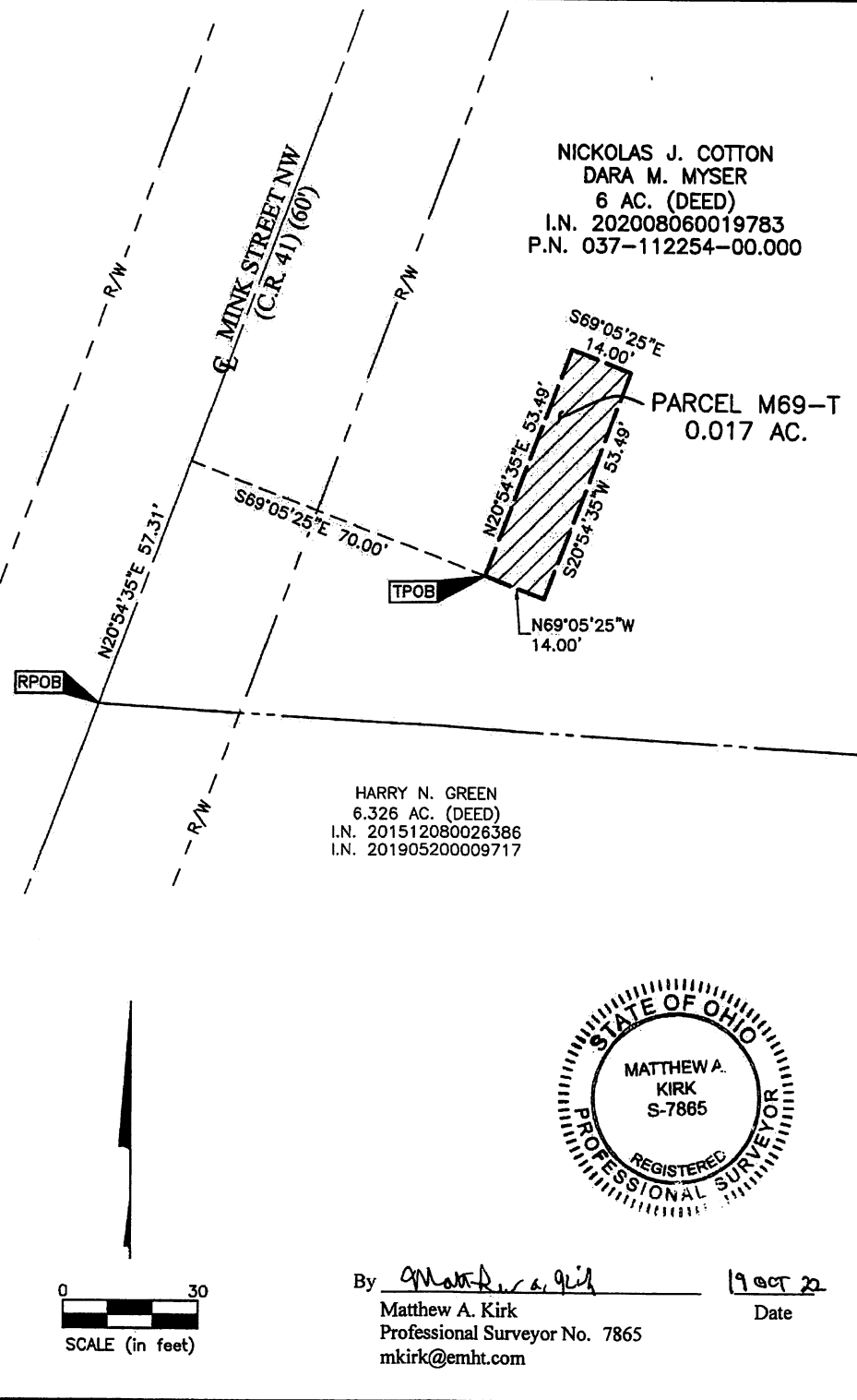




Evans, Mechwart, Hambleton & Tilton, Inc.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43054
 Phone: 614.775.4500 Toll Free: 888.775.3448
 emht.com

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 19, 2022 Scale: 1" = 30' Job No: 2022-0233 Sheet No: 1 of 1



J:\20220233\DWG\ASSETS\EASEMENTS\M69-T_20220233-45-ESMT-TEMP.DWG plotted by DIRONA, THERESA on 10/19/2022 8:36:20 AM last saved by TIRONA on 10/18/2022 8:55:48 AM



ORDINANCE O-21-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNER, HARRY N. GREEN, OF THE PROPERTY LOCATED AT 2810 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, Harry N. Green, for the property located at 2810 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 M70-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 M70-T).

Section 2. That Council hereby fixes the value of all the property and interests appropriated at Thirty-nine Thousand Two Hundred Two Dollars (\$39,202.00), 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 second reading and 30-day 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 7 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 M70-WD
0.470 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 6.326 acre tract conveyed to Harry N. Green by deed of record in Instrument Numbers 201512080026386 and 201905200009717 (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, 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 easterly line of said 2.0 acre tract and partly with the westerly line of that 3 acre tract conveyed to Dustin A. Barkhurst and Lindsay Barkhurst by deed of record in Instrument Number 201810170021818, a distance of 167.12 feet to a magnetic nail set at a common corner of said 6.326 and 3 acre tracts, being the TRUE POINT OF BEGINNING;

Thence North 21° 06' 23" East, with the centerline of said Mink Street NW, with the westerly line of said 6.326 acre tract, the easterly lines of said 2 acre tract, that 3.597 acre tract conveyed to Paul Allen Gabrenya and Cara Rae Gabrenya by deed of record in Instrument Number 201906180011973 and that 5.042 acre tract conveyed to Gregory P. Dingess by deed of record in Instrument Number 200808270019387, a distance of 359.59 feet to a magnetic nail set at a common corner of said 6.326 acre tract and that 6 acre tract conveyed to Nickolas J. Cotton and Dara M. Myser by deed of record in Instrument Number 202008060019783;

Thence South 86° 32' 38" East, with the line common to said 6.326 and 6 acre tracts, and partly across the right of way of said Mink Street NW, (passing a 5/8 inch bent Iron Rebar found at a distance of 24.52 feet) a total distance of 73.38 feet to an iron pin set;

Thence across said 6.326 acre tract, the following courses and distances:

South 20° 54' 35" West, a distance of 22.13 feet to an iron pin set;

South 21° 06' 23" West, a distance of 19.01 feet to an iron pin set at a point of curvature;

with the arc of a curve to the right, having a central angle of 08° 54' 24", a radius of 1062.00 feet, an arc length of 165.09 feet, a chord bearing of South 25° 33' 36" West and chord distance of 164.92 feet to an iron pin set at a point of tangency;

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

EXHIBIT A

**PARCEL M70-WD
0.470 ACRE**

-2-

with the arc of a curve to the left, having a central angle of $03^{\circ} 57' 57''$, a radius of 962.00 feet, an arc length of 66.59 feet, a chord bearing of South $28^{\circ} 01' 49''$ West and chord distance of 66.58 feet to an iron pin set in the line common to said 6.326 and 3 acre tracts;

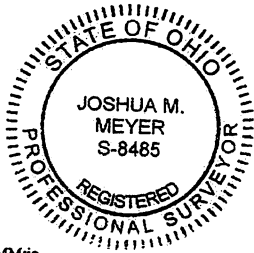
Thence North $86^{\circ} 32' 38''$ West, with the line common to said 6.326 and 3 acre tracts, (passing a 5/8 inch Iron Rebar found at a distance of 10.15 feet) a total distance of 35.23 feet to the TRUE POINT OF BEGINNING, containing 0.470 acre, more or less, all of which is within Auditors Parcel Number 037-111786-00.000, and 0.248 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.

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 $21^{\circ} 06' 23''$ 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.



JMM:jo
M70-WD 0_470 ac 20220233-VS-BNDY.docx

EVANS, MECHWART, HAMBLETON & TILTON, INC.

10-17-2022

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: _____	12/25/22



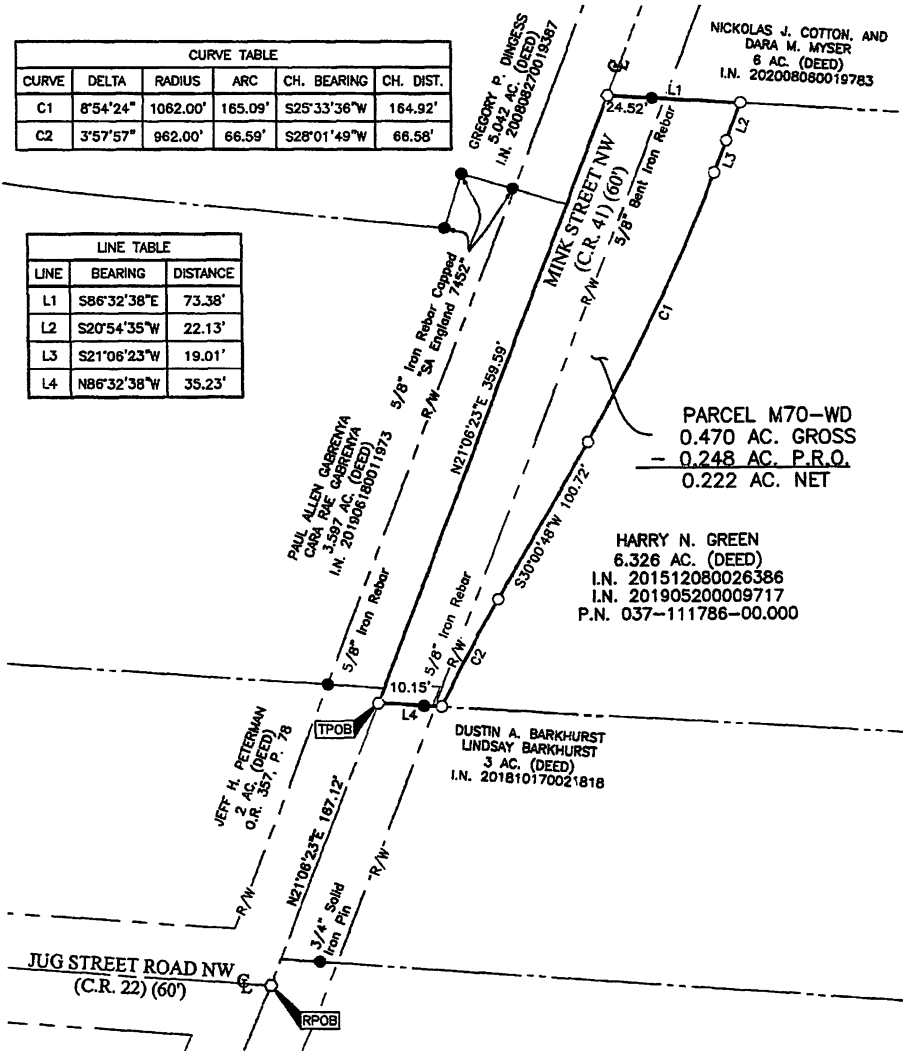
SURVEY OF ACREAGE PARCEL

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 17, 2022 Scale: 1" = 60' Job No: 2022-0233 Sheet No: 1 of 1

CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CH. BEARING	CH. DIST.
C1	8°54'24"	1062.00'	165.09'	S25°33'36"W	164.92'
C2	3°57'57"	962.00'	66.59'	S28°01'49"W	66.58'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S86°32'38"E	73.38'
L2	S20°54'35"W	22.13'
L3	S21°06'23"W	19.01'
L4	N86°32'38"W	35.23'

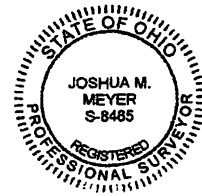
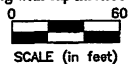


BASIS OF BEARINGS:
 The bearings shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street NW, having a bearing of North 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.

- 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* 10-17-2022
 Joshua M. Meyer
 Professional Surveyor No. 8485
 jmeyer@emht.com Date

Mink Street (Beaver Run-Green Chapel) / M70-WD_20220233-VS-BNDY

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

PARCEL M70-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. 037-111786-00.000

Prior Instrument References: Instrument Numbers 201512080026386 and 201905200009717, 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 M70-T
0.010 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 6.326 acre tract conveyed to Harry N. Green by deeds of record in Instrument Numbers 201512080026386 and 201905200009717 (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 3 acre tract conveyed to Dustin A. Barkhurst and Lindsay Barkhurst by deed of record in Instrument Number 201810170021818;

Thence North 21° 06' 23" East, with the centerline of said Mink Street NW, a distance of 178.20 feet to a point;

Thence South 68° 53' 37" East, across the right of way of said Mink Street NW and 6.326 acre tract, a distance of 57.49 feet to the TRUE POINT OF BEGINNING;

Thence across said 6.326 acre tract, the following courses and distances:

With the arc of a curve to the left, having a central angle of 01° 04' 34", a radius of 1062.00 feet, an arc length of 19.94 feet, a chord bearing of North 29° 22' 13" East and chord distance of 19.94 feet to a point;

South 59° 59' 12" East, a distance of 21.50 feet to a point;

South 29° 51' 19" West, a distance of 19.88 feet to a point; and

North 60° 08' 41" West, a distance of 21.33 feet to the TRUE POINT OF BEGINNING, containing 0.010 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
M70-T 0_010 ac 20220233-VS-ESMT-TEMP.docx





Evans, Mechwart, 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

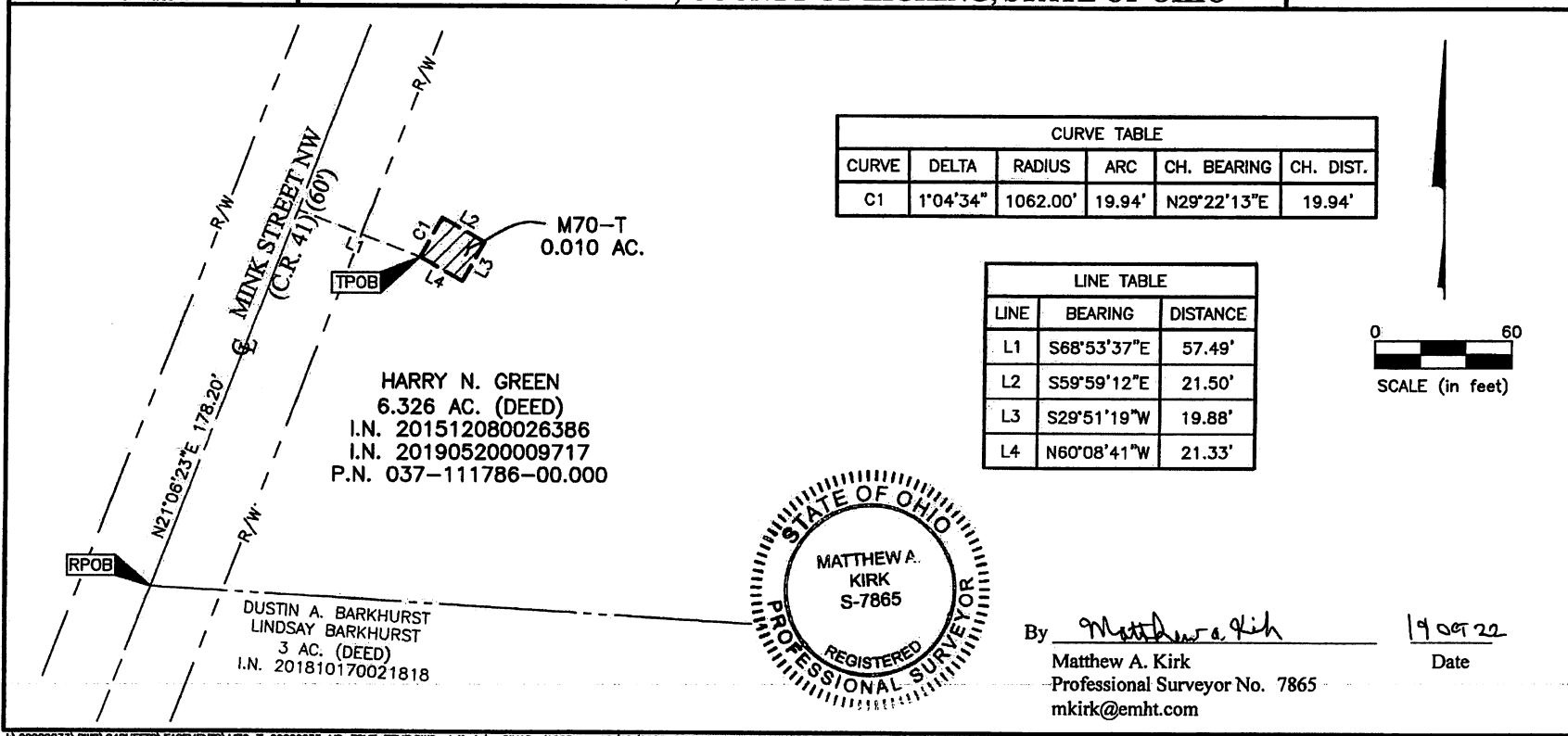
LOT 14, SOUTHERLY DIVISION OF THE MARSH SECTION QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15 UNITED STATES MILITARY DISTRICT TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: October 19, 2022

Scale: 1" = 60'

Job No: 20220233

Sheet No: 1 of 1



CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CH. BEARING	CH. DIST.
C1	1°04'34"	1062.00'	19.94'	N29°22'13"E	19.94'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S68°53'37"E	57.49'
L2	S59°59'12"E	21.50'
L3	S29°51'19"W	19.88'
L4	N60°08'41"W	21.33'

HARRY N. GREEN
 6.326 AC. (DEED)
 I.N. 201512080026386
 I.N. 201905200009717
 P.N. 037-111786-00.000

DUSTIN A. BARKHURST
 LINDSAY BARKHURST
 3 AC. (DEED)
 I.N. 201810170021818



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

19 Oct 22
 Date

Ordinance O-21-2023 EXHIBIT 2

J:\20220233\DWG\04SHEETS\EASEMENTS\M70-T_20220233-VS-ESMT-TEMP.DWG plotted by OIMAS, JACOB on 10/19/2022 6:46:18 AM last saved by JOIMAS on 10/19/2022 6:46:12 AM



ORDINANCE O-22-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNERS, BRIAN T. EDWARDS AND JUDY M. EDWARDS, OF THE PROPERTY LOCATED AT 4983 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 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 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, Brian T. Edwards and Judy M. Edwards, for the property located at 4983 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 C109-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 C109-T).

Section 2. That Council hereby fixes the value of all the property and interests appropriated at Eighteen Thousand Eighty-two Dollars (\$18,082.00), 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 second reading and 30-day 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 7 day of March, 2023.

Attest:

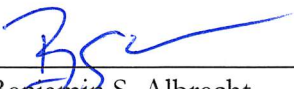


Sloan T. Spalding
Mayor



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 C109-WD
0.178 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 8.856 acre tract conveyed to Brian T. Edwards and Judy M. Edwards by deed of record in Instrument Number 200209130034351 (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 955.35 feet to a magnetic nail set at the southeasterly corner of said 8.856 acre tract, the northeasterly corner of that 2.469 acre tract conveyed to William J. Abner and Mary F. Abner by deed of record in Instrument Number 200509120028500, 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, the TRUE POINT OF BEGINNING;

Thence North 86° 46' 38" West, across said Clover Valley Road NW, with the line common to said 8.856 and 2.469 acre tracts, a distance of 20.00 feet to an iron pin set;

Thence across said 8.856 acre tract, the following courses and distances:

North 03° 31' 03" East, a distance of 308.86 feet to an iron pin set;

North 86° 28' 57" West, a distance of 25.00 feet to an iron pin set;

North 03° 31' 03" East, a distance of 30.00 feet to an iron pin set;

South 86° 28' 57" East, a distance of 25.00 feet to an iron pin set; and

North 03° 31' 03" East, a distance of 12.00 feet to an iron pin set in the northerly line of said 8.856 acre tract, the southerly line of that 5.0 acre tract conveyed to Martha L. James by deed of record in Instrument Number 202001130000962;

EXHIBIT A

**PARCEL C109-WD
0.178 ACRE**

-2-

Thence South 86° 44' 05" East, across said Clover Valley Road NW and with the line common to said 8.856 and 5.0 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 said 14.424 acre tract;

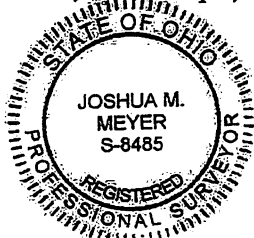
Thence South 03° 31' 03" West, with said Clover Valley Road NW centerline, said common Section line, the line common to said 8.856 and 14.424 acre tracts, a distance of 350.85 feet to the TRUE POINT OF BEGINNING, containing 0.178 acre, more or less, all of which is within Auditor's Parcel Number 052-173712-00.000 and 0.078 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.

11-15-2022

Joshua M. Meyer
Professional Surveyor No. 8485

Date

JMM:djf
C109-WD_0_178 ac 20220307-VS-BNDY.docx

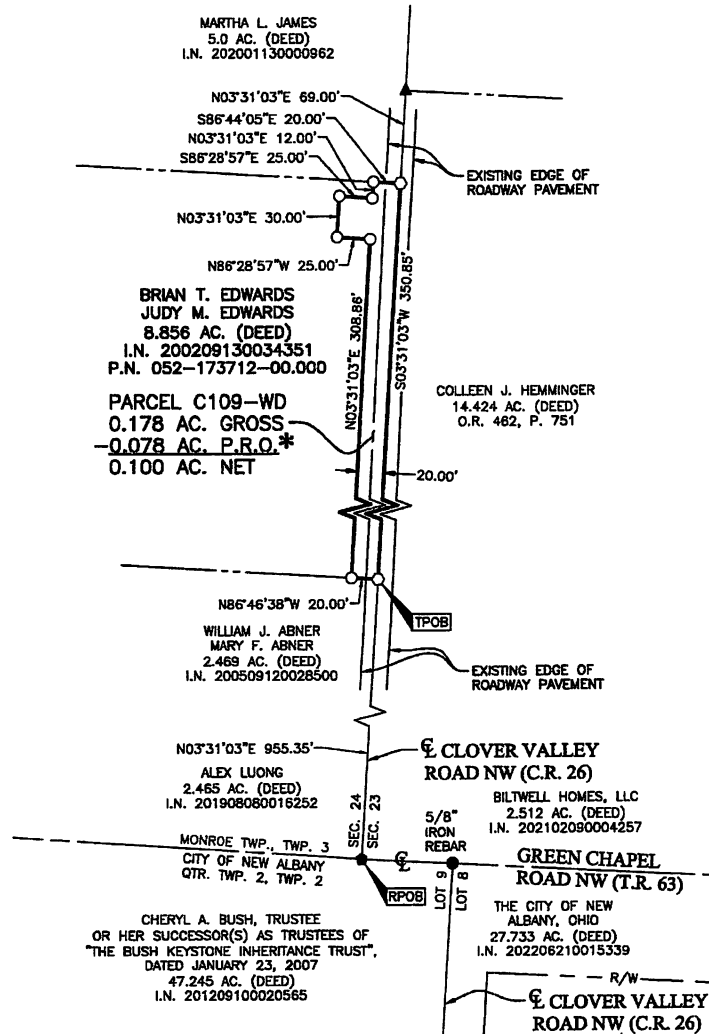
PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY:	BS
DATE:	11/16/22



SURVEY OF ACREAGE PARCEL

SECTION 24, TOWNSHIP 3, RANGE 15
UNITED STATES MILITARY DISTRICT
TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

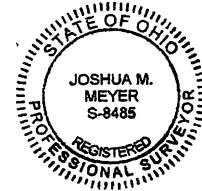
Date: November 15, 2022 Scale: 1" = 80' Job No: 2022-0307 Sheet No: 1 of 1



*** 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.



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

- 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 necessary field description of parcel C109-WD was provided by the owner on 11/15/2022. 12:44:27 PM. See also 11/15/2022 12:44:03 PM.

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

PARCEL C109-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. 052-173712-00.000

Prior Instrument References: Instrument Numbers 200209130034351, 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 C109-T
0.065 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 24, Township 3, Range 15, United States Military District, being on, over and across that 8.856 acre tract conveyed to Brian T. Edwards and Judy M. Edwards by deed of record in Instrument Number 200209130034351 (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 Clover Valley Road NW (County Road 26), the line common to said Section 24 and Section 23 of said Township 3, at the northeasterly corner of said 8.856 acre tract, the southeasterly corner of that 5.0 acre tract conveyed to Martha L. James by deed of record in Instrument Number 202001130000962, 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 North 86° 44' 05" West, with the line common to said 8.856 and 5.0 acre tracts, a distance of 20.00 feet to the TRUE POINT OF BEGINNING;

Thence across said 8.856 acre tract, the following courses and distances:

South 03° 31' 03" West, a distance of 12.00 feet to a point;

North 86° 28' 57" West, a distance of 25.00 feet to a point;

South 03° 31' 03" West, a distance of 30.00 feet to a point;

South 86° 28' 57" East, a distance of 25.00 feet to a point;

South 03° 31' 03" West, a distance of 29.83 feet to a point;

North 86° 28' 57" West, a distance of 50.00 feet to a point; and

North 03° 31' 03" East, a distance of 71.61 feet to a point in said common line;

Thence South 86° 44' 05" East, with said common line, a distance of 50.00 feet to the TRUE POINT OF BEGINNING, containing 0.065 acre, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Heather L. King 12/8/22

Heather L. King Date
Professional Surveyor No. 8307

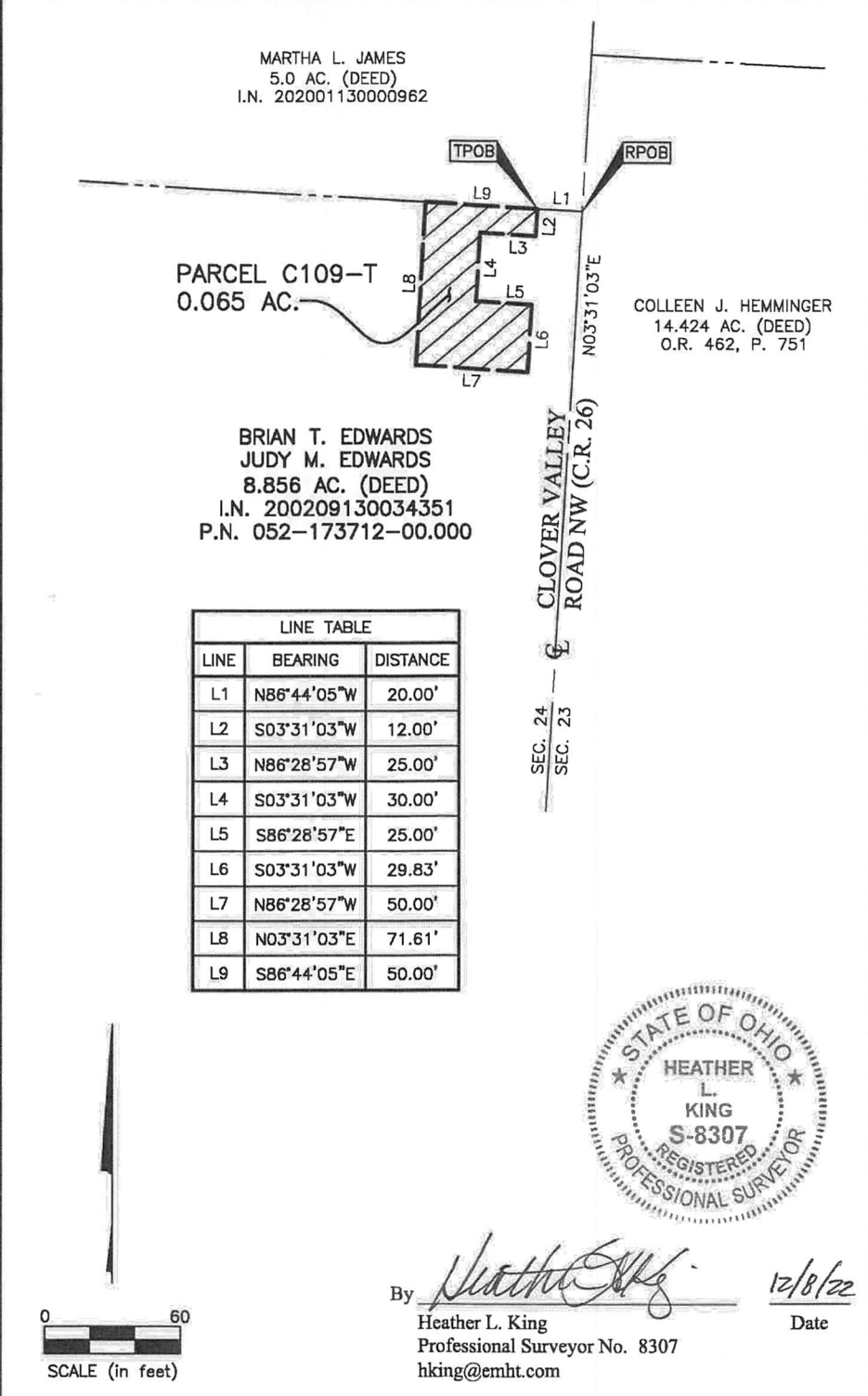


Evans, Mechwart, Hambleton & Tilton, Inc.
 Engineers - Surveyors - Planners - Scientists
 6600 New Albany Road, Columbus, OH 43254
 Phone: 614.775.4500 Toll Free: 888.775.3648
 emht.com

TEMPORARY EASEMENT

SECTION 24, TOWNSHIP 3, RANGE 15
 UNITED STATES MILITARY DISTRICT
 TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date: November 29, 2022 Scale: 1" = 60' Job No: 2022-0307 Sheet No: 1 of 1



MARTHA L. JAMES
 5.0 AC. (DEED)
 I.N. 202001130000962

PARCEL C109-T
 0.065 AC.

COLLEEN J. HEMMING
 14.424 AC. (DEED)
 O.R. 462, P. 751

BRIAN T. EDWARDS
 JUDY M. EDWARDS
 8.856 AC. (DEED)
 I.N. 200209130034351
 P.N. 052-173712-00.000

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N86°44'05"W	20.00'
L2	S03°31'03"W	12.00'
L3	N86°28'57"W	25.00'
L4	S03°31'03"W	30.00'
L5	S86°28'57"E	25.00'
L6	S03°31'03"W	29.83'
L7	N86°28'57"W	50.00'
L8	N03°31'03"E	71.61'
L9	S86°44'05"E	50.00'



By Heather L. King 12/8/22
 Heather L. King Date
 Professional Surveyor No. 8307
 hking@emht.com

J:\2022\0307\DWG\CASEMENTS\C109-T_20220307-VS-ESMT-TEMP.DWG plotted by KING, HEATHER on 12/8/2022 10:12:20 AM last saved by KING on 12/8/2022 10:12:02 AM



ORDINANCE O-23-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNER, COLLEEN J. HEMMINGER, OF THE PROPERTY LOCATED AT 4834 CLOVER VALLEY ROAD AND THE CONTIGUOUS PARCEL ON 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 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 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, Colleen J. Hemminger, for her property located at 4834 Clover Valley Road (Licking County Auditor's Parcel Number 052-173706-00.000) and her contiguous parcel located on Clover Valley Road (Licking County Auditor's Parcel Number 052-172890-00.000), 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 C110-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 C110-T).

Section 2. That Council hereby fixes the value of all the property and interests appropriated at Eight Thousand Six Hundred Fifty-two Dollars (\$8,652.00), 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 second reading and 30-day 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 7 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 C110-WD
0.258 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 those 9.248 and 14.424 acre tracts conveyed to Colleen J. Hemminger by deed of record in Official Record 462, Page 751 (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 23 and Section 24 of said Township 3, in the northerly line of Township 2 of said Range 15;

Thence North 03° 31' 03" East, with the centerline of said Clover Valley Road NW, the line common to said Sections 23 and 24, a distance of 522.51 feet to a magnetic nail set at the southwesterly corner of said 9.248 acre tract, the northwesterly corner of that 8.112 acre tract conveyed to Hemminger Creations, LLC by deed of record in Instrument Number 200212050046525, in the easterly line of that 5.004 acre tract conveyed to Kris E. Votaw by deed of record in Instrument Number 201506260013120, the TRUE POINT OF BEGINNING;

Thence North 03° 31' 03" East, with said centerline, said common Section line, the westerly line of said 9.248 and 14.424 acre tracts, the easterly line of said 5.004 acre tract, the easterly line of that 2.469 acre tract conveyed to William J. Abner and Mary F. Abner by deed of record in Instrument Number 200509120028500, the easterly line of that 8.856 acre tract conveyed to Brian T. Edwards and Judy M. Edwards by deed of record in Instrument Number 200209130034351 and the easterly line of that 5.0 acre tract conveyed to Martha L. James by deed of record in Instrument Number 202001130000962, a distance of 852.69 feet to a railroad spike found at the northwesterly corner of said 14.424 acre tract, the southwesterly corner of that 50.000 acre tract conveyed to Thomas E. Dague, II, trustee of the Thomas Dague, II Trust dated April 2, 2009, as to an undivided 48.7% interest and Dawn C. Dague, trustee of the Dawn Dague Trust dated April 2, 2009, as to an undivided 51.3% interest, as tenants in common by deed of record in Instrument Number 201102180003453;

Thence South 86° 48' 11" East, across said Clover Valley Road and with the line common to said 14.424 and 50.000 acre tracts, a distance of 12.00 feet to an iron pin set;

Thence across said 14.424 and 9.248 acre tracts the following courses and distances:

South 03° 31' 03" West, a distance of 90.07 feet to an iron pin set;

South 86° 28' 57" East, a distance of 33.00 feet to an iron pin set;

South 03° 31' 03" West, a distance of 30.00 feet to an iron pin set;

North 86° 28' 57" West, a distance of 33.00 feet to an iron pin set; and

EXHIBIT A

**PARCEL C110-WD
0.258 ACRE**

-2-

South 03° 31' 03" West, a distance of 732.88 feet to an iron pin set in the southerly line of said 9.248 acre tract, the northerly line of said 8.112 acre tract;

Thence North 85° 35' 07" West, with the line common to said 9.248 and 8.112 acre tracts, a distance of 12.00 feet to the TRUE POINT OF BEGINNING, containing 0.258 acre, more or less, of which 0.204 acre is within the present road occupied. Of said 0.258 acre, 0.095 acre is within Auditor's Parcel Number 052-173706-00.000, of which 0.089 acre is within the present road occupied and 0.163 acre is within Auditor's Parcel Number 052-172890-00.000, of which 0.115 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.



JMM:djf
C110-WD_0_258 ac 20220307-VS-BNDY.docx

EVANS, MECHWART, HAMBLETON & TILTON, INC.

11-21-2022

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:	11/29/22



Evans, Mechwart, Hamblison & Thore, Inc.
 Engineers • Surveyors • Planners • Scientists
 5500 New Albany Road, Columbus, OH 43254
 Phone: 614.775.4500 Fax: 614.775.3648
 emht.com

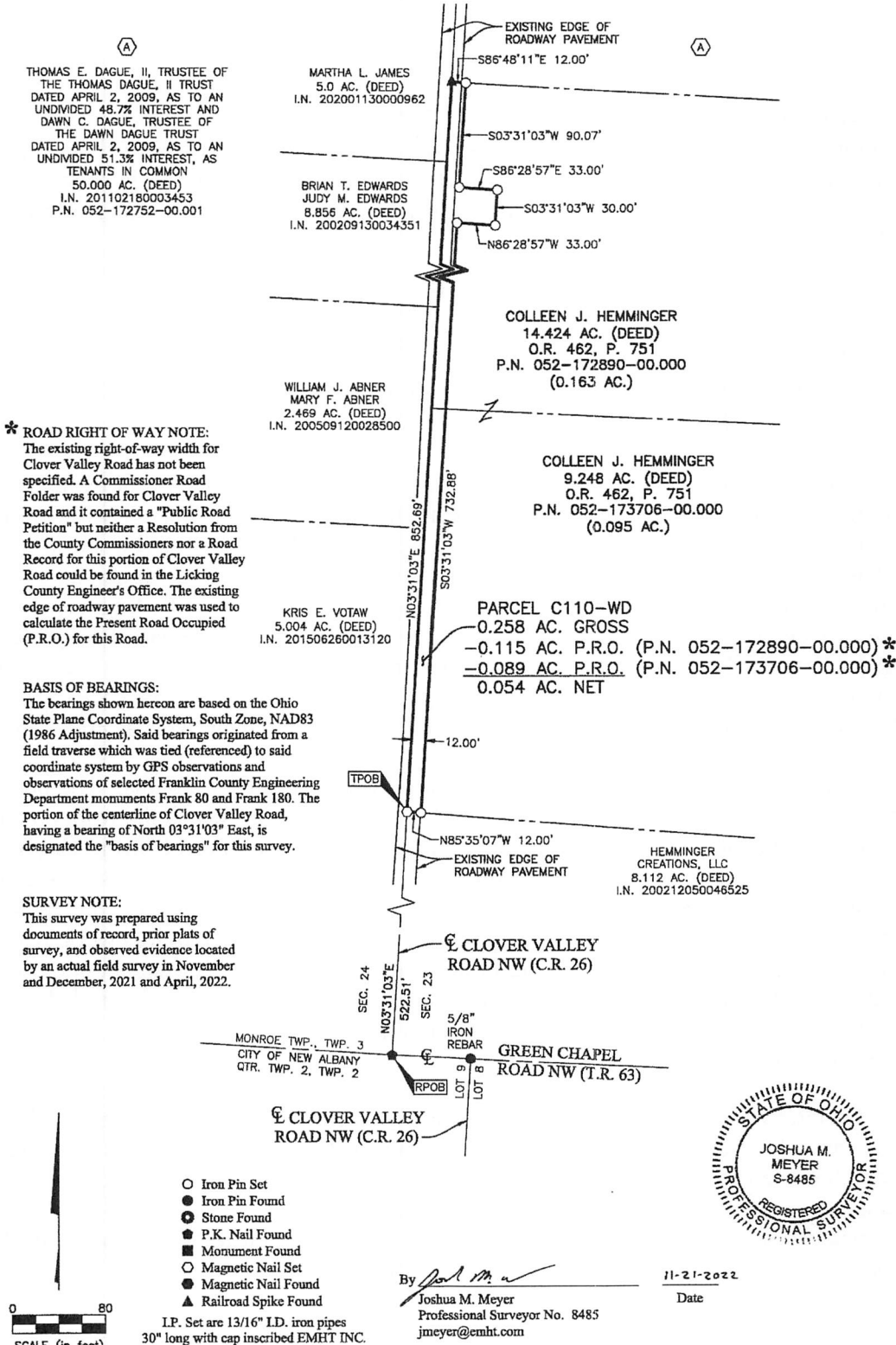
SURVEY OF ACREAGE PARCEL

SECTION 23, TOWNSHIP 3, RANGE 15

UNITED STATES MILITARY DISTRICT

TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date: November 21, 2022 Scale: 1" = 80' Job No: 2022-0307 Sheet No: 1 of 1



11-21-2022 11:58 AM Lick County, Ohio, Survey of Acreage Parcel, Section 23, Township 3, Range 15, United States Military District, Township of Monroe, County of Licking, State of Ohio, Surveyed by Joshua M. Meyer, Registered Professional Surveyor No. 8485, on 11/21/2022.

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

PARCEL C110-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. 052-172890-00.000

Prior Instrument References: Official Record 462, Page 751, 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 C110-T
0.076 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 14.424 acre tract conveyed to Colleen J. Hemminger by deed of record in Official Record 462, Page 751 (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 Clover Valley Road NW (County Road 26) at the northwesterly corner of said 14.424 acre tract, the southwesterly corner of that 50.000 acre tract conveyed to Thomas E. Dague, II, Trustee of the Thomas Dague, II Trust dated April 2, 2009, as to an undivided 48.7% interest and Dawn C. Dague, Trustee of the Dawn Dague Trust dated April 2, 2009, as to an undivided 51.3% interest, as tenants in common by deed of record in Instrument Number 201102180003453, in the easterly line of that 5.0 acre tract conveyed to Martha L. James by deed of record in Instrument Number 202001130000962;

Thence South 03° 31' 03" West, with said Clover Valley Road NW centerline and with the line common to said 14.424 and 5.0 acre tracts, a distance of 65.00 feet to a point;

Thence South 86° 28' 57" East across said 14.424 acre tract, a distance of 12.00 feet to the TRUE POINT OF BEGINNING;

Thence across said 14.424 acre tract, the following courses and distances:

South 86° 28' 57" East, a distance of 43.00 feet to a point;

South 03° 31' 03" West, a distance of 100.00 feet to a point;

North 86° 28' 57" West, a distance of 43.00 feet to a point;

North 03° 31' 03" East, a distance of 45.00 feet to a point;

South 86° 28' 57" East, a distance of 33.00 feet to a point;

North 03° 31' 03" East, a distance of 30.00 feet to a point;

North 86° 28' 57" West, a distance of 33.00 feet to a point; and

North 03° 31' 03" East, a distance of 25.00 feet to the TRUE POINT OF BEGINNING, containing 0.076 acre, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Heather L. King
Heather L. King
Professional Surveyor No. 8307

12/8/22
Date

HLK:djf
C110-T_0_076 ac 20220307-VS-ESMT-TEMP.docx



Ernst, MacArthur, Henderson & Thayer, Inc.
5000 New Albany Road, Columbus, OH 43264
Phone: 614.776.4200 Fax: 614.776.3446
emht.com

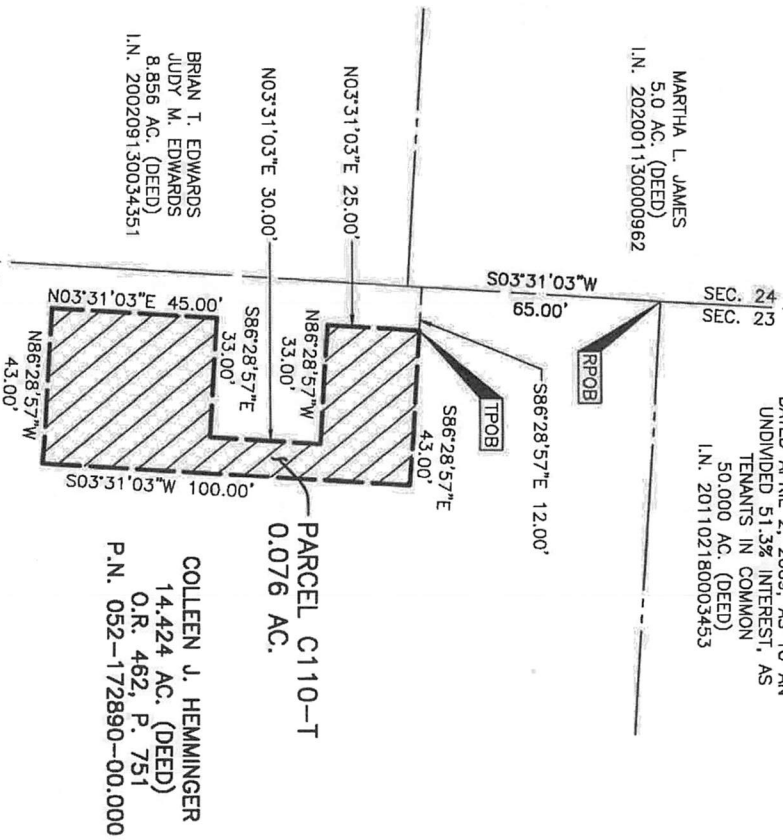
TEMPORARY EASEMENT

SECTION 23, TOWNSHIP 3, RANGE 15
UNITED STATES MILITARY DISTRICT
TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date: November 28, 2022 Scale: 1" = 40' Job No: 2022-0307 Sheet No: 1 of 1

THOMAS E. DAGUE, II, TRUSTEE OF
THE THOMAS DAGUE, II TRUST
DATED APRIL 2, 2009, AS TO AN
UNDIVIDED 48.7% INTEREST AND
DAWN C. DAGUE, TRUSTEE OF
THE DAWN DAGUE TRUST
DATED APRIL 2, 2009, AS TO AN
UNDIVIDED 51.3% INTEREST, AS
TENANTS IN COMMON
50,000 AC. (DEED)
I.N. 201102180003453

MARTHA L. JAMES
5.0 AC. (DEED)
I.N. 202001130000962



BRIAN T. EDWARDS
JUDY M. EDWARDS
8.856 AC. (DEED)
I.N. 200209130034351

COLLEEN J. HEMMINGER
14,424 AC. (DEED)
O.R. 462, P. 751
P.N. 052-172890-00,000



By *Heather L. King* Date 12/8/22
Heather L. King
Professional Surveyor No. 8307
hking@emht.com



RESOLUTION R-14-2023

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO REQUEST AND ACCEPT THE SUM OF FIVE MILLION TWO HUNDRED AND FIFTY THOUSAND DOLLARS (\$5,250,000.00) FROM THE NEW ALBANY COMMUNITY AUTHORITY ECONOMIC DEVELOPMENT FUND FOR ECONOMIC DEVELOPMENT PROJECTS AND INCENTIVES

WHEREAS, council of the City of New Albany (“the City”) was empowered by virtue of the laws of the State, including Article VIII, Section 13 of the Ohio Constitution, and Chapters 165 and 349 of the Ohio Revised Code to establish an Economic Development Fund by Resolution 52-2004; and

WHEREAS, the Economic Development Fund was established to promote the continued construction, improvement, furnishing and equipping of economic development activities; and

WHEREAS, the New Albany Community Authority (“the Authority) is permitted to disburse funds from the Economic Development Fund solely for the purpose of paying expenditures directly related to economic development initiatives that are approved by both the City and the Authority; and

WHEREAS, council has determined that economic incentives have been earned by various companies located in the New Albany International Business Park; and

WHEREAS, council has determined that various economic development initiatives are necessary in support of, and within, the New Albany International Business Park.

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 authorized and hereby directed to request that the New Albany Community Authority disburse the sum of five million two hundred and fifty thousand dollars (\$5,250,000.00) from the Authority’s Economic Development Fund to the City for payment of expenditures listed in the recitals above and as listed in Exhibit A.

Section 2: The appropriated funds shall be disbursed by the Authority in accordance with a schedule established by the City and the Authority.

Section 3: The city Manager and director of finance are further authorized to enter into any agreements as may be necessary and appropriate for facilitating the request and acceptance.

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

Section 5: This resolution is passed and shall take effect and be in force at the earliest period allowed by law.

CERTIFIED AS ADOPTED this 7 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:	03/07/2023
Effective:	03/07/2023



RESOLUTION R-15-2023

A RESOLUTION TO APPROVE THE REVISED APPLICATION TO PLACE FARMLAND LOCATED IN THE CITY OF NEW ALBANY, JERSEY TOWNSHIP, AND LICKING COUNTY IN AN AGRICULTURAL DISTRICT FOR REAL ESTATE TAXATION PURPOSES PURSUANT TO OHIO REVISED CODE 929, AND TO REPEAL RESOLUTION R-01-2023

WHEREAS, the city has received a revised renewal application from MBJ Holdings LLC to place 127.540 acres of farmland property in located in the City of New Albany, Licking County, and Jersey Township, Ohio, into an Agricultural District; and

WHEREAS, the property in the City of New Albany consists of three (3) real estate parcels, 094-107388-00.000 (8.89 acres), 94-106404-00.000 (48.63 acres), and 095-111864-00.000 (53.99 acres), totaling approximately 111.51 acres, which land is presently being taxed at an agricultural use valuation pursuant to Ohio Revised Code 5713.31; and

WHEREAS, due to the fact that these parcels are located in the city, legislation is required to approve, modify, or reject such an application; and

WHEREAS, council adopted Resolution R-01-2023 on January 3, 2023 based on a previous version of the application that has since been modified.

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

Section 1. Council hereby repeals Resolution R-01-2023 adopted January 3, 2023, which legislation is being replaced by this resolution.

Section 2. Council finds that, since the subject 3 parcels are currently devoted exclusively to agriculture use or devoted to and qualified for payments or other compensation under a land retirement or conservation program under an agreement with an agency of the federal government, that the revised renewal application is well taken and hereby approved.

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

Section 4. Pursuant to Article 6.07(A) of the New Albany Charter, this resolution shall take effect upon adoption.

CERTIFIED AS ADOPTED this 7 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:	02/23/2022
Introduced:	03/07/2023
Revised:	
Adopted:	03/07/2023
Effective:	03/07/2023



RESOLUTION R-16-2023

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE ALL CONTRACTS RELATED TO THE CONSTRUCTION OF A PICKLEBALL FACILITY AND TO WAIVE COMPETITIVE BIDDING

WHEREAS, Council desires to make infrastructure improvements that enhance the wellness and quality of life for our residents through the construction of a pickleball facility; and

WHEREAS, the subject pickleball facility will be located at the northeast corner of Walnut Street and Bevelhymer Road subject to the approval of a land lease by the City and Parks District; and

WHEREAS, the planned improvements include the construction of 16 pickleball courts and appurtenances, an adjacent parking lot and landscape enhancements; and

WHEREAS, the current environment for hiring contractors is extremely competitive and contractor availability and capacity is limited for a project of this type and scale; and

WHEREAS, the city has solicited quotes from 3 contractors for this work; and

WHEREAS, the quotes received from the contractors are consistent with the engineer's estimate of \$1.8 million; and

WHEREAS, the city desires to waive competitive bidding in order to take advantage of the contractor's limited availability in order to have the pickleball facility completed by June and maximize its utilization during the upcoming summer season.

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 execute all contracts related to the construction of the subject pickleball facility.

Section 2. Council hereby waives competitive bidding pursuant to Section 9.04 of the City Charter, for the reasons set forth in the "Whereas" clauses set forth above.

Section 3. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of 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 4. Pursuant to Article 6.07(A) of the New Albany Charter, this resolution shall take effect upon adoption.

CERTIFIED AS ADOPTED this 7 day of 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



RESOLUTION R-17-2023

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN
ODOT CONSENT LEGISLATION FOR A WIDENING OF SR 161 FROM
I-270 TO US 62, A PORTION OF WHICH IS LOCATED WITHIN THE
CITY OF NEW ALBANY**

The following constitutes the final resolution enacted by the City of New Albany, Ohio, in the matter of the stated described project.

WHEREAS, the Ohio Department of Transportation has identified the need for the described project to increase the capacity of SR 161 in support of the continued growth east of I-270, specifically, add a thru lane in both directions along SR 161 from I-270 to US 62 and widen structures to accommodate the added lane, also including widening the ramp from SR 161 WB to I-270 NB, along with other associated work within the New Albany city limits.

WHEREAS, the city agrees with the need for the project and requests that ODOT proceed with the project.

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

Section 1: Consent Statement: Being in the public interest, the City of New Albany gives consent to the Director of Transportation to complete the above described project.

Section 2: Cooperation Statement: The City of New Albany shall cooperate with the Director of Transportation in the above described project as follows:

The city hereby agrees to cooperate with the Director of Transportation of the State of Ohio in the planning, design and construction of the identified highway improvement project and grants consent to the Ohio Department of Transportation for its development and construction of the project in accordance with plans, specifications and estimates as approved by the Director;

ODOT agrees to assume and bear the costs of preliminary engineering, right-of-way, and construction by administering Federal and State funds for this project.

The city agrees to assume and bear one hundred percent (100%) of the total cost of those features requested by the city which are not necessary for the improvement as determined by the State and Federal Highway Administration.

Section 3. Utilities and Right-of-Way Statement: The City of New Albany agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. Right-of-way costs include eligible utility costs. ODOT agrees to be responsible for all utility accommodation, relocation and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

Section 4. Maintenance: Upon completion of the project and unless otherwise agreed, the City of New Albany shall: (1) provide adequate maintenance for the project in accordance with all applicable state and federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial resources, as necessary, for maintenance of the project; (3) maintain the right-of-way, keeping it free of obstructions, and (4) hold said right-of-way inviolate for public highway purposes.

Section 5. Authority to Sign: The city manager is hereby empowered on behalf of the City of New Albany to enter into contracts with the Director of Transportation necessary to complete the above described project.

Section 6. 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 7. Pursuant to Article 6.07(A) of the New Albany Charter, this resolution shall take effect upon adoption.

CERTIFIED AS ADOPTED this 7 day of March, 2023.

Attest:

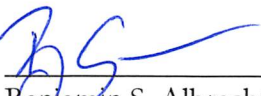


Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director


Legislation dates:	
Prepared:	02/27/2023
Introduced:	03/07/2023
Revised:	
Adopted:	03/07/2023
Effective:	03/07/2023

CERTIFICATE OF COPY
STATE OF OHIO

City of New Albany, Franklin County, Ohio


I, Jennifer H. Mason, as Clerk of the City of New Albany, Ohio, do hereby certify that the foregoing is a true and correct copy of Resolution R-17-2023 adopted by Council and signed by the Mayor on the 7th day of March, 2023, that the publication of such Resolution has been made according to law; that no proceedings looking to a referendum upon such Resolution have been taken; and that such Resolution is of record in the City of New Albany 2023 Resolutions binder.

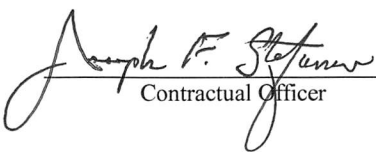
IN WITNESS WHEREOF, I have hereunto subscribed my name this 7th day of March, 2023.


Clerk Jennifer H. Mason
City of New Albany, Ohio.

The foregoing is accepted as a basis for proceeding with the project herein described.

For the City of New Albany, Ohio

Attest: 
Jennifer H. Mason


Contractual Officer, Date 3/7/23

For the State of Ohio

Attest: _____, Date _____
Director, Ohio Department of Transportation