



## RESOLUTION R-21-2023

### **A RESOLUTION TO AMEND THE OAK GROVE II COMMUNITY REINVESTMENT AREA TO ADD APPROXIMATELY 605.15 +/- ACRES TO THAT AREA, CONFIRMING THE DESIGNATION OF A HOUSING OFFICER AND THE CREATION OF A COMMUNITY REINVESTMENT AREA HOUSING COUNCIL AND TAX INCENTIVE REVIEW COUNCILS, AND TO EXPAND THE OAK GROVE II ECONOMIC OPPORTUNITY ZONE TO ADD THAT AREA**

**WHEREAS**, the Council of the City of New Albany, Ohio (the “City”) desires to pursue all reasonable and legitimate incentive measures to assist and encourage development in specific areas of the City that have not enjoyed sufficient reinvestment in new construction; and

**WHEREAS**, Council, by its Resolution No. R-17-09 adopted March 3, 2009, designated the Oak Grove II Community Reinvestment Area (the “Original Oak Grove II Area”), and by each of its Resolutions No. R-41-2010 adopted July 6, 2010, R-72-2010 adopted November 16, 2010, R-53-2012 adopted October 2, 2012, R-26-2013 adopted August 6, 2013, R-72-2014 adopted September 16, 2014, R-49-2015 adopted November 17, 2015, R-45-16 adopted November 1, 2016, R-02-2017 adopted February 7, 2017, R-17-2018 adopted July 17, 2018, R-41-2018 adopted November 6, 2018, R-50-2018 adopted December 10, 2018, R-05-2019 adopted February 19, 2019, R-37-2019 adopted on August 6, 2019, R-15-2021 adopted on April 6, 2021, R-46-2021 adopted September 21, 2021, R-09-2022 adopted on February 1, 2022, R-18-2022 adopted on May 3, 2022, and R-38-2022 adopted on November 15, 2022, expanded that Original Oak Grove II Area (as expanded to date, the “Current Oak Grove II Area”), which enabled the City to offer in that Current Oak Grove II Area real property tax exemptions on the construction of certain new structures and the remodeling of certain existing structures as described in Ohio Revised Code (“R.C.”) Section 3735.67; and

**WHEREAS**, the City desires to promote commercial and industrial development in an additional area contiguous to the Current Oak Grove II Area, which contiguous area includes approximately 605.15 +/- acres and which is depicted on Exhibit A attached hereto (the “Oak Grove II Expansion Area”); and

**WHEREAS**, the City believes that the redevelopment of the Oak Grove II Expansion Area would encourage economic stability, maintain real property values and generate new employment opportunities and desires to designate the Oak Grove II Expansion Area as a community reinvestment area pursuant to R.C. Sections 3735.65 to 3735.70; and

**WHEREAS**, as required by R.C. Section 3735.66, a survey of housing was prepared for the Oak Grove II Expansion Area (the “Survey”); and

**WHEREAS**, that Survey shows the facts and conditions relating to existing housing and commercial structures and undeveloped land in the Oak Grove II Expansion Area, including, among other things, evidence of deterioration and lack of new construction, or repair or rehabilitation of structures in that Oak Grove II Expansion Area; and

**WHEREAS**, the construction of new commercial or industrial structures in the Oak Grove II Expansion Area constitutes a public purpose for which real property tax exemptions may be granted; and

**WHEREAS**, the City created an economic opportunity zone (the "Oak Grove II EOZ") to encourage commercial and other business development in the City and now the City, to consistently preserve areas and zones, wishes to expand the Oak Grove II EOZ in conjunction with the expansion of the Oak Grove II CRA so that the two, when mapped, have the same area and boundaries;

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

**Section 1. Conditions in the Oak Grove II Expansion Area.** Based on the findings in the Survey and on this Council's own knowledge of the facts and conditions existing in the Oak Grove II Expansion Area, this Council hereby finds that the Oak Grove II Expansion Area is one in which housing facilities or structures of historical significance are located and new housing construction and repair of existing facilities or structures are discouraged.

**Section 2. Creation of Oak Grove II Expanded CRA.** This Council hereby designates the Oak Grove II Expansion Area as a community reinvestment area (collectively with the Current Oak Grove II Area, the "Oak Grove II CRA") in accordance with R.C. Section 3735.66. Only new commercial and/or industrial structures consistent with the applicable zoning regulations within the Oak Grove II CRA will be eligible for the exemptions provided for in Section 3 of this Resolution, and residential remodeling or new structures, including, but not limited to, multi-family condominium or apartment structures or remodeling thereof, shall not be eligible for the exemptions granted in that Section 3.

**Section 3. Tax Exemptions in the Oak Grove II CRA.** Within the Oak Grove II CRA, the percentage of the tax exemption on the increase in the assessed valuation resulting from improvements to commercial and industrial real property and the term of those exemptions shall be negotiated in advance of construction occurring according to the rules outlined in R.C. Section 3735.67. The City has the authority to negotiate, approve or deny any request for such a tax exemption. The results of the negotiation as approved by this Council will be set forth in writing in a Community Reinvestment Area Agreement as provided in R.C. Section 3735.671. If the newly constructed structure qualifies for an exemption, during the period of the exemption the exempted percentage of the value of the structure shall not be considered to be an improvement on the land on which it is located for the purpose of real property taxation.

The Mayor, the City Manager, the City Community Development Director, and the City Economic Development Manager, or any one of them, are hereby authorized to give any and all notices on behalf of this Council that may be required by law, including, without limitation, those notices

required by R.C. Sections 3735.671, 3537.673 and 5709.83, in connection with the consideration, approval or entering into of any agreements under R.C. Section 3735.671.

**Section 4. Designation of Housing Officer.** To administer and implement the provisions of this Resolution, the Council hereby confirms the prior designation of the City Manager as the Housing Officer for the Oak Grove II CRA as described in R.C. Sections 3735.65 to 3735.70.

**Section 5. Application Fee.** All projects are required to comply with the State application fee requirements of R.C. Section 3735.672(C). The City may also require a local annual monitoring fee of one percent of the amount of taxes exempted under an agreement, provided there shall be a minimum local annual monitoring fee of \$500 and a maximum local annual monitoring fee of \$2,500.

**Section 6. Housing Council and Tax Incentive Review Councils.** This Council hereby confirms the prior creation of a Community Reinvestment Area Housing Council (the "Housing Council") for the Oak Grove II CRA. That Housing Council is composed of two members appointed by the Mayor, two members appointed by this Council and one member appointed by the City's Municipal Planning Commission. A majority of those five members shall appoint two additional members who shall be residents of the City. Terms of the members of the Housing Council shall be three years. An unexpired term resulting from a vacancy in the Housing Council shall be filled in the same manner as the initial appointment was made. The Housing Council shall make an annual inspection of the properties within the Oak Grove II CRA for which an exemption has been granted under R.C. Section 3735.67. The Housing Council also shall also hear appeals under R.C. Section 3735.70.

The "Franklin County Tax Incentive Review Council" and the "Licking County Tax Incentive Review Council" (each a "TIRC") were both previously created pursuant to R.C. Section 5709.85. Each TIRC reviews annually the compliance of each agreement involving the granting of exemptions for commercial or industrial real property improvements under R.C. Section 3735.671 and makes written recommendations to this Council as to continuing, modifying or terminating each agreement based upon the performance of each agreement.

**Section 7. Resolution to be Forwarded and Published.** The Housing Officer or the Housing Officer's designee is hereby authorized and directed to forward a copy of this Resolution to the Franklin County Auditor or the Licking County Auditor, as applicable, and to cause to be published a copy of this Resolution in a newspaper of general circulation in the City once per week for two consecutive weeks following its adoption.

**Section 8. Authorization to Petition the State of Ohio Director of Development.** The Housing Officer, or the Housing Officer's designee, is hereby authorized and directed, on behalf of the City, to petition the State Director of Development, in accordance with R.C. Section 3735.66, for confirmation of the Oak Grove II CRA as expanded to include the Oak Grove II Expansion Area.

**Section 9. Open Meeting.** The Council hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Council and any of its committees and that all deliberations of this Council and of its committees that resulted in formal action were taken in meetings open to the public in full compliance with the applicable legal requirements, including R.C. Section 121.22.

**Section 10. Effective Date.** Pursuant to Article 6.07 of the New Albany Charter, this Resolution shall take effect upon adoption.

CERTIFIED AS ADOPTED this 10 day of April, 2023.

**Attest:**



Sloan T. Spalding  
Mayor



Jennifer H. Mason  
Clerk of Council

**Approved as to form:**



Benjamin S. Albrecht  
Law Director

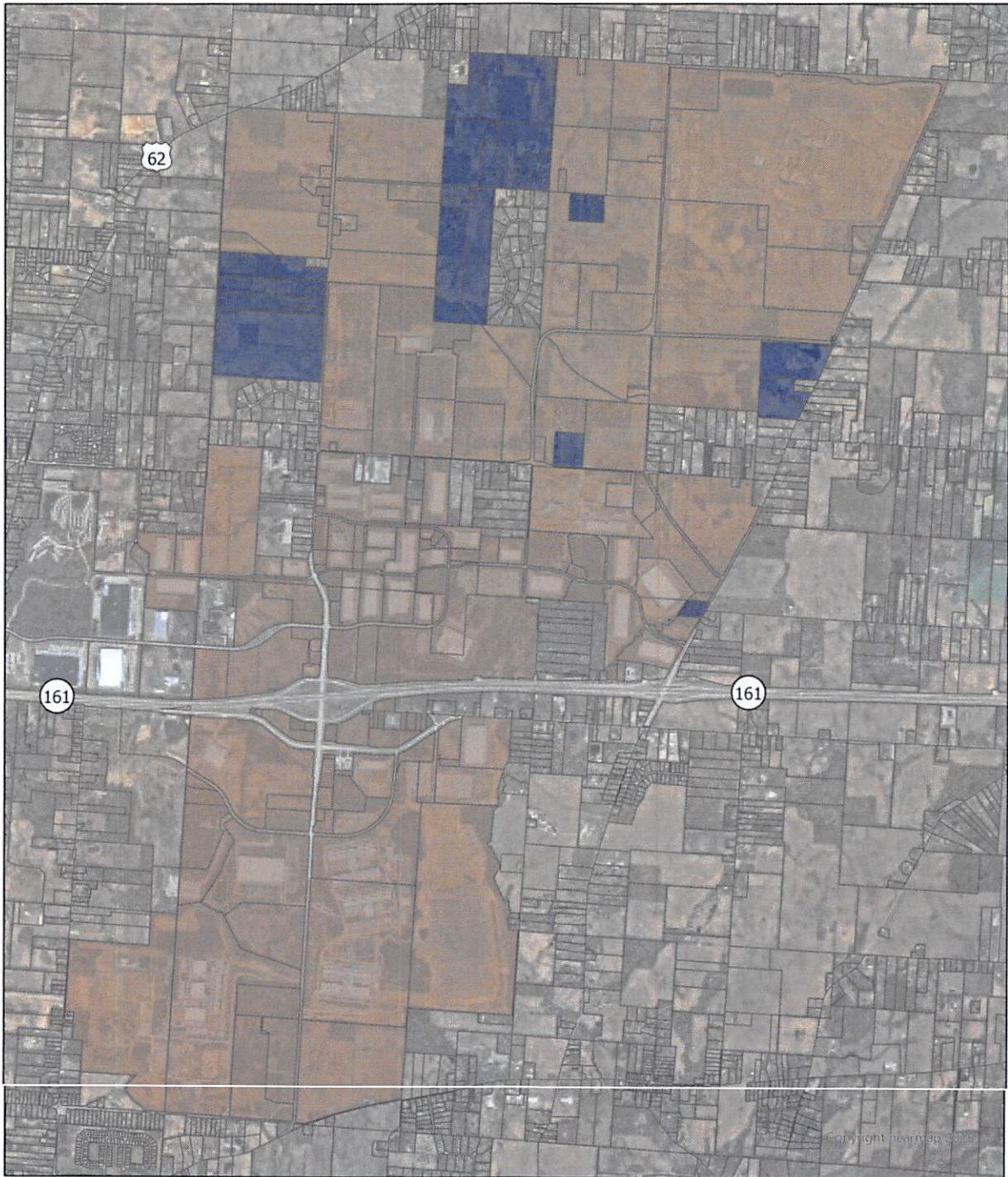
**Legislation dates:**

Prepared:	04/07/2023
Introduced:	04/18/2023
Revised:	04/12/2023
Adopted:	04/18/2023
Effective:	04/18/2023

**EXHIBIT A – R-21-2023**

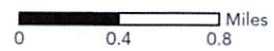
**PARCEL MAP**

The colored areas on the attached map specifically identify and depict the Parcels and constitutes part of this Exhibit A.



Oak Grove II CRA  
*Northeast Business Park District*

- Northeast Business Park Expansion
- Oak Grove II
- Parcel





**RESOLUTION R-22-2023**

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

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

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

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

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

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

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

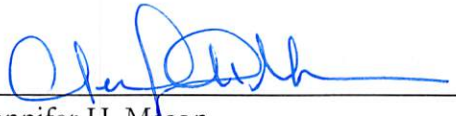
**Section 3.** It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action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

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

CERTIFIED AS ADOPTED this 18 day of April, 2023.

Attest:

  
\_\_\_\_\_  
Sloan T. Spalding  
Mayor

  
\_\_\_\_\_  
Jennifer H. Mason  
Clerk of Council

Approved as to form:

  
\_\_\_\_\_  
Benjamin S. Albrecht  
Law Director

<b>Legislation dates:</b>	
Prepared:	04/06/2023
Introduced:	04/18/2023
Revised:	
Adopted:	04/18/2023
Effective:	04/18/2023



## RESOLUTION R-22-2023

### EXHIBIT A

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



**ORDINANCE O-17-2023**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 26.2+/- ACRES OF LAND LOCATED ON A PORTION OF 13312 JUG STREET ROAD, ADJACENT TO HARRISON ROAD NW AND GENERALLY TO THE NORTH OF JUG STREET, FROM LIMITED GENERAL EMPLOYMENT (L-GE) TO LIMITED GENERAL EMPLOYMENT (L-GE) FOR AN AREA TO BE KNOWN AS "HARRISON ROAD TRIANGLE ZONING DISTRICT" AS REQUESTED BY MBJ HOLDINGS LLC, C/O AARON UNDERHILL**

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

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

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

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

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

- A. A 26.2+/- acre site within Licking County, located on a portion of 13312 Jug Street Road, adjacent to Harrison Road NW and generally to the north of Jug Street, from its current zoning of Limited General Employment (L-GE) to Limited General Employment (L-GE).
- B. The zoning district's limitation text and boundary map are hereby attached and marked Exhibit A.


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

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

CERTIFIED AS ADOPTED this 16 day of April, 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:	04/04/2023
Adopted:	04/18/2023
Effective:	05/18/2023

**HARRISON ROAD TRIANGLE ZONING DISTRICT**

**LIMITATION (L-GE) TEXT**

**April 4, 2023**

The Harrison Road Triangle Zoning District (hereinafter, the “Zoning District”) consists of 26.2+/- acres located to the west of and adjacent to Harrison Road NW and generally to the north of Jug Street. At the time of this application, the subject property is located in the Jug Street North Zoning District, which consists of 484.8+/- acres. Development is occurring (or in the near future will be occurring) on most of the property that will remain subject to that zoning district. The development pattern within the Jug Street North Zoning District, when combined with the applicant’s acquisition of a number of homes and parcels which abut the northern and eastern boundaries of this Zoning District, have created new circumstances where additional uses are appropriate within portions of the site.

This text sets forth standards for uses and development, with the objective being that development standards which are in place with the Jug Street North Zoning District largely will remain in place in this Zoning District. To the extent that a standard in this text conflicts with a standard that is provided in the City of New Albany’s Codified Ordinances, the standard contained in this text shall govern. This Zoning District shall be governed by the relevant provisions of the City’s Codified Ordinances to the extent that this text is silent on any particular matter.

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

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

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

Distribution and manufacturing uses shall be prohibited within a distance of 400 feet from the northern boundary line of this Zoning District, but shall be allowed elsewhere. Notwithstanding the foregoing, warehousing, distribution, and similar uses shall be permitted within this 400-foot

wide zone if they are ancillary or accessory to another permitted use (other than warehousing or distribution) that is located within this Zoning District. Warehousing and/or distribution uses that do not meet the requirements of the preceding sentence shall not be permitted within 400 feet of the northern boundary line of this Zoning District.

**C. Access, Parking, Site Circulation, and Traffic Commitments:**

1. **Street Improvements:** To the extent street improvements are required, the developer shall work with the City Manager or its designee to determine the appropriate timing and phasing.

2. **Vehicular Access Points – Generally:** Subject to other provisions in this text, on public rights-of-way which exist on the date of this text, the number, locations, and spacing of curb cuts shall be determined and approved by the City Manager or his designee in consultation with the developer at the time that a certificate of appropriateness is issued for a project in this Zoning District.

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

4. **Traffic Analyses:** No traffic studies or analyses shall be required to be submitted to the City relating to this Zoning District given that improvements to Beech Road and Jug Street are being (or will be) constructed by the City and further given that Harrison Road NW has been constructed. All such improvements are adequate to serve this Zoning District.

5. **Dedication of Right-of-Way:** A new public street generally running east-west through the southern portion of the Zoning District is anticipated to be constructed by the City at some time in the future. The developer shall dedicate a maximum of 60 feet of right-of-way to the City to accommodate this public street, together with, to the extent necessary, adjacent streetscape and utility easements not to exceed 25 feet in width on either side, in a location which shall be substantially consistent with that which is generally illustrated an exhibit which accompanies this text. The actual location and other specifications for the new public street shall be determined by and through the review and approval of a final plat prepared by the City. Prior to the approval of the final plat, the developer shall locate uses and improvements within the Zoning District in a manner that does not encroach upon the anticipated future right-of-way as illustrated in the exhibit.

**D. Lot and Setback Commitments:**

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

2. **Setbacks:**

a. **Harrison Road NW:** There shall be a minimum building setback of 50 feet and a minimum pavement setback of 25 feet as measured from the edge of right-of-way of Harrison Road NW.

b. **New Public Street:** There shall be a minimum building setback of 50 feet and

a minimum pavement setback of 25 feet from the right-of-way of the new east-west public street.

c. **Perimeter Boundaries:** The following minimum setbacks shall apply from perimeter boundaries of this Zoning District which do not abut a public right-of-way, provided, however, that should a stream corridor protection zone as required by the Codified Ordinances overlap with one of these minimum setback areas, then the greater setback as between the stream corridor protection zone and the minimum required setback shall apply:

i. **Northern Boundary:** 100 feet for pavement and buildings from the northern boundary line of this Zoning District, but subject to the setback requirements for warehousing and distribution uses which are set forth in the last paragraph of Section B above.

ii. **Eastern Boundary:** 100 feet for buildings and pavement from those portions of the eastern perimeter boundary line of this Zoning District which are located to the north of the anticipated future right-of-way for the planned new east-west public street. 50 feet for buildings and 25 feet for pavement from all other portions of the eastern boundary line of this Zoning District.

iii. **Western Boundary:** 25 feet for buildings and pavement.

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

E. **Architectural Standards:**

1. **Building Height:** The maximum building height in this Zoning District shall be 65 feet, except that the maximum building height shall be 45 feet for any structure located within 400 feet of the northern boundary line of this Zoning District.

2. **Service and Loading Areas:** Service areas and loading docks shall be screened to limit visibility from off-site.

3. **Building Design:**

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

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

elevations.

c. The number, location, spacing, and shapes of windows and door openings shall be carefully considered. Primary entrances shall be made sufficiently prominent that they can be easily identified from a distance, except on buildings where pedestrian traffic is expected to be minimal such as, but not necessarily limited to, data centers or warehouses, or in the context of multi-building projects where the visibility of building entrances may be obstructed.

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

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

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

g. Except as contemplated in Section E.5.b below, accessory or ancillary buildings, whether attached or detached, shall be of similar design, materials and construction as the nearest primary structure. Fenestration themes that employ windows, panels and piers that are consistent with the architectural vocabulary of the building are encouraged.

#### **4. Building Form:**

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

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

5. Materials:

a. Exterior building materials shall be appropriate for contemporary suburban designs and shall avoid overly reflective surfaces. Traditional materials such as, but not limited to, wood, stone, brick, and concrete shall be permitted, along with contemporary materials such as, but not limited to, aluminum, metal, glass, stucco, or cementitious fiberboard (e.g., hardi-plank or equivalent) shall be permitted on buildings not employing traditional styles. The use of reflective or mirrored glass shall be prohibited.

b. Prefabricated metal buildings, untreated masonry block structures, and buildings featuring poured concrete exterior walls are prohibited. Notwithstanding the foregoing, ancillary structures built and operated for the purpose of enclosing equipment and which are not occupied by tenants or persons on a regular basis may be constructed using pre-engineered metal.

c. Generally, the quantity of materials selected for a building shall be minimized. A single material selection for the independent building components of roof, wall and accents is permitted (i.e., Architectural Grade shingle roof with Brick Masonry wall and EIFS Cornice and Accents).

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

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

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



meant to allow for some flexibility to encourage innovative design provided that the spirit and intent of these provisions are met.

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

- i. Architectural design for all portions of a building or structure that are visible from a public right-of-way (excluding public rights-of-way whose primary purpose is to accommodate truck traffic or service loading areas) shall meet the community standard in terms of quality while taking into account the unique nature of the use(s) that will be found therein.
- ii. Uninterrupted blank wall facades shall be prohibited to the extent that they are visible from a public right-of-way. Design variations on long exterior walls shall be employed in order to create visual interest. Examples of such design variations include, but are not limited to, the use of offsets, recesses and/or projections, banding, windows, and/or reveals; scoring of building facades; color changes; texture or material changes; and variety in building height.
- iii. The use of one or more architectural or design elements may be used to soften the aesthetics of the building, such as but not limited to canopies, porticos, overhangs, arches, outdoor patios, community spaces, or similar devices.
- iv. Contemporary exterior designs, while not required, shall be encouraged in order to create architecture that does not look aged or dated even many years after the facility is built.
- v. Landscaping and/or the use of existing vegetation shall be utilized where appropriate to enhance the aesthetics of the building and to lessen its visual impact when viewed from public rights-of-way.
- vi. HVAC, generators and similar equipment and associated gravel or concrete yards or pads shall be located subject to the minimum building setbacks.

3. Roof-Mounted Equipment: Screening of all roof-mounted equipment shall be required on all four sides of buildings using materials that are consistent and harmonious with the building's façade and character. Such screening shall be provided not only in order to screen the equipment from off-site view but also to buffer sound generated by such equipment. Parapets (among other architectural elements) may be used to provide screening. Where a building is screened from view outside of the Zoning District by a building located within this Zoning District, City staff may waive or reduce these screening requirements provided that the developer demonstrates adequate buffering of sound from off-site.

F. Buffering, Preservation, Landscaping, and Screening: The following landscaping requirements shall apply to this Zoning District:

1. Buffering: Buffering of uses and improvements from adjacent rights-of-way located outside of the Zoning District and from other property that is adjacent to this Zoning District shall be provided by means of tree preservation as well as mounding and plantings as detailed in this subsection.

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

b. Perimeter Preservation Area: A "Buffer Area" shall apply to the eastern boundary of this Zoning District and the extreme eastern portion of the northern boundary line of this Zoning District to include the minimum pavement setbacks, as illustrated in accompanying plan. Within the Buffer Area, the developer shall preserve existing healthy and mature trees and vegetation but shall be permitted to allow utilities to cross through these areas, provided, however, that the developer shall use good faith efforts to place utilities in a manner that minimizes the impact on healthy and mature trees. Trees that are in good health and that are at least four (4) caliper inches in diameter at a height of three (3) feet above the ground shall be preserved where reasonably practical. Trees within Perimeter Preservation Area may be removed if they present a danger to persons or property.

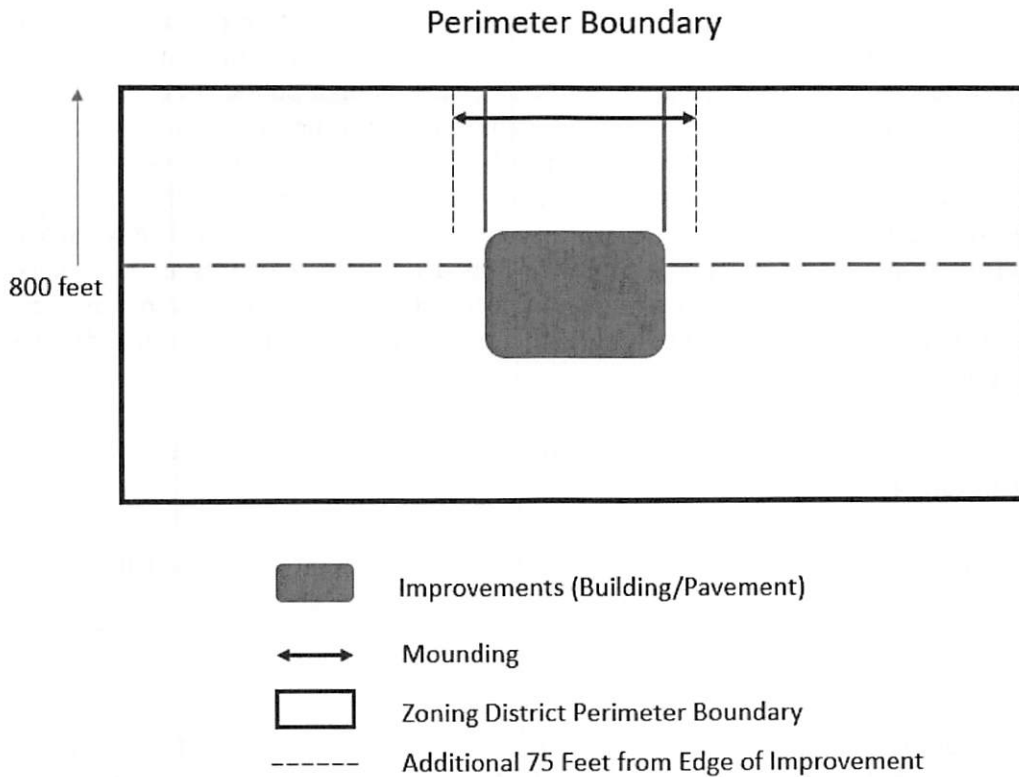
c. Stream Corridor Protection: There shall be a minimum 100-foot wide stream corridor protection zone covering the stream which is located within the eastern portion of this Zoning District. The amount of the stream corridor protection zone which is located on each side of the centerline of the stream may vary, provided that no less than 25 feet of this protection zone shall be located on one side of the stream.

2. Screening: Screening by way of mounding and plantings shall be provided along the northern perimeter boundary of this Zoning District. Mounding shall be required at a minimum height of ten (10) feet with a landscape buffer on the mound which shall consist of a mixture of

deciduous trees, evergreens and bushes to provide an opacity of 75% on the date that is 5 years after planting to a total height of fourteen (14) feet above the top of the mound. Mounding installed pursuant to this paragraph shall be installed within the minimum pavement setback area as required by this zoning text. Utilities may cross through the area where mounding is required. The plan for this area must be reviewed and approved by the City's Landscape Architect.

If there are existing trees within any perimeter area described in the immediately preceding paragraph, the mounding may be omitted and the existing trees may be utilized as the required screening. The requirement for 75% opacity 5 years after installation is still applicable with this alternative and, therefore, if necessary, additional landscaping materials (i.e., deciduous trees, evergreens or bushes) shall be planted along those perimeter boundary areas to meet the 75% opacity requirement. The plan for these areas must be reviewed and approved by the City's Landscape Architect.

Required mounding and landscaping shall be installed along the northern boundary line of this Zoning District when it is anticipated (as provided in plans associated with relevant permits) that permanently located buildings, paved parking areas, or above-ground equipment or utility infrastructure will be located within the lesser of (a) the distance between the northern perimeter boundary line and the northern right-of-way of the east-west public street to be constructed by City through this Zoning District (as anticipated by City staff if no plat for this street has been recorded), or (b) 800 feet of the northern perimeter boundary line. At a minimum for each phase and when required, this mounding and landscaping shall be installed along the portion of the northern perimeter boundary line between two points which are determined by extending two straight lines from the northern perimeter boundary line to the furthest distance on each side where planned improvements are to be constructed in that phase, and then adjusting those lines so that they are an additional distance of 150 apart. The following illustration is being provided as an example of this requirement:



3. Street Trees: A street tree row shall be established along all publicly dedicated rights-of-way within or adjacent to this Zoning District and shall contain one (1) tree for every thirty (30) feet of road frontage. For the new east-west public street to be constructed within this Zoning District by the City, the City shall install these trees at the time when the street is constructed. Trees may be grouped or regularly spaced. Minimum street tree size at installation shall be three (3) caliper inches. This requirement may be waived in areas where existing vegetation occurs, subject to approval of the City Landscape Architect. All street trees that are not installed prior to infrastructure acceptance shall be bonded to guarantee installation.

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

5. Minimum On-Site Tree Sizes: Unless otherwise set forth herein, minimum tree size at installation shall be no less than two and one half (2 ½) inches in caliper for shade trees, six (6) feet in height for evergreen trees, two (2) inches in caliper for ornamental trees, and thirty (30) inches in height for shrubs. Caliper shall be measured six (6) inches above grade.

6. Pedestrian Circulation: Unless they are part of a campus which for safety or security

reasons requires access by the public to be restricted, for buildings whose primary use is office, research and production, warehousing, or distribution, an internal pedestrian circulation system shall be created so that a pedestrian using a public sidewalk along a public street can access the adjacent buildings through their parking lots as delineated with markings, crosswalks, and/or different materials, directing foot traffic, where possible, away from primary access drives. The requirement in the preceding sentence shall apply only when one or more of these uses are the primary use(s) of a development parcel. Pedestrian connections shall be provided between parking lots and the front of buildings. A building shall be considered to have offices as its primary use when greater than 50% of its total square footage is occupied by office uses. The requirements of this paragraph shall not apply to any building with a main entrance which is located 500 feet or more from a public right-of-way.

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

8. All project landscape plans are subject to review and approval by the City Landscape Architect.

G. Lighting:

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

2. All parking lot lighting shall be of the same light source type and style. Building, pedestrian, and landscape lighting may be incandescent or metal halide.

3. All parking lot light poles shall be black or New Albany green and constructed of metal. Light poles shall not exceed 30 feet in height, except that light poles located within 300 feet of properties where residential uses exist or are permitted shall be no higher than 18 feet in height.

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

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

6. All other lighting on the site shall be in accordance with City Code.

7. Street lighting must meet the City Standards and Specifications.

8. No light spillage onto properties which are adjacent to this Zoning District shall be permitted from lighting sources within this Zoning District.

H. Signage: All signage shall conform to the standards set forth in Chapter 1169 of the Codified Ordinances of the City of New Albany.

I. Utilities: All utility lines in this Zoning District shall be installed underground.





**ORDINANCE O-57-2023**

**AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1  
ANNEXATION OF 4.0+/- ACRES FROM PLAIN TOWNSHIP,  
FRANKLIN COUNTY TO THE CITY OF NEW ALBANY**

**WHEREAS**, pursuant to the petition filed by Aaron L. Underhill, Esq., agent for petitioner, with the Franklin County Development and Planning Department, on January 6, 2023, and

**WHEREAS**, the foregoing Resolution #0048-23 of the Franklin County Commissioners granting the petition was delivered to the City of New Albany on January 30, 2023 and more than sixty (60) days have lapsed since the Resolution of the Board of County Commissioners was transmitted to the City of New Albany, and

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

**WHEREAS**, pursuant to New Albany Codified Ordinance 1125.06, all future annexed properties shall be added to the applicable New Albany Community Authority as described therein and are subject to a special property assessment in compliance therewith, and

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

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

**Section 1:** The application of property owners set forth in Franklin County requesting the annexation of 4.0+/- acres, which is contiguous to the City of New Albany, is hereby accepted, and the corporate boundaries of New Albany shall be extended to include the territory, more particularly described in Exhibit A, attached hereto and incorporated herein as if fully written.

**Section 2:** An accurate map of the territory attached as Exhibit B, the petition for its annexation, other related documents, and a certified transcript of the proceedings of the Franklin County Board of Commissioners regarding the annexation proceedings have been on file with the Clerk of Council of the City of New Albany for sixty (60) days prior to being presented to this Council as required by law, and are hereby accepted.



**Section 3:** Council of the City of New Albany hereby accepts the annexation of a 4.0+/-acre tract, situated in Plain Township, Franklin County, Ohio, the same being land of the owners set forth above, for annexation to the City of New Albany.

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

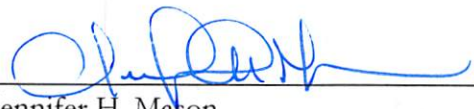
**Section 5.** It is hereby found and determined that all formal actions of council concerning and relating to the adoption of this legislation were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121 of the Ohio Revised Code.

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

**CERTIFIED AS ADOPTED** this 16 day of April, 2023.

**Attest:**

  
Sloan T. Spalding  
Mayor

  
Jennifer H. Mason  
Clerk of Council

**Approved as to form:**


  
Benjamin Albrecht  
Law Director

**Legislation dates:**

Prepared:	03/20/2023
Introduced:	04/04/2023
Revised:	
Adopted:	04/18/2023
Effective:	05/18/2023

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

I certify that copies of Ordinance **O-57-2023** were posted in accordance with Section 6.12 of the Charter, for 30 days starting on 4/19/23, 2023.

  
Jennifer Mason, Clerk of Council

4/18/23  
Date

RECEIVED

Exhibit A - O-57-2023

ANNEXATION  
PLAT & DESCRIPTION  
ACCEPTABLE  
CORNELL R. ROBERTSON, P.E., P.S.  
FRANKLIN COUNTY ENGINEER

DEC 19 2022

Franklin County Engineer  
Cornell R. Robertson, P.E., P.S.

PROPOSED ANNEXATION  
4.0± ACRES

By CRH Date 12/19/2022

FROM: TOWNSHIP OF PLAIN

TO: CITY OF NEW ALBANY

Situated in the State of Ohio, County of Franklin, Township of Plain, in Quarter Township 4, Township 2, Range 16, United States Military District, being comprised of a part of each of those tracts of land conveyed to The New Albany Company, LLC by deeds of record in Instrument Numbers 202201070005905 and 201306170100733, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

BEGINNING at the southwesterly corner of that 2.0 acre tract conveyed to The New Albany Company Limited Partnership by deed of record in Official Record 32040H14, the northwesterly corner of that 0.284 acre tract conveyed as Parcel 10-WD to Franklin County Commissioners by deed of record in Instrument Number 201004070041805, in the northerly right of way line of Morse Road, in the existing City of Columbus corporation line, as established by Ordinance Number 639-89, of record in Official Record 13294D07, and in the existing City of New Albany corporation line, as established by Ordinance Number 19-89, of record in Official Record 13965D03;

Thence westerly, with said northerly right of way line and said City of Columbus corporation line, a distance of approximately 490 feet to point in the easterly line of that 2.563 acre tract conveyed to The New Albany Company, LLC by deed of record in Instrument Number 201404300052684, in said City of New Albany corporation line;

Thence northerly, with said easterly line and said City of New Albany corporation line, a distance of approximately 326 feet to a point in the southerly line of that 7.077 acre tract conveyed to The New Albany Company, LLC by deed of record in Instrument Number 202201070005903;

Thence easterly, with said southerly line and said City of New Albany corporation line, a distance of approximately 490 feet to a the northwesterly corner of said 2.0 acre tract;

Thence southerly, with the westerly line of said 2.0 acre tract and said City of New Albany corporation line, a distance of approximately 325 feet to the POINT OF BEGINNING, containing 4.0 acres of land, more or less.

This description is for annexation purposes only and is not to be used for transfer.

Total perimeter of annexation area is 1631 feet, of which 490 feet is contiguous with the City of Columbus by Ordinance Number 639-89 and 1141 feet is contiguous with the City of New Albany by Ordinance Number 19-89, giving 100% perimeter contiguity.

RECEIVED  
JAN 06 2023  
Franklin County Planning Department  
Franklin County, OH

ANx-01-23

EVANS, MECHWART, HAMBLETON & TILTON, INC.

*Matthew A. Kirk*  
Matthew A. Kirk  
Professional Surveyor No. 7865

*9 Dec 22*  
Date



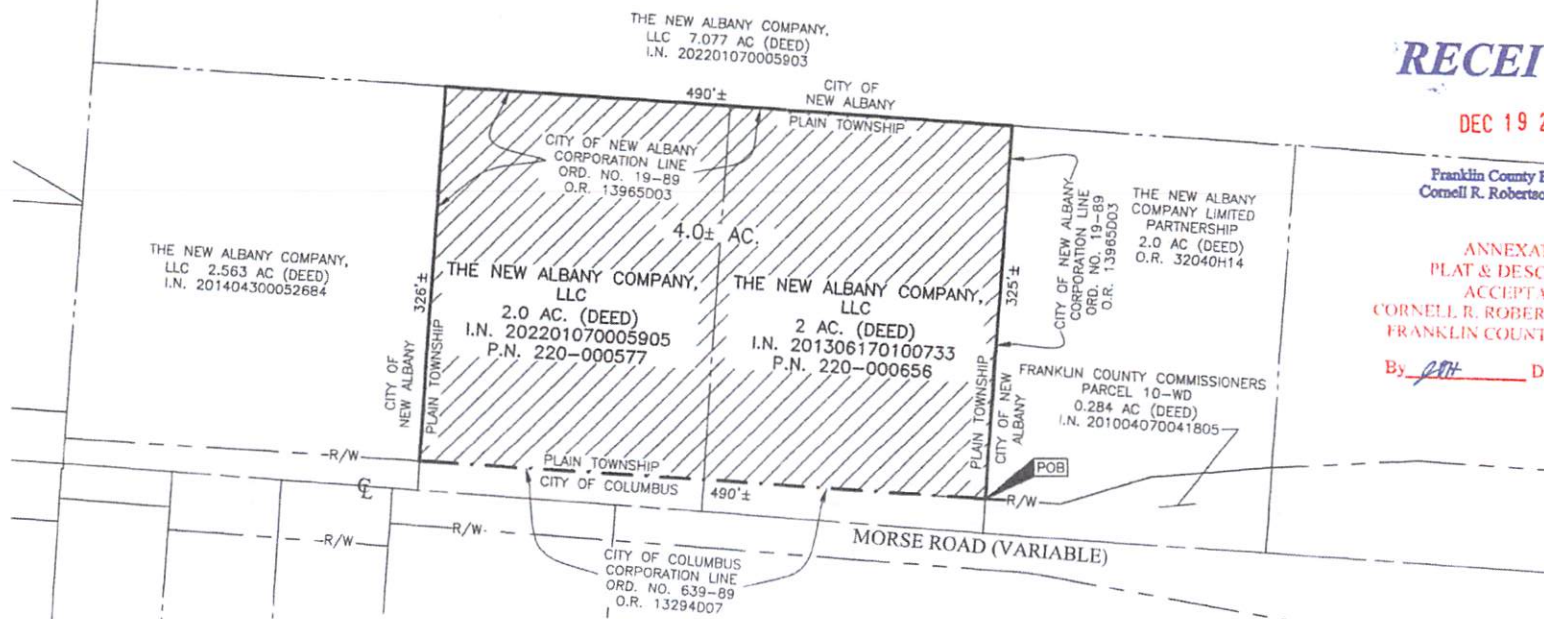
Exhibit B



# PROPOSED ANNEXATION OF 4.0± ACRES FROM PLAIN TOWNSHIP TO THE CITY OF NEW ALBANY

QUARTER TOWNSHIP 4, TOWNSHIP 2, RANGE 16  
UNITED STATES MILITARY DISTRICT  
TOWNSHIP OF PLAIN, COUNTY OF FRANKLIN, STATE OF OHIO

Date:	December 9, 2022
Scale:	1" = 100'
Job No:	2022-1147
Sheet No:	1 of 1



**RECEIVED**

DEC 19 2022

Franklin County Engineer  
Cornell R. Robertson, P.E., P.S.

ANNEXATION  
PLAT & DESCRIPTION  
ACCEPTABLE  
CORNELL R. ROBERTSON, P.E., P.S.  
FRANKLIN COUNTY ENGINEER

By [Signature] Date 12/19/2022

AREA TO BE ANNEXED  
FROM PLAIN TOWNSHIP TO THE CITY OF GROVE CITY

EXISTING CITY OF COLUMBUS CORPORATION LINE

EXISTING CITY OF NEW ALBANY CORPORATION LINE

**Contiguity Note:**  
Total perimeter of annexation area is 1631 feet, of which 490 feet is contiguous with the City of Columbus by Ordinance Number 639-89 and 1141 feet is contiguous to the City of New Albany by Ordinance Number 19-89, giving 100% perimeter contiguity.

**Note:**  
This annexation does not create islands of unincorporated areas within the limits of the area to be annexed.



**RECEIVED**

JAN 06 2023

Franklin County Planning Department  
Franklin County, OH

ANX-01-23

By Matthew A. Kirk Date 9 Dec 22

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



J:\20221147\DWG\045HEETS\EXHIBITS\20221147-VS-ANNX-01.DWG plotted by KIRK, MATTHEW on 12/9/2022 9:42:46 AM last saved by SHARRIS on 12/9/2022 3:00:23 PM



ORDINANCE O-58-2023

AN ORDINANCE TO APPROVE THE FINAL PLAT AND ACCEPT RIGHT-OF-WAY DEDICATION OF 0.1685+/- ACRES ALONG THIRD STREET AND 3.02+/- ACRES BETWEEN EAST GRANVILLE STREET AND SOUTH HIGH STREET FOR THE MARKET STREET EAST EXTENSION AS REQUESTED BY THE CITY OF NEW ALBANY

WHEREAS, an application to approve the final plat for the Market Street East extension has been submitted by the city of New Albany; and

WHEREAS, the city will be the recipient (grantee) of the right of way dedication of approximately 3.18+/- acres along Third Street and between South High Street and East Granville Street; and

WHEREAS, the New Albany Planning Commission, after review in a public meeting on March 20, 2023, recommended approval of the final plat; and

WHEREAS, the city engineer certifies that Market Street East extension meets all the requirements of Chapter 1187 of the codified ordinances, storm water management, design requirements, and will meet all other requirements of the city.

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

**Section 1:** The final plat creating Market Street East extension is attached to this ordinance as Exhibit A and made a part herein is approved.

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


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

CERTIFIED AS ADOPTED this 15 day of April, 2023.



Sloan T. Spalding  
Mayor

**Approved as to form:**



Benjamin S. Albrecht  
Law Director

**Attest:**



Jennifer H. Mason  
Clerk of Council

**Legislation dates:**

Prepared: 03/24/2023

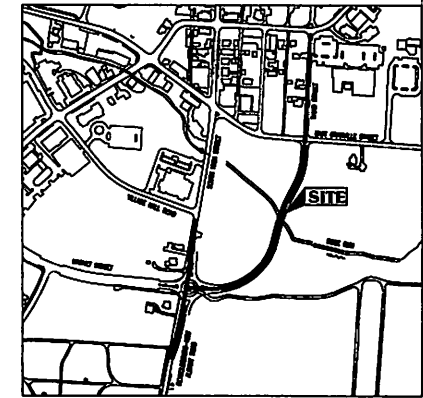
Introduced: 04/04/2023

Revised:

Adopted: 04/18/2023

Effective: 05/18/2023

# MARKET STREET, REYNOLDSBURG-NEW ALBANY ROAD, SOUTH HIGH STREET, EAST GRANVILLE STREET, THIRD STREET & MAIN STREET DEDICATION AND EASEMENTS



LOCATION MAP  
N15

Situated in the State of Ohio, County of Franklin, City of New Albany, and in Quarter Township 4, Township 2, Range 16, United States Military Lands, being a resubdivision of Lots 6, 8, 10, 14 and 16 of G.D. Ury's Addition to New Albany, as recorded in Plat Book 5, Page 402, also being a resubdivision of Lot 61 through Lot 70, inclusive, of the Town Plat (Diagram) of New Albany, as recorded in Deed Book 17, Page 278, containing 3.1853 acres of land, more or less, said 3.1853 acres being comprised of 1) part of the 1.7970 acre tract conveyed to The New Albany Company LLC by deed of record in G.R.V. 34832, Pg. 804, 2) part of the 0.143 acre tract conveyed to The New Albany Company LLC by deed of record in Instrument Number 200201260023159, 3) part of the 2.277 acre tract conveyed to The New Albany Company LLC by deed of record in G.R.V. 31702, Pg. 316, 4) part of the 4.999 acre tract conveyed to Whitaborn Organics, LLC by deed of record in Instrument Number 201209250143281, 5) part of the 5 acre tract conveyed to Whitaborn Organics, LLC by deed of record in Instrument Number 201209250143273, 6) part of the 1.856 acre tract conveyed to Whitaborn Organics, LLC by deed of record in Instrument Number 201209250143281, 7) part of the 1.809 acre tract conveyed to Whitaborn Organics, LLC by deed of record in Instrument Number 201209250143281, 8) part of the 1.736 acre tract conveyed to Whitaborn Organics, LLC by deed of record in Instrument Number 201209250143281, 9) part of the 1.325 acre tract conveyed to Whitaborn Organics, LLC by deed of record in Instrument Number 201209250143281, 10) part of the 3.235 acre tract conveyed to Whitaborn Organics, LLC by deed of record in Instrument Number 201209250143281, 11) part of the 0.566 acre tract conveyed to Whitaborn Organics, LLC by deed of record in Instrument Number 201209250143273, 12) part of the 7.504 acre tract conveyed to Whitaborn Organics, LLC by deed of record in Instrument Number 201209250143273, 13) part of the 4.811 acre tract conveyed to Whitaborn Organics, LLC by deed of record in Instrument Number 201209250143273, 14) part of a tract containing Lots 60 and 61 of said plot of New Albany, conveyed to The New Albany Company LLC by deed of record in Instrument Number 201603250068064, 15) part of a tract containing Lots 62 through 64, inclusive, of said plot of New Albany, conveyed to The New Albany Company LLC by deed of record in Instrument Number 201912160165970, 16) part of a tract containing Lot 65 of said plot of New Albany, conveyed to The New Albany Company LLC by deed of record in Instrument Number 202007010094953, 17) part of a tract containing Lots 66 and 67 of said plot of New Albany, conveyed to The New Albany Company LLC by deed of record in Instrument Number 201806100107713, 18) part of a tract containing Lots 68 through 70, inclusive, of said plot of New Albany, conveyed to The New Albany Company LLC by deed of record in Instrument Number 202009290147728, all references refer to the record of the Recorder's Office, Franklin County, Ohio.

The undersigned, The New Albany Company LLC, a Delaware limited liability company by and Whitaborn Organics, LLC, an Ohio limited liability company by and owners of the lands platted herein, duly authorized in the premises, does hereby certify that this plat correctly represents its "MARKET STREET, REYNOLDSBURG-NEW ALBANY ROAD, SOUTH HIGH STREET, EAST GRANVILLE STREET, THIRD STREET & MAIN STREET DEDICATION AND EASEMENTS" and does hereby accept this plat of same and dedicates to public use, as such, all of Market Street, Reynoldsburg-New Albany Road, South High Street, East Granville Street, Third Street & Main Street shown hereon and heretofore dedicated.

Easements are hereby reserved in, over, and under areas designated on this plat as "Utility Easement", the aforementioned designated easement permit the construction, operation and maintenance of all public and quasi public utilities, above and on the surface of the ground, and where necessary, for the construction, operation, and maintenance of service connections to all adjacent lots and lands and for storm water drainage. Within those areas designated "Drainage Easement" on this plat, an additional easement is hereby reserved for the purpose of constructing, operating and maintaining major storm water drainage swales and or other storm water drainage facilities. No above grade structures, dams or other obstructions to the flow of storm water runoff, unless approved by the City Engineer, are permitted within Drainage Easement areas as delineated on this plat. Areas shown hereon outside of the platted area are within and owned by the undersigned and easements are hereby granted therein for the uses and purposes expressed herein.

In Witness Whereof, \_\_\_\_\_,  
\_\_\_\_\_, has hereunto set his hand this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
Signed and acknowledged in the presence of: \_\_\_\_\_  
By: \_\_\_\_\_

STATE OF OHIO  
COUNTY OF FRANKLIN ss:  
Before me, a Notary Public, in and for said State, personally appeared \_\_\_\_\_ who acknowledged the signing of the foregoing instrument to be his free and voluntary act and deed and the free and voluntary act and deed of said \_\_\_\_\_ for the uses and purposes expressed therein.  
In Witness Whereof, I have hereunto set my hand and affixed my official seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
My commission expires \_\_\_\_\_ Notary Public, State of Ohio

In Witness Whereof, \_\_\_\_\_,  
\_\_\_\_\_, has hereunto set his hand this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
Signed and acknowledged in the presence of: \_\_\_\_\_  
By: \_\_\_\_\_

STATE OF OHIO  
COUNTY OF FRANKLIN ss:  
Before me, a Notary Public, in and for said State, personally appeared \_\_\_\_\_ who acknowledged the signing of the foregoing instrument to be his free and voluntary act and deed and the free and voluntary act and deed of said \_\_\_\_\_ for the uses and purposes expressed therein.

In Witness Whereof, I have hereunto set my hand and affixed my official seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My commission expires \_\_\_\_\_ Notary Public, State of Ohio

Approved this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_ Mayor, New Albany, Ohio

Approved this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_ City Engineer, New Albany, Ohio

Approved this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_ Council Representative to Planning Commission, New Albany, Ohio

Approved this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_ Chairperson, Planning Commission, New Albany, Ohio

Approved this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_ Finance Director, New Albany, Ohio

Approved and accepted by Resolution No. \_\_\_\_\_, passed \_\_\_\_\_, 20\_\_\_\_, wherein all of Market Street, Reynoldsburg-New Albany Road, Dublin-Granville Road, Third Street and Main Street shown dedicated hereon is accepted, as such, by the Council for the City of New Albany, Ohio. The City of New Albany, Ohio, approval of this plat shall become null and void unless recorded prior to \_\_\_\_\_, 20\_\_\_\_.

Transferred this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_ Auditor, Franklin County, Ohio

Deputy Auditor, Franklin County, Ohio

Filed for record this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ Recorder, Franklin County, Ohio

Fee \$ \_\_\_\_\_

File No. \_\_\_\_\_

Recorded this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_ Deputy Recorder, Franklin County, Ohio

Plat Book \_\_\_\_\_ Pages \_\_\_\_\_

### SURVEY DATA:

**BASIS OF BEARINGS:** The bearings shown on this plat were transferred from a field traverse originating and is based on the Ohio State Plane Coordinate System, South Zone as per NAD 83, 1988 adjustment. A bearing of North 10°31'41" East was held for a portion of the existing centerline of Reynoldsburg-New Albany Road, between centerline monuments FDGS 9916A and FDGS 9916B designated the "basis of bearing" for this plat.

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

**IRON PINS:** Where indicated hereon, unless otherwise noted, are solid steel reinforcing bar five-eighths inch (5/8") diameter, thirty inches long with a plastic cap placed in the top and bearing the name "E.P. FERRIS SURVEYOR 6342".

**PERMANENT MARKERS:** Permanent markers, where indicated hereon, are to be one-inch diameter, thirty-inch long, solid iron pins, are to be set to monument the points indicated and are to be set with the top and flush with the surface of the ground and then capped with an aluminum cap stamped EP Ferris. Once installed, the top of the cap shall be marked (punched) to record the actual location of the point. These markers shall be set following the completion of the construction/installation of the street pavement and utilities and prior to the City of New Albany, Ohio's acceptance of these improvements. The New Albany, Ohio, Municipal Engineer shall be notified when the markers are in place.

**FLOOD NOTE:** All of the subject property is located in Zone X (Areas determined to be outside of the 0.2% annual chance floodplain) and Zone X (Areas of 0.2% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.) of Flood Insurance Rate Map (FIRM) Map Number 39049C0208K (June 17, 2008).

PREPARED BY

**E. P. FERRIS AND ASSOCIATES, INC.**

CONSULTING CIVIL ENGINEERS & SURVEYORS  
2130 QUARRY TRAILS DR., 2ND FLOOR, COLUMBUS, OHIO 43228

We do hereby certify that we have surveyed the above premises, prepared the attached plat, and that said plat is correct to the best of my knowledge. All dimensions are in feet and decimal parts thereof.

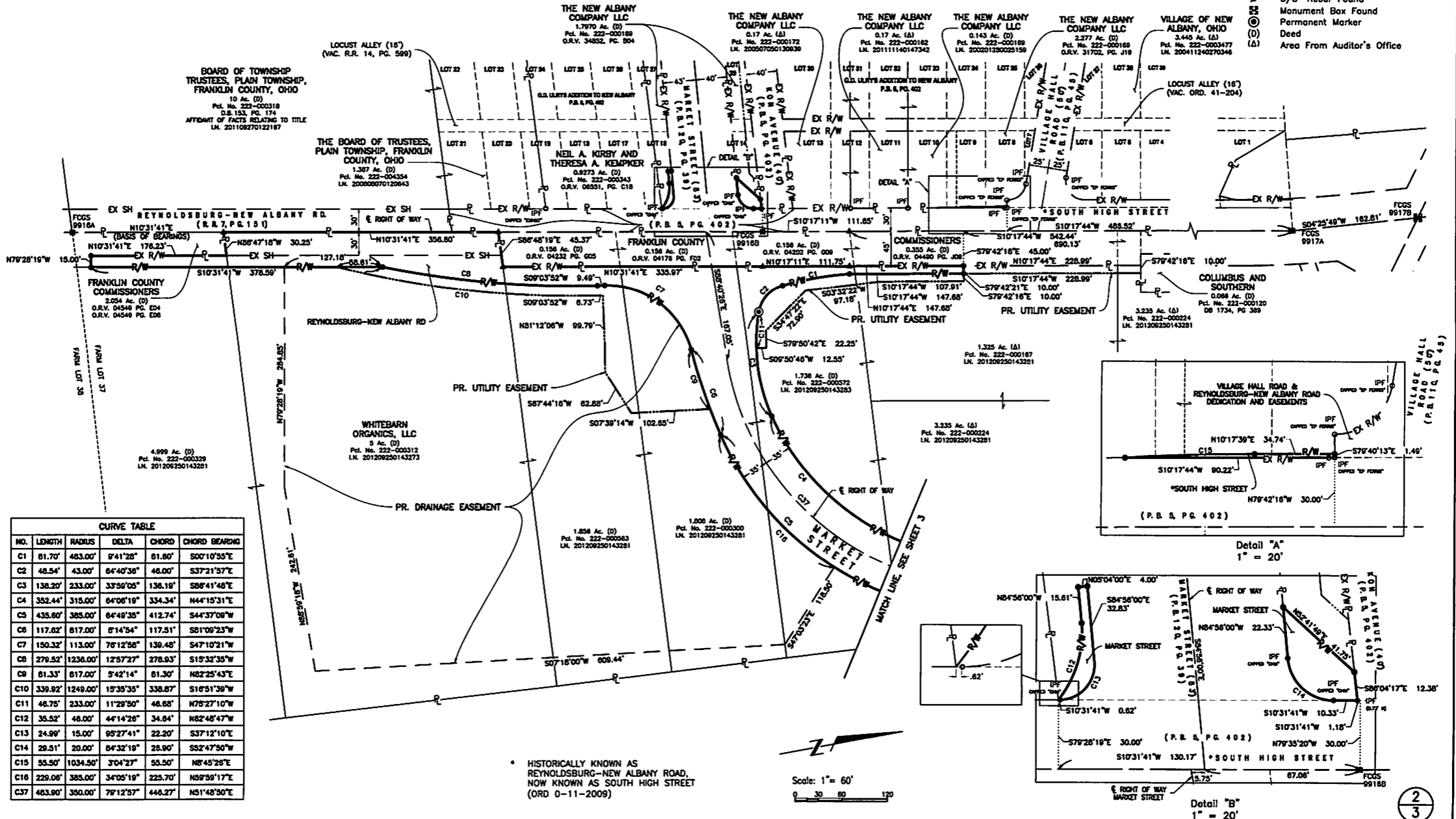


By: Matthew Lee Stout, P.E., J.S.  
Registered Surveyor No. 6342

# EXHIBIT A

# MARKET STREET, REYNOLDSBURG-NEW ALBANY ROAD, SOUTH HIGH STREET, EAST GRANVILLE STREET, THIRD STREET & MAIN STREET DEDICATION AND EASEMENTS

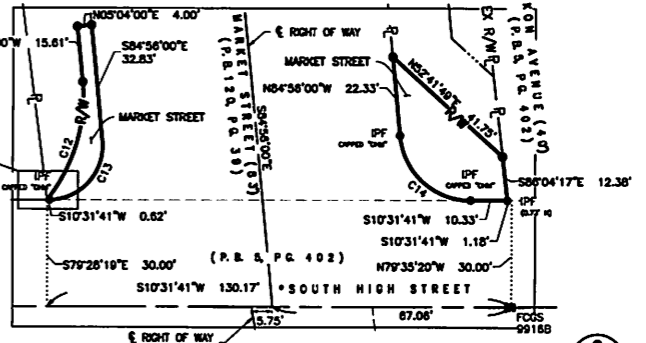
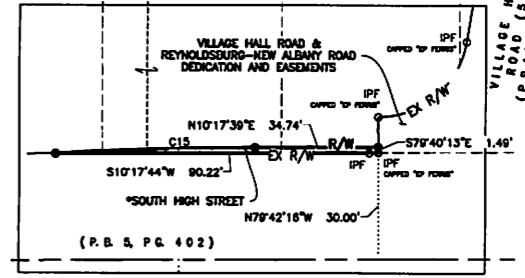
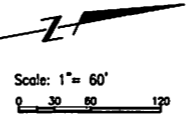
- LEGEND**
- EX R/W Existing Right-of-Way
  - EX SH Existing Highway Easement
  - R/W Proposed Right-of-Way
  - Property Line
  - Centerline of Right-of-Way
  - Iron Pin Set
  - 3/8"x3" Spike W/ 1" Diam. Head W/ 1.5" Diam. Brass Washer Stamped "E.P. FERRIS SURVEYOR 8342"
  - 3/4" Iron Pipe Found
  - 5/8" Rebar Found
  - Monument Box Found
  - Permanent Marker
  - Deed
  - (A) Area From Auditor's Office



**CURVE TABLE**

NO.	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
C1	81.70'	483.00'	9°41'28"	81.80'	S00°10'55"E
C2	48.54'	43.00'	64°40'36"	46.00'	S37°21'57"E
C3	138.20'	233.00'	33°58'05"	136.19'	S08°41'48"E
C4	352.44'	315.00'	64°08'19"	334.34'	N44°15'31"E
C5	435.60'	385.00'	64°49'35"	412.74'	S44°37'09"W
C6	117.62'	817.00'	5°14'54"	117.51'	S81°09'23"W
C7	150.32'	113.00'	78°12'56"	139.48'	S47°10'21"W
C8	279.52'	1236.00'	12°57'27"	278.93'	S15°32'35"W
C9	81.33'	817.00'	5°42'14"	81.30'	N82°25'43"E
C10	339.92'	1249.00'	15°35'35"	338.87'	S16°51'39"W
C11	48.75'	233.00'	11°29'50"	46.68'	N78°27'10"W
C12	35.52'	48.00'	44°14'26"	34.84'	N82°48'47"W
C13	24.99'	15.00'	95°27'41"	22.20'	S37°12'10"E
C14	29.51'	20.00'	84°32'19"	28.90'	S52°47'50"W
C15	55.50'	1034.50'	3°04'27"	55.50'	N8°45'28"E
C16	229.06'	385.00'	34°05'19"	225.70'	N59°59'17"E
C17	483.90'	350.00'	78°12'57"	448.27'	N51°48'50"E

\* HISTORICALLY KNOWN AS REYNOLDSBURG-NEW ALBANY ROAD, NOW KNOWN AS SOUTH HIGH STREET (ORD 0-11-2009)

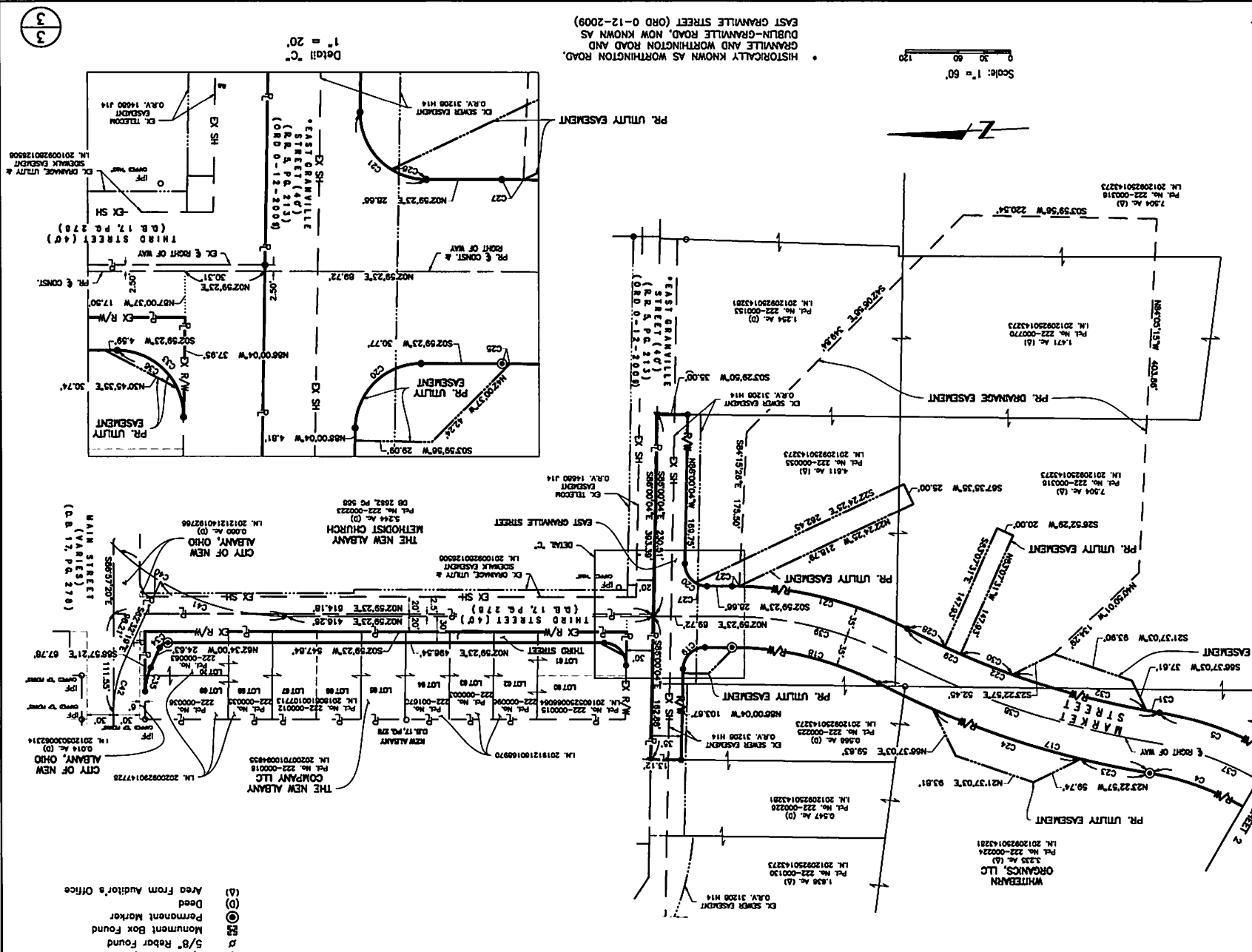


NO.	LENGTH	RD/US	DELTA	CHORD	CHORD BEARING
C4	32.44'	315.00'	64.0819°	334.34'	N44°15'31"E
C5	433.50'	355.00'	64°48'33"	412.24'	S44°37'09"W
C17	328.56'	1035.00'	18°04'38"	329.20'	N21°14'41"E
C18	173.67'	365.00'	27°17'30"	172.25'	N16°35'12"E
C19	36.55'	25.00'	88°28'28"	35.04'	N41°30'21"W
C20	39.71'	25.00'	91°00'54"	35.67'	S48°29'39"W
C21	207.22'	435.00'	27°17'30"	205.27'	S16°38'12"W
C22	304.47'	965.00'	18°04'38"	303.21'	S21°14'41"W
C23	80.35'	1035.00'	4°26'53"	80.35'	N1°25'48"E
C24	178.43'	1035.00'	9°27'30"	178.21'	S21°25'34"W
C25	3.06'	365.00'	0°29'08"	3.06'	S71°37'57"W
C26	13.55'	25.00'	31°54'58"	13.75'	N18°56'56"E
C27	0.29'	435.00'	1°03'31"	0.28'	N3°27'06"E
C28	47.41'	965.00'	2°48'54"	47.41'	S28°22'33"W
C29	20.00'	965.00'	1°11'15"	20.00'	N28°22'29"E
C30	63.65'	965.00'	3°46'47"	63.65'	S2°23'27"W
C31	7.64'	965.00'	0°54'27"	7.64'	N12°39'35"E
C32	158.11'	965.00'	8°23'18"	157.94'	N17°48'28"E
C33	39.71'	25.00'	91°00'54"	35.67'	N48°29'39"E
C34	11.44'	10.00'	68°33'22"	10.85'	N28°47'19"W
C35	27.88'	79.00'	20°13'21"	27.74'	N73°39'40"W
C36	28.24'	25.00'	64°42'48"	28.76'	S35°20'46"W
C37	483.80'	350.00'	78°12'57"	444.27'	N51°48'50"E
C38	315.51'	1000.00'	18°04'38"	314.21'	N21°14'41"E
C39	190.55'	400.00'	27°17'30"	188.75'	N16°35'12"E
C40	209.47'	200.00'	42°51'46"	204.82'	N2°25'15"E
C41	151.82'	200.00'	31°01'30"	149.77'	N16°30'08"E
C42	81.58'	144.50'	2°25'01"	81.11'	S74°44'50"E

PARCEL ID	R/O	R/W	UTILITY	DRAINAGE	ACREAGE
222-000329	0.061 AC.	0.057 AC.	0.057 AC.	0.057 AC.	0.229
222-000312	0.413 AC.	0.413 AC.	0.246 AC.	0.413 AC.	1.485
222-000683	0.043 AC.	0.043 AC.	0.043 AC.	0.043 AC.	0.172
222-000722	0.851 AC.	0.851 AC.	0.141 AC.	0.160 AC.	2.795
222-000153	0.286 AC.	0.286 AC.	0.286 AC.	0.286 AC.	1.155
222-000770	1.197 AC.	1.197 AC.	1.197 AC.	1.197 AC.	4.794
222-000316	1.864 AC.	1.864 AC.	1.139 AC.	1.139 AC.	7.646
222-000169	0.024 AC.	0.024 AC.	0.024 AC.	0.024 AC.	0.096
222-000224	0.566 AC.	0.566 AC.	0.164 AC.	0.164 AC.	2.256
222-000167	0.032 AC.	0.032 AC.	0.032 AC.	0.032 AC.	0.128
222-000172	0.489 AC.	0.489 AC.	0.079 AC.	0.079 AC.	1.905
222-000300	0.489 AC.	0.489 AC.	0.281 AC.	0.281 AC.	1.905
222-000583	0.043 AC.	0.043 AC.	0.043 AC.	0.043 AC.	0.172
222-000312	0.413 AC.	0.413 AC.	0.246 AC.	0.246 AC.	1.485
222-000329	0.061 AC.	0.057 AC.	0.057 AC.	0.057 AC.	0.229
<b>TOTAL</b>	<b>3.185 AC.</b>	<b>0.427 AC.</b>	<b>1.084 AC.</b>	<b>1.084 AC.</b>	<b>10.673 AC.</b>

ACREAGE BREAKDOWN	ACREAGE
R/O	3.185
R/W	0.427
UTILITY	1.084
DRAINAGE	1.084
<b>TOTAL</b>	<b>10.673</b>

# MARKET STREET, REYNOLDSBURG-NEW ALBANY ROAD, SOUTH HIGH STREET, EAST GRANVILLE STREET, THIRD STREET DEDICATION AND EASEMENTS



**LEGEND**

- EX R/W Existing Right-of-Way
- EX SH Existing Highway Easement
- Proposed Right-of-Way
- Property Line
- Centerline of Right-of-Way
- Iron Pin Set
- 3/8"x3" Spike W/ 1" Diam. Head W/ 1.5" Diam. Brass Washer Stamped "E.P. FERRIS SURVEYOR 8342"
- 5/8" Rebar Found
- 3/4" Iron Pipe Found
- Monument Box Found
- Permanent Marker
- Dead
- Area from Auditor's Office

HISTORICALLY KNOWN AS WORTHINGTON ROAD.  
 GRANVILLE AND WORTHINGTON ROAD AND  
 DUBLIN-GANVILLE ROAD, NOW KNOWN AS  
 EAST GRANVILLE STREET (ORD 0-12-2009)

1" = 20'  
 Detail "C"

Scale: 1" = 60'  
 0 30 60 120





**ORDINANCE O-59-2023**

**AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENTS FROM THE OWNER, KAY C. CURRENS, OF THE PROPERTY LOCATED AT 3412 MINK STREET IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY**

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

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

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

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

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

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

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

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

**Section 1.** The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easements from its owner, Kay C. Currens, for the property located at 3412 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 M56-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 M56-T1).
- C. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 3 (Project Parcel M56-T2).

**Section 2.** That Council hereby fixes the value of all the property and interests appropriated at Twenty-four Thousand Sixty-two Dollars (\$24,062.00), 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 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 18 day of April, 2023.

Attest:

  
\_\_\_\_\_  
Sloan T. Spalding  
Mayor

  
\_\_\_\_\_  
Jennifer H. Mason  
Clerk of Council

Approved as to form:

  
\_\_\_\_\_  
Benjamin S. Albrecht  
Law Director

Legislation dates:	
Prepared:	03/24/2023
Revised:	03/28/2023
Introduced:	04/04/2023
Adopted:	04/18/2023
Effective:	04/18/2023

**EXHIBIT A**

**PARCEL M56-WD  
0.537 ACRE**

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

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

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lots 1 and 10 of the Middle Division of the Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being part of that 10.00 acre tract conveyed to Kay C. Currens by deeds of record in Instrument Numbers 201406020009864 and 201902110002583 (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 stone found at the common corner of Lots 1, 2, 9, and 10 of said Middle Division of the Marsh Section, the common corner of that 130.590 acre tract conveyed to Green Chapel Properties, LLC by deed of record in Instrument Number 200612260036775 and that 28.35 acre tract conveyed to Julian Farms LLC by deed of record in Instrument Number 201206040012209, in the easterly line of said 10.00 acre tract;

Thence South 03° 47' 32" West, with the line common to said 10.00 and 28.35 acre tracts and the line common to said Lots 9 and 10, a distance of 48.47 feet to the common corner of said 10.00 acre tract and that 5.50 acre tract conveyed to Thomas W. Dauer and Dianne S. Dauer by deed of record in Instrument Number 200808190018862;

Thence North 86° 29' 48" West, with the line common to said 10.00 and 5.50 acre tracts, a distance of 833.49 feet to an iron pin set, being the TRUE POINT OF BEGINNING;

Thence North 86° 29' 48" West, partially across Mink Street (C.R. 41, width varies) and continuing with said common line, (passing a 3/4 inch bent iron pipe found at a distance of 61.92 feet) a total distance of 88.49 feet to a magnetic nail set in the centerline of said Mink Street, the easterly line of that 35.745 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202207200017782, and at the common corner of said 10.00 and 5.50 acre tracts;

Thence North 22° 36' 00" East, with the centerline of said Mink Street, the westerly line of said 10.00 acre tracts, the easterly lines of said 35.745 acre tract, that 0.539 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202205100011767, and that 1.049 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339, a distance of 553.27 feet to a magnetic nail set at the common corner of said 10.00 acre tract and that 3.000 acre tract conveyed to Danny T. Disbennett and Rebecca C. Disbennett by deed of record in Instrument Number 201609160020094;

Thence South 86° 29' 51" East, across said Mink Street, with the line common to said 10.00 and 3.000 acre tracts, a distance of 31.86 feet to an iron pin set in the easterly right-of-way line of said Mink Street;

Thence across said 10.00 acre tract, the following courses and distances:

EXHIBIT A

PARCEL M56-WD

0.537 ACRE

-2-

South 23° 09' 08" West, with said right-of-way line, a distance of 10.57 feet to an iron pin set;

South 22° 36' 00" West, continuing with said right-of-way line, a distance of 253.84 feet to an iron pin set at a point of curvature;

With the arc of a curve to the left, having a central angle of 24° 29' 49", a radius of 506.00 feet, an arc length of 216.34 feet, a chord bearing of South 10° 21' 05" West and chord distance of 214.70 feet to an iron pin set at a point of reverse curvature; and

With the arc of a curve to the right, having a central angle of 33° 48' 22", a radius of 105.00 feet, an arc length of 61.95 feet, a chord bearing of South 15° 00' 22" West and chord distance of 61.06 feet to the TRUE POINT OF BEGINNING, containing 0.537 acre, more or less, all of which is within Auditor's Parcel Number 037-112146-00.000, 0.381 acre is within the present roadway occupied by said Mink Street NW.

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

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

The bearings shown 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 22° 36' 00" 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.



JMM:ap  
M56-WD\_0\_537 bt 20220233-VS-BNDY.docx

Joshua M. Meyer  
Professional Surveyor No. 8485

10-17-2022

Date

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



Evans, Meschery, Hamilton & Tilton, Inc.  
 Engineers - Surveyors - Planners - Scientists  
 5300 New Albany Road, Columbus, OH 43234  
 Phone: 614.278.4330 Fax: 614.278.4348  
 emht.com

# SURVEY OF ACREAGE PARCEL

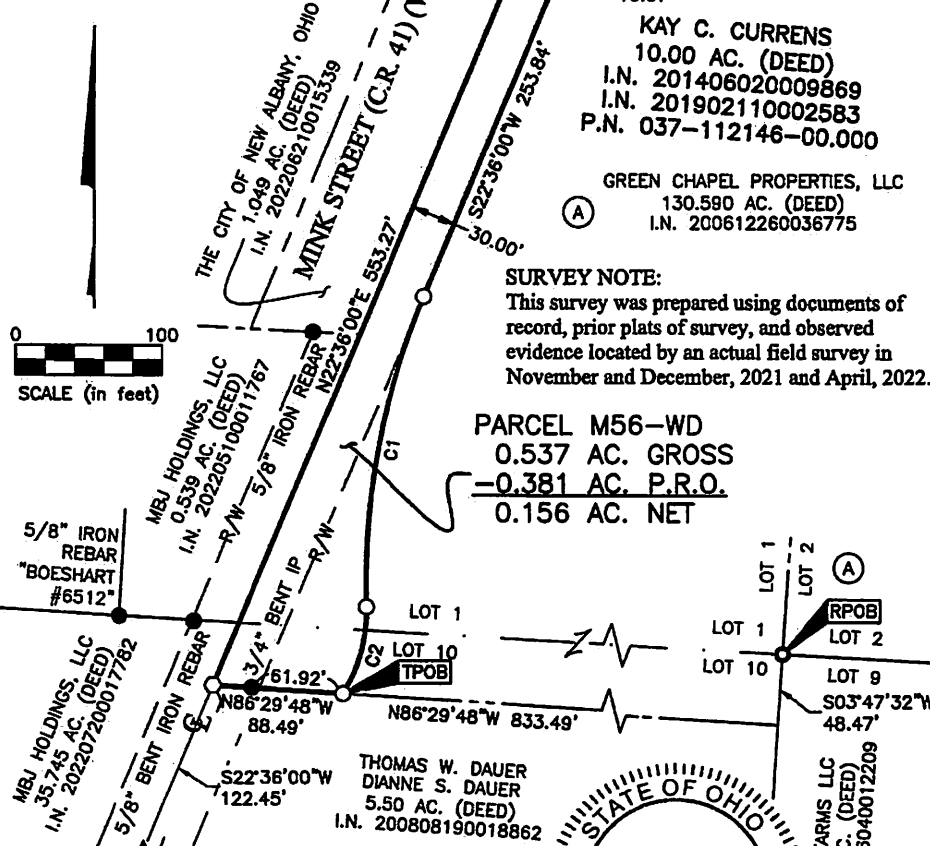
LOTS 1 & 10, MIDDLE DIVISION OF THE MARSH SECTION,  
 QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15  
 UNITED STATES MILITARY DISTRICT  
 TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: October 17, 2022 Scale: 1" = 100' Job No: 2022-0233 Sheet No: 1 of 1

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S86°29'51"E	31.86'

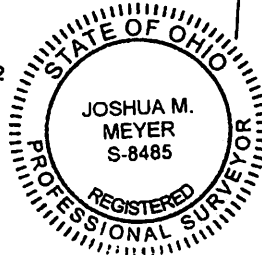
CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CH. BEARING	CH. DIST.
C1	24°29'49"	506.00'	216.34'	S10°21'05"W	214.70'
C2	33°48'22"	105.00'	61.95'	S15°00'22"W	61.06'

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



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

**BASIS OF BEARINGS:**  
 The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street NW, having a bearing of North 22° 36' 00" East, is designated the "basis of bearings" for this survey.



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

\N:\2022\03\DWG\CASHMETS\BOUWER\A\56-WD\_20220233-15-0817.DWG plotted by FERROUSON, DAVID on 10/17/2022 11:35:20 AM last saved by FERROUSON on 10/17/2022 11:35:18 AM

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

PARCEL M56-T1

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

**SEE EXHIBIT A ATTACHED**

Licking County, Ohio Current Tax Parcel No. 03711214600.000

Prior Instrument Reference: Instrument #201902110002583 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 M56-T1  
0.015 ACRE**

**TEMPORARY EASEMENT  
WITHOUT LIMITATION OF ACCESS**

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

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lot 1 of the Middle Division of the Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being on, over and across that 10.00 acre tract conveyed to Kay C. Currens by deed of record in Instrument Number 201902110002583 (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, width varies), at the common corner of said 10.00 acre tract and that 3.000 acre tract conveyed to Danny T. Disbennett and Rebecca C. Disbennett by deed of record in Instrument Number 201609160020094;

Thence South 22° 36' 00" West, with the centerline of said Mink Street NW, a distance of 214.06 feet to a point;

Thence across said 10.00 acre tract, the following courses and distances:

South 67° 24' 00" East, a distance of 30.00 feet to a point in the easterly right-of-way line of said Mink Street NW, being the TRUE POINT OF BEGINNING;

North 22° 36' 00" East, with said easterly right-of-way line, a distance of 20.00 feet to a point;

South 67° 24' 00" East, a distance of 6.01 feet to a point;

North 48° 22' 05" East, a distance of 15.36 feet to a point;

South 40° 41' 02" East, a distance of 19.33 feet to a point;

South 48° 22' 05" West, a distance of 27.91 feet to a point; and

North 67° 24' 00" West, a distance of 17.82 feet to the TRUE POINT OF BEGINNING, containing 0.015 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

*Matthew A Kirk*

19 Oct 22

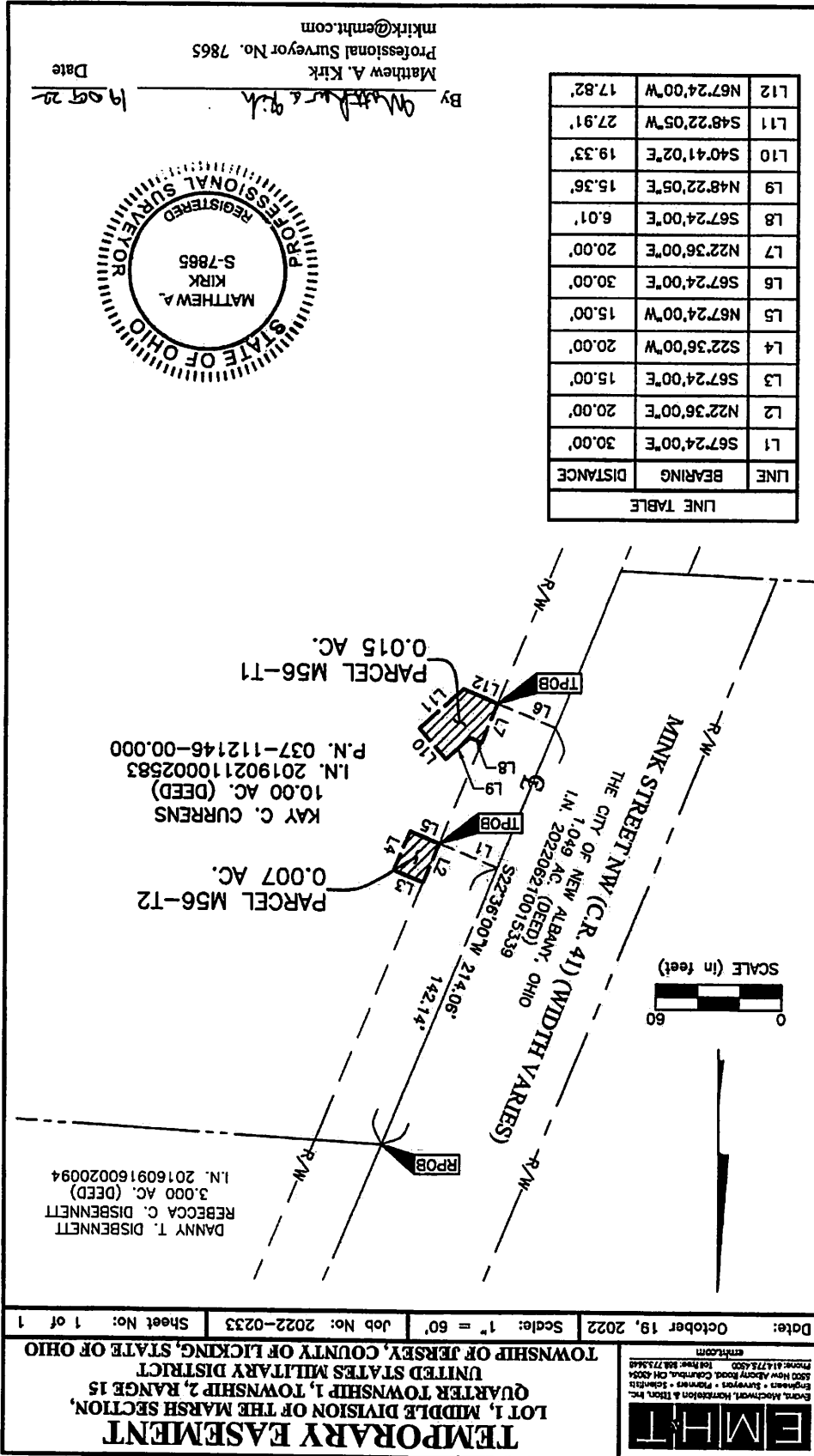
Matthew A. Kirk  
Professional Surveyor No. 7865

Date

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M56-T1\_0\_015 ac 20220233-VS-ESMT-TEMP.docx







LINE	BEARING	DISTANCE
L1	S67°24'00"E	30.00'
L2	N22°36'00"E	20.00'
L3	S67°24'00"E	15.00'
L4	S22°36'00"W	20.00'
L5	N67°24'00"W	15.00'
L6	S67°24'00"E	30.00'
L7	N22°36'00"E	20.00'
L8	S67°24'00"E	6.01'
L9	N48°22'05"E	15.36'
L10	S40°41'02"E	19.33'
L11	S48°22'05"W	27.91'
L12	N67°24'00"W	17.82'



By Matthew A. Kirk  
 Matthew A. Kirk  
 Professional Surveyor No. 7865  
 mkirk@emht.com  
 Date 10/19/22

Date: October 19, 2022 Scale: 1" = 60' Job No: 2022-0233 Sheet No: 1 of 1

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

**EMHT**  
 Evans, Medsker, Herstein & Tron, Inc.  
 Engineers - Surveyors - Planners - Scientists  
 1500 New Albany Road, Columbus, OH 43264  
 Phone: 614.778.4500 Fax: 614.778.4540  
 emht.com

A:\2022\2022\004\EMHT\PROJ\DRAWINGS\M56-T1-2022\2022-O-59-ESMT-T1-2022.DWG plotted by PHILIPOTT, ANDREW on 10/19/2022 8:22:25 AM last saved by JPHILIPOTT on 10/19/2022 8:22:00 AM

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

PARCEL M56-T2

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

**SEE EXHIBIT A ATTACHED**

Licking County, Ohio Current Tax Parcel No. 03711214600.000

Prior Instrument Reference: Instrument #201902110002583 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 M56-T2  
0.007 ACRE**

**TEMPORARY EASEMENT  
WITHOUT LIMITATION OF ACCESS**

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

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Lot 1 of the Middle Division of the Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being on, over and across that 10.00 acre tract conveyed to Kay C. Currens by deed of record in Instrument Number 201902110002583 (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, width varies), at the common corner of said 10.00 acre tract and that 3.000 acre tract conveyed to Danny T. Disbennett and Rebecca C. Disbennett by deed of record in Instrument Number 201609160020094;

Thence South 22° 36' 00" West, with the centerline of said Mink Street NW, a distance of 142.14 feet to a point;

Thence across said 10.00 acre tract, the following courses and distances:

South 67° 24' 00" East, a distance of 30.00 feet to a point in the easterly right-of-way line of said Mink Street NW, being the TRUE POINT OF BEGINNING;

North 22° 36' 00" East, with said easterly right-of-way line, a distance of 20.00 feet to a point;

South 67° 24' 00" East, a distance of 15.00 feet to a point;

South 22° 36' 00" West, a distance of 20.00 feet to a point; and

North 67° 24' 00" West, a distance of 15.00 feet to the TRUE POINT OF BEGINNING, containing 0.007 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

*Matthew A. Kirk*

19 Oct 22

Matthew A. Kirk  
Professional Surveyor No. 7865

Date

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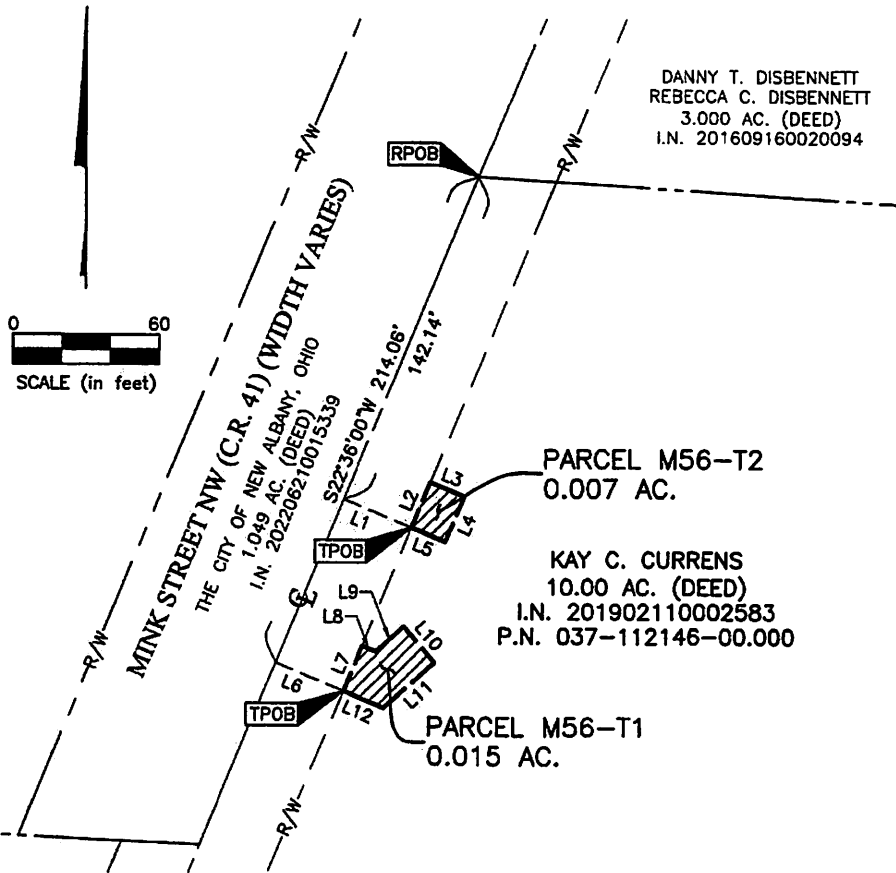




Edward, Mechwart, Hamilton & Tison, Inc.  
 Engineers • Surveyors • Planners • Scientists  
 6800 New Albany Road, Columbus, OH 43054  
 Phone: 614.778.4300 Toll Free: 888.773.3448  
 emht.com

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

Date: October 19, 2022 Scale: 1" = 60' Job No: 2022-0233 Sheet No: 1 of 1



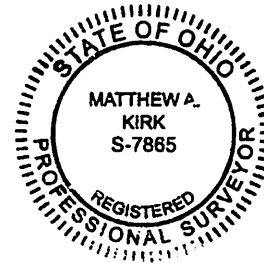
DANNY T. DISBENNETT  
 REBECCA C. DISBENNETT  
 3.000 AC. (DEED)  
 I.N. 201609160020094

PARCEL M56-T2  
 0.007 AC.

KAY C. CURRENS  
 10.00 AC. (DEED)  
 I.N. 201902110002583  
 P.N. 037-112146-00.000

PARCEL M56-T1  
 0.015 AC.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S67°24'00"E	30.00'
L2	N22°36'00"E	20.00'
L3	S67°24'00"E	15.00'
L4	S22°36'00"W	20.00'
L5	N67°24'00"W	15.00'
L6	S67°24'00"E	30.00'
L7	N22°36'00"E	20.00'
L8	S67°24'00"E	6.01'
L9	N48°22'05"E	15.36'
L10	S40°41'02"E	19.33'
L11	S48°22'05"W	27.91'
L12	N67°24'00"W	17.82'



By Matthew A. Kirk 10/19/22  
 Matthew A. Kirk Date  
 Professional Surveyor No. 7865  
 mkirk@emht.com

4:\2022\33\DWG\ASHEETS\EASEMENTS\M56-T\_20220233-15-ESMT-TEMP.DWG: plotted by PHILPOTT, ANDREW on 10/19/2022 8:22:26 AM last saved by PHILPOTT on 10/19/2022 8:22:50 AM



**ORDINANCE O-60-2023**

**AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNER, BRANDEN KERN, OF THE PROPERTY LOCATED AT 2710 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-11-2023 and said Resolution was served according to law and return of service has been made; and

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

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

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

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

**Section 1.** The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easement from its owner, Branden Kern, for the property located at 2710 Mink Street, for the public purpose of making, repairing, improving and constructing Mink Street and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described as depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel M72-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 M72-T).

**Section 2.** That Council hereby fixes the value of all the interests appropriated at One Thousand Five Hundred Seventy-seven Dollars (\$1,577.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owner of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

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

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

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

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

**Section 7.** It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this legislation were adopted in an open meeting of the Council, and


that all deliberations of the Council and/or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

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

CERTIFIED AS ADOPTED this 16 day of April, 2023.

Attest:

  
\_\_\_\_\_  
Sloan T. Spalding  
Mayor

  
\_\_\_\_\_  
Jennifer H. Mason  
Clerk of Council

Approved as to form:

  
\_\_\_\_\_  
Benjamin S. Albrecht  
Law Director

<b>Legislation dates:</b>	
Prepared:	03/24/2023
Introduced:	04/04/2023
Revised:	
Adopted:	04/18/2023
Effective:	04/18/2023

**EXHIBIT A**

**PARCEL M72-WD  
0.140 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 Marsh Section, Quarter Township 1, Township 2, Range 15, United States Military District, being part of that 4.016 acre tract conveyed to Branden Kern by deed of record in Instrument Number 201811200024727 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

BEGINNING at a magnetic nail set at the centerline intersection of Mink Street NW (County Road 41) (60 feet) and Jug Street Road NW (County Road 22) (60 feet), in the westerly line of said 4.016 acre tract, the northeasterly corner of that 5 acre tract conveyed to Betty M. Fagerstrom by deeds of record in Deed Book 495, Page 295 and Deed Book 826, Page 989, the southeasterly corner of that 2 acre tract conveyed to Jeff H. Peterman by deed of record in Official Record 357, Page 78;

Thence North 21° 06' 23" East, with the centerline of said Mink Street NW, with the common line of said 4.016 and 2 acre tracts, a distance of 15.39 feet to a magnetic nail set at the westerly common corner of said 4.016 acre tract and that 3 acre tract conveyed to Dustin A. Barkhurst and Lindsay Barkhurst by deed of record in Instrument Number 201810170021818;

Thence South 86° 00' 27" East, with the line common to said 4.016 and 3 acre tracts, and across the right of way of said Mink Street NW, (passing a 3/4 inch Solid Iron Pin found at a distance of 21.89 feet) a total distance of 31.39 feet to an iron pin set;

Thence South 21° 06' 23" West, with said easterly right of way line and across said 4.016 acre tract, a distance of 25.07 feet to an iron point set;

Thence South 22° 48' 23" West, with said easterly right of way line and across said 4.016 acre tract, a distance of 1.45 feet to an iron point set;

Thence continuing across said 4.016 acre tract, the following courses and distances:

South 67° 11' 37" East, a distance of 2.00 feet to an iron pin set;

South 22° 48' 23" West, a distance of 134.91 feet to an iron pin set; and

North 67° 11' 37" West, a distance of 2.00 feet to an iron pin set in said easterly right of way line;

Thence South 22° 48' 23" West, with said easterly right of way line and across said 4.016 acre tract, a distance of 33.55 feet to an iron point set in the common line of said 4.016 acre tract and that 6 acre tract conveyed to Mojica Properties, LLC by deed of record in Instrument Number 201808100016539;



**EXHIBIT A**

**PARCEL M72-WD  
0.140 ACRE**

-2-

Thence North 85° 41' 37" West, with the line common to said 4.016 and 6 acre tracts, and across the right of way of said Mink Street NW, (passing a 5/8 inch Iron Rebar found at a distance of 4.92 feet) a total distance of 31.63 feet to a magnetic nail set in the centerline of said Mink Street NW, at a common corner of said 4.016 acre and 6 acre tracts in the easterly line of said 5 acre tract;

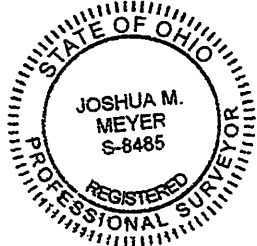
Thence North 22° 48' 23" East, with the centerline of said Mink Street NW, with the common line of said 4.016 acre tract and said 5 acre tract, a distance of 179.50 feet to the POINT OF BEGINNING, containing 0.140 acre, more or less, all of which is within Auditors Parcel Number 037-112602-00.000, and 0.134 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° 06' 23" East, is designated the "basis of bearing" for this description.

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



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Joshua M. Meyer  
Professional Surveyor No. 8485

1-17-2023

Date

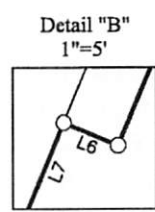
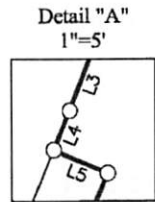
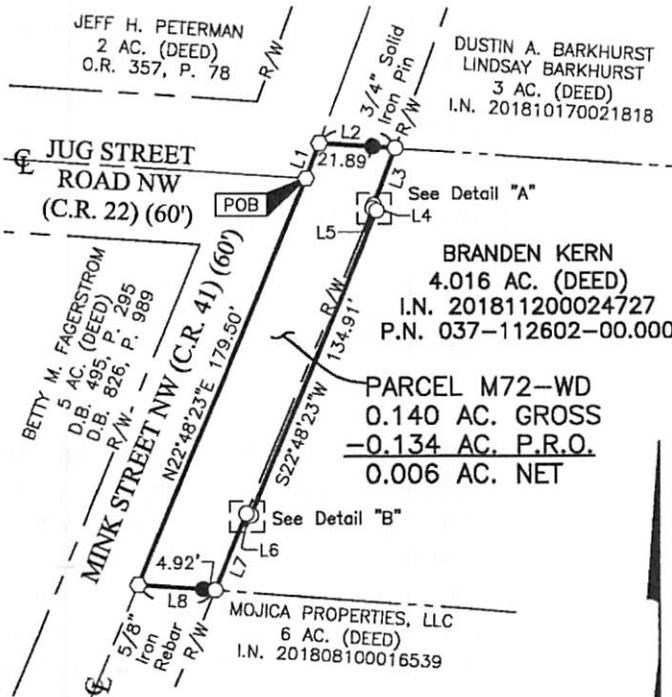
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M72-WD 0\_140 ac 20220233-VS-BNDY.docx

<b>PRE-APPROVAL</b> LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY:	
DATE: 1/18/23	



**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: January 17, 2023    Scale: 1" = 60'    Job No: 2022-0233    Sheet No: 1 of 1



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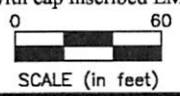
**BASIS OF BEARINGS:**  
 The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin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

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N21°06'23"E	15.39'
L2	S86°00'27"E	31.39'
L3	S21°06'23"W	25.07'
L4	S22°48'23"W	1.45'
L5	S67°11'37"E	2.00'
L6	N67°11'37"W	2.00'
L7	S22°48'23"W	33.55'
L8	N85°41'37"W	31.63'

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



1-17-2023  
 Date

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

PARCEL M72-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. 037-112602-00.000

Prior Instrument Reference: 201811200024727 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 M72-T  
0.005 ACRE**

**TEMPORARY EASEMENT**

A temporary easement for grading and driveway re-construction, upon and over the described real estate. Grantor/Owner herein retains the right to use said real estate for any and all other purposes provided that such use does not interfere with nor impair the exercise of the easement herein granted (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 on, over and across that 4.016 acre tract conveyed to Branden Kern by deed of record in Instrument Number 201811200024727 (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 4.016 acre tract, the northwesterly corner of that 6 acre tract conveyed to Mojica Properties, LLC by deed of record in Instrument Number 201808100016539;

Thence South 85° 41' 37" East, across the right of way of said Mink Street NW, with the line common to said 4.016 and 6 acre tracts, a distance of 31.63 feet to a point in the easterly right of way line thereof, being the TRUE POINT OF BEGINNING;

Thence across said 4.016 acre tract, the following courses and distances:

North 22° 48' 23" East, with the said easterly right of way line, a distance of 29.39 feet to a point;

South 67° 11' 37" East, a distance of 8.00 feet to a point; and

South 22° 48' 23" West, a distance of 26.71 feet to a point in the line common to said 4.016 and 6 acre tracts;

Thence North 85° 41' 37" West, with said common line, a distance of 8.44 feet to the TRUE POINT OF BEGINNING, containing 0.005 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

*Matthew A. Kirk*

3 JAN 23

Matthew A. Kirk  
Professional Surveyor No. 7865

Date

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M72-T 0\_005 ac 20220233-VS-ESMT-TEMP.docx



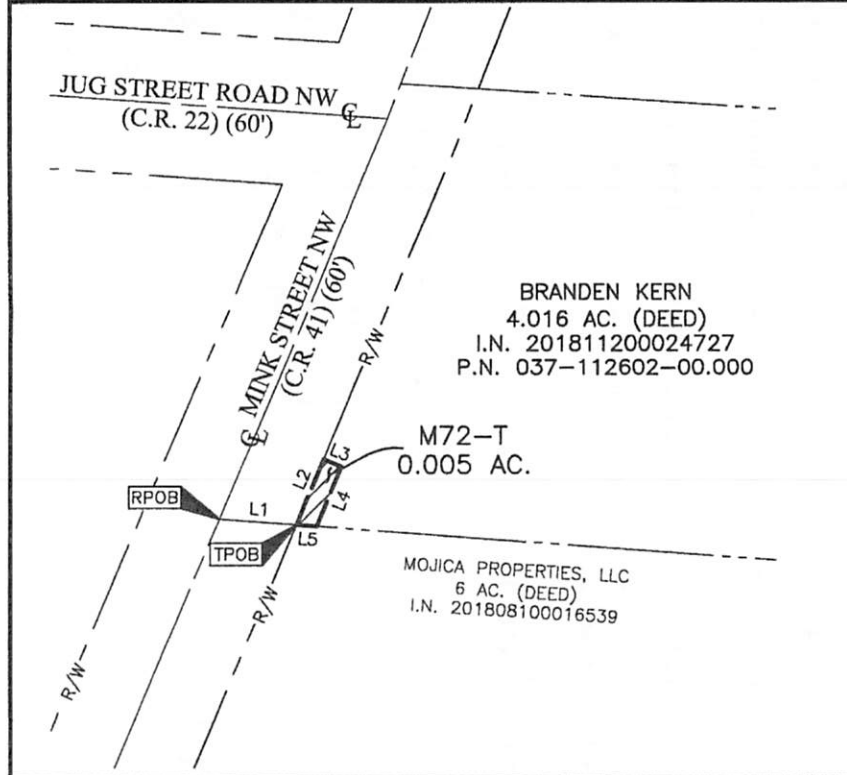


Evans, Mechwart, Hambleton & Tilton, Inc.  
 Engineers • Surveyors • Planners • Scientists  
 5500 New Albany Road, Columbus, OH 43054  
 Phone: 614.775.4500 Toll Free: 888.775.3648  
 emht.com

# 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:	January 3, 2023
Scale:	1" = 60'
Job No:	20220233
Sheet No:	1 of 1



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S85°41'37"E	31.63'
L2	N22°48'23"E	29.39'
L3	S67°11'37"E	8.00'
L4	S22°48'23"W	26.71'
L5	N85°41'37"W	8.44'



By Matthew A. Kirk Date 3 JAN 23  
 Matthew A. Kirk  
 Professional Surveyor No. 7865  
 mkirk@emht.com

Ordinance O-60-2023 EXHIBIT 2



**ORDINANCE O-61-2023**

**AN ORDINANCE TO APPROPRIATE PROPERTY FROM THE OWNERS, ROBERT T. VUCICH AND SHERYL L. VUCICH, OF THE PROPERTY LOCATED AT 12600 GREEN CHAPEL ROAD IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE GREEN CHAPEL ROAD PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY**

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

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

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

**WHEREAS**, a Resolution of intent was previously adopted by Council in Resolution No. R-10-2023 and said Resolution was served according to law and return of service has been made; and

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

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

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

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

**Section 1.** The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property from its owners, Robert T. Vucich and Sheryl L. Vucich, for the property located at 12600 Green Chapel Road, for the public purpose of making, repairing, improving and constructing Green Chapel Road and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described as depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel G38-WD).

**Section 2.** That Council hereby fixes the value of all the interests appropriated at Twenty-three Thousand Six Hundred Twenty-seven Dollars (\$23,627.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owners of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

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

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

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

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

**Section 7.** It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this legislation were adopted in an open meeting of the Council, and that all deliberations of the Council and/or any of its committees that resulted in such formal action


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

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

CERTIFIED AS ADOPTED this 18 day of April, 2023.

**Attest:**

  
\_\_\_\_\_  
Sloan T. Spalding  
Mayor

  
\_\_\_\_\_  
Jennifer H. Mason  
Clerk of Council

**Approved as to form:**

  
\_\_\_\_\_  
Benjamin S. Albrecht  
Law Director

Legislation dates:	
Prepared:	03/24/2023
Introduced:	04/04/2023
Revised:	
Adopted:	04/18/2023
Effective:	04/18/2023



**EXHIBIT A**

**PARCEL G38-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 5.616 acre tract conveyed to Robert T. Vucich and Sheryl L. Vucich by deed of record in Official Record 203, Page 511 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

BEGINNING at a P.K. nail found at the westerly centerline intersection of Green Chapel Road NW (Township Road 63) and Clover Valley Road NW (County Road 26), 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 southeasterly corner of that 2.465 acre tract conveyed to Alex Luong by deed of record in Instrument Number 201908080016252, the southwesterly corner of that 2.512 acre tract conveyed to Biltwell Homes, LLC by deed of record in Instrument Number 202102090004257, 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 86° 21' 26" West, with the centerline of said Green Chapel Road NW, the line common to said Townships 3 and 2, a distance of 824.42 feet to a magnetic nail set at the southeasterly corner of said 5.616 acre tract, the southwesterly corner of that 5.632 acre tract conveyed to Victor R. DeCenzo and Tina L. DeCenzo by deed of record in Official Record 157, Page 189, in the northerly line of said 47.245 acre tract, the TRUE POINT OF BEGINNING;

Thence North 86° 21' 26" West, with the southerly line of said 5.616 acre tract, said centerline, said common Township line, said northerly line, a distance of 258.00 feet to a magnetic nail set at the southwesterly corner of said 5.616 acre tract, the southeasterly corner of that 6.674 acre tract conveyed to Denise L. Bauer by deed of record in Instrument Number 201907150014022;

Thence North 02° 53' 47" East, across said Green Chapel Road NW, with the line common to said 5.616 and 6.674 acre tracts (passing a 5/8 inch iron rebar found at a distance of 20.01 feet), a total distance of 30.00 feet to an iron pin set;

Thence South 86° 21' 26" East, across said 5.616 acre tract, a distance of 258.01 feet to an iron pin set in the line common to said 5.616 and 5.637 acre tracts;

Thence South 02° 54' 25" West, with said common line, across said Green Chapel Road NW, a distance of 30.00 feet to the TRUE POINT OF BEGINNING, containing 0.178 acre, more or less, all of which is within Auditor's Parcel Number 052-173490-00.001 and 0.073 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.

**EXHIBIT A**

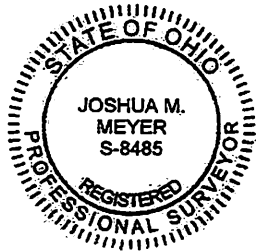
**PARCEL G38-WD  
0.178 ACRE**

**-2-**

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

The bearings shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Green Chapel Road NW, having a bearing of North 86°21'26" West, is designated the "basis of bearings" for this survey.

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



EVANS, MECHWART, HAMBLETON & TILTON, INC.

12-9-2022

Joshua M. Meyer  
Professional Surveyor No. 8485

Date

IMM:djf  
G38-WD\_0\_178 ac 20220307-VS-BNDY.docx

<b>PRE-APPROVAL</b> LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY: <i>PS</i>	
DATE: <i>1/9/2022</i>	



Evans, Mechwart, Hambleton & Titus, Inc.  
 Engineers - Surveyors - Planners - Scientists  
 5000 New Albany Road, Columbus, OH 43254  
 Phone: 614.775.4500 Fax: 614.775.3648  
 emht.com

# SURVEY OF ACREAGE PARCEL

## SECTION 24, TOWNSHIP 3, RANGE 15

### UNITED STATES MILITARY DISTRICT

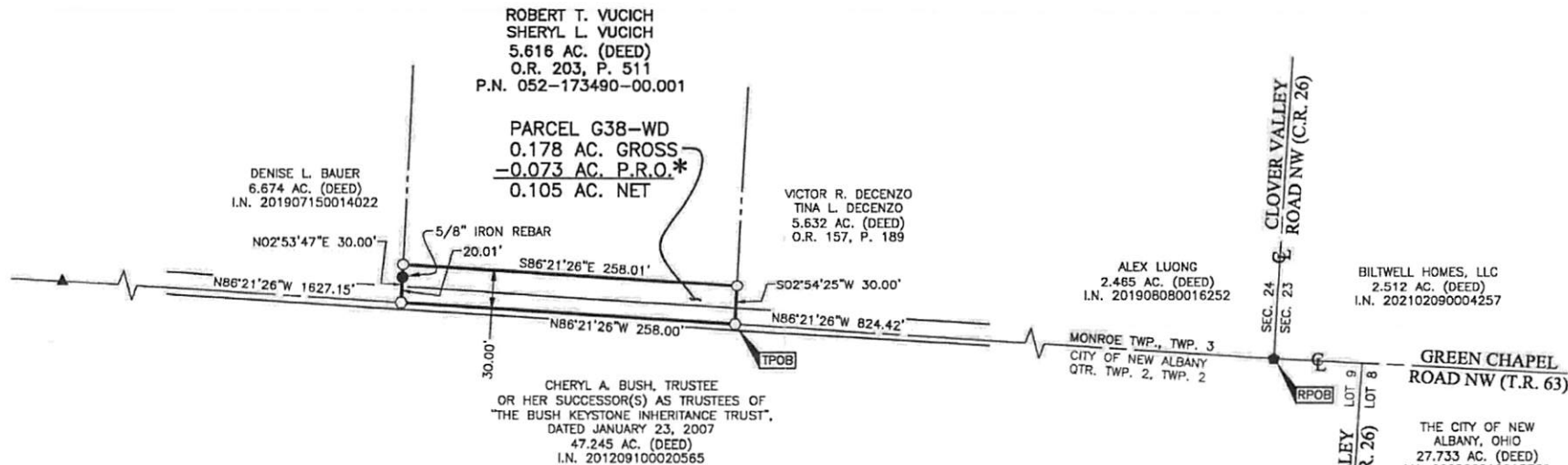
### TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date: December 9, 2022

Scale: 1" = 80'

Job No: 2022-0307

Sheet No: 1 of 1



**BASIS OF BEARINGS:**

The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Green Chapel Road NW, having a bearing of North 86°21'26" West, is designated the "basis of bearings" for this survey.

**\* ROAD RIGHT OF WAY NOTES:**

The existing right-of-way width for Green Chapel Road has not been specified since neither a Road Record nor a Commissioner Road Folder could be found in the Licking County Engineer's office. The existing edge of roadway pavement was used to calculate the Present Road Occupied (P.R.O.) for this road.

**SURVEY NOTE:**

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

- Iron Pin Set
- Iron Pin Found
- 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  
 Professional Surveyor No. 8485  
 jmeyer@emht.com

12-9-2022  
 Date

Ordinance O-61-2023 EXHIBIT 1



**ORDINANCE O-62-2023**

**AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNERS, VICTOR R. DECENZO AND TINA L. DECENZO, OF THE PROPERTY LOCATED AT 12550 GREEN CHAPEL ROAD IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE GREEN CHAPEL ROAD PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY**

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

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

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

**WHEREAS**, a Resolution of intent was previously adopted by Council in Resolution No. R-10-2023 and said Resolution was served according to law and return of service has been made; and

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

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

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

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

**Section 1.** The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easement from its owners, Victor R. DeCenzo and Tina L. DeCenzo, for the property located at 12550 Green Chapel Road, for the public purpose of making, repairing, improving and constructing Green Chapel Road and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described as depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel G39-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 G39-T).

**Section 2.** That Council hereby fixes the value of all the interests appropriated at Fifteen Thousand Eight Hundred Eighty-seven Dollars (\$15,887.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owners of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

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

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

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

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

**Section 7.** It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this legislation were adopted in an open meeting of the Council, and that all deliberations of the Council and/or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

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

CERTIFIED AS ADOPTED this 18 day of April, 2023.

Attest:

  
Sloan T. Spalding  
Mayor

  
Jennifer H. Mason  
Clerk of Council

Approved as to form:

  
Benjamin S. Albrecht  
Law Director

<b>Legislation dates:</b>	
Prepared:	03/24/2023
Introduced:	04/04/2023
Revised:	
Adopted:	04/18/2023
Effective:	04/18/2023

**EXHIBIT A**

**PARCEL G39-WD  
0.141 ACRE**

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

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

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Section 24, Township 3, Range 15, United States Military District, being out of that 5.632 acre tract conveyed to Victor R. DeCenzo and Tina L. DeCenzo by deed of record in Official Record 157, Page 189 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

BEGINNING at a P.K. nail found at the westerly centerline intersection of Green Chapel Road NW (Township Road 63) and Clover Valley Road NW (County Road 26), 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 southeasterly corner of said 2.465 acre tract conveyed to Alex Luong by deed of record in Instrument Number 201908080016252, the southwesterly corner of that 2.512 acre tract conveyed to Biltwell Homes, LLC by deed of record in Instrument Number 202102090004257, 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 86° 21' 26" West, with the centerline of said Green Chapel Road NW, the line common to said Townships 3 and 2, a distance of 566.29 feet to a magnetic nail set at the southeasterly corner of said 5.632 acre tract, the southwesterly corner of said 2.465 acre tract, in the northerly line of said 47.245 acre tract, the TRUE POINT OF BEGINNING;

Thence North 86° 21' 26" West, with the southerly line of said 5.632 acre tract, said centerline, said common Township line, said northerly line, a distance of 258.13 feet to a magnetic nail set at the southwesterly corner of said 5.632 acre tract, the southeasterly corner of that 5.616 acre tract conveyed to Robert T. Vucich and Sheryl L. Vucich by deed of record in Official Record 203, Page 511;

Thence North 02° 54' 25" East, across said Green Chapel Road NW, with the line common to said 5.632 and 5.616 acre tracts, a distance of 30.00 feet to an iron pin set;

Thence South 83° 35' 11" East, across said 5.632 acre tract, a distance of 258.59 feet to an iron pin set in the line common to said 5.632 and 2.465 acre tracts;

Thence South 02° 54' 35" West, with said common line, across said Green Chapel Road NW, a distance of 17.50 feet to the TRUE POINT OF BEGINNING, containing 0.141 acre, more or less, all of which is within Auditor's Parcel Number 052-173490-00.005 and 0.075 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 G39-WD  
0.141 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 Green Chapel Road NW, having a bearing of North 86°21'26" West, is designated the "basis of bearings" for this survey.

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



EVANS, MECHWART, HAMBLETON & TILTON, INC.

12-9-2022

Joshua M. Meyer  
Professional Surveyor No. 8485

Date

JMM:djf  
G39-WD\_0\_141.ec 20220307-VS-BNDY.docx

<b>PRE-APPROVAL</b>	
LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY:	<i>BS</i>
DATE:	<i>1/9/22</i>



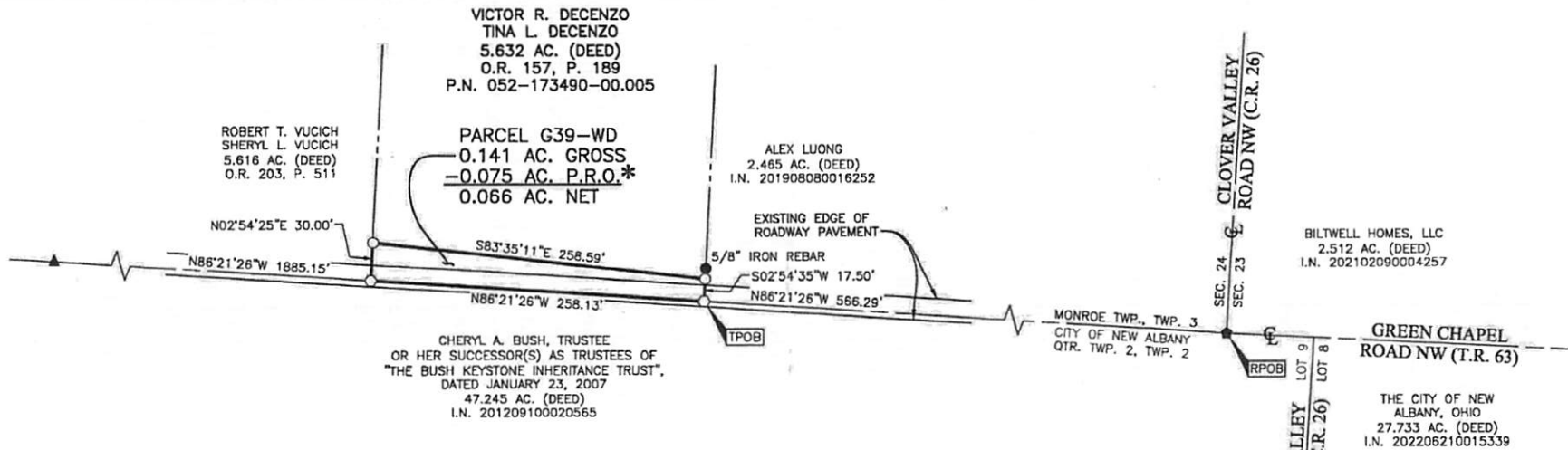


Evans, Mechwart, Hambleton & Tilton, Inc.  
 Engineers - Surveyors - Planners - Scientists  
 5800 New Albany Road, Columbus, OH 43254  
 Phone: 614.775.4522 Toll Free: 888.775.3668  
 emht.com

# SURVEY OF ACREAGE PARCEL

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

Date:	December 9, 2022
Scale:	1" = 80'
Job No:	2022-0307
Sheet No:	1 of 1



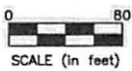
**BASIS OF BEARINGS:**  
 The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Green Chapel Road NW, having a bearing of North 86°21'26" West, is designated the "basis of bearings" for this survey.

**\*ROAD RIGHT OF WAY NOTES:**  
 The existing right-of-way width for Green Chapel Road has not been specified since neither a Road Record nor a Commissioner Road Folder could be found in the Licking County Engineer's office. The existing edge of roadway pavement was used to calculate the Present Road Occupied (P.R.O.) for this Road.

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

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

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



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

12-9-2022  
 Date

Ordinance O-62-2023 EXHIBIT 1

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

PARCEL G39-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. 052-173490-00.005

Prior Instrument Reference: Volume 203, Page 511, 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 G39-T  
0.023 ACRE**

**TEMPORARY EASEMENT  
WITHOUT LIMITATION OF ACCESS**

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

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Section 24, Township 3, Range 15, United States Military District, being on, over and across that 5.632 acre tract conveyed to Victor R. Decenzo and Tina L. Decenzo by deed of record in Official Record 157, Page 189 (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 said Green Chapel Road NW (T.R. 63), the line common to said Township 3 and Township 2 of said Range 15, the southerly common corner to said 5.632 acre tract and that 5.616 acre tract conveyed to Robert T. Vucich and Sheryl L. Vucich by deed of record in Official Record 203, Page 511, 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 02° 54' 25" East, with the line common to said 5.632 and 5.616 acre tracts, a distance of 26.06 feet to a point;

Thence South 87° 05' 35" East, across said 5.632 acre tract, a distance of 64.40 feet to the TRUE POINT OF BEGINNING;

Thence continuing across said 5.632 acre tract, the following courses and distances;

North 06° 24' 49" East, a distance of 20.00 feet to a point;


South 83° 35' 11" East, a distance of 50.00 feet to a point;

South 06° 24' 49" West, a distance of 20.00 feet to a point; and

North 83° 35' 11" West, a distance of 50.00 feet to the TRUE POINT OF BEGINNING, containing 0.023 acre, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

  
Heather L. King  
Professional Surveyor No. 8307

1/19/23  
Date

HLK:smh  
G39-T\_0\_023 ac 20220307-VS-ESMT-TEMP.docx



Evans, Mechwart, Hamilton & Thron, Inc.  
 Engineers • Surveyors • Planners • Scientists  
 5500 New Albany Road, Columbus, OH 43254  
 Phone: 614.775.4500 Fax: 614.775.3448  
 emht.com

# TEMPORARY EASEMENT

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

Date: January 9, 2023  
 Scale: 1" = 60'  
 Job No: 2022-0307  
 Sheet No: 1 of 1

VICTOR R. DECENZO  
 TINA L. DECENZO  
 5.632 AC. (DEED)  
 O.R. 157, P. 189  
 P.N. 052-173490-00.005

PARCEL G39-1  
 0.023 AC.

ROBERT T. VUCICH  
 SHERYL L. VUCICH  
 5.616 AC. (DEED)  
 O.R. 203, P. 511

CHERYL A. BUSH, TRUSTEE  
 OR HER SUCCESSOR(S) AS  
 TRUSTEES OF  
 "THE BUSH KEYSTONE  
 INHERITANCE TRUST",  
 DATED JANUARY 23, 2007  
 47.245 AC. (DEED)  
 I.N. 201209100020565

Monroe Township 3  
 Section 24, Township 3  
 City of New Albany, Ohio  
 Quarter Township 2, Township 2

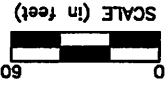


By Heather L. King  
 Professional Surveyor No. 8307  
 hkng@emht.com

Date: 1/19/23

LINE	BEARING	DISTANCE
L1	N02°54'25"E	26.06'
L2	S87°05'35"E	64.40'
L3	N06°24'48"E	20.00'
L4	S83°35'11"E	50.00'
L5	S06°24'49"W	20.00'
L6	N83°35'11"W	50.00'

LINE TABLE



2:\2022\07\DWG\ASHEETS\ASHEETS\ASHEETS\030-1\_2022\07-05-ESMT-TMP.DWG plotted by DORNA THRON on 1/12/2023 8:46:45 AM last saved by THRON on 1/12/2023 8:42:51 AM



**ORDINANCE O-63-2023**

**AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENTS FROM THE OWNERS, ADAM FRANZ AND BETH A. FRANZ, OF THE PROPERTY LOCATED AT 11934 GREEN CHAPEL ROAD IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE GREEN CHAPEL ROAD PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY**

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

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

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

**WHEREAS**, a Resolution of intent was previously adopted by Council in Resolution No. R-10-2023 and said Resolution was served according to law and return of service has been made; and

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

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

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

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

**Section 1.** The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easements from its owners, Adam Franz and Beth A. Franz, for the property located 11934 Green Chapel Road, for the public purpose of making, repairing, improving and constructing Green Chapel Road and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described as depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel G49-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 G49-T).
- C. Permanent easement as described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 3 (Project Parcel G49-S).

**Section 2.** That Council hereby fixes the value of all the interests appropriated at Three Thousand Six Hundred One Dollars (\$3,601.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owners of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

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

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

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

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


**Section 7.** It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this legislation were adopted in an open meeting of the Council, and that all deliberations of the Council and/or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

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

**CERTIFIED AS ADOPTED** this 18 day of April, 2023.

**Attest:**

  
\_\_\_\_\_  
Sloan T. Spalding  
Mayor

  
\_\_\_\_\_  
Jennifer H. Mason  
Clerk of Council

**Approved as to form:**

  
\_\_\_\_\_  
Benjamin S. Albrecht  
Law Director

<b>Legislation dates:</b>	
Prepared:	03/24/2023
Introduced:	04/04/2023
Revised:	
Adopted:	04/18/2023
Effective:	04/18/2023

**EXHIBIT A**

**PARCEL G49-WD  
0.041 ACRE**

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

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

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Section 23, Township 3, Range 15, United States Military District, being out of that 5.63 acre tract conveyed to Adam Franz and Beth A. Franz by deed of record in Instrument Number 201002250003655 (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 of Green Chapel Road NW (Township Road 63) at the southerly common corner of said Section 23 and Lot 7 (First Range of Lots), of Quarter Township 4, Township 3, in the northerly line of Lot 8, Quarter Township 2, Township 2, said Range 15, the southeasterly corner of that 5.654 acre tract conveyed to Lauren McCuen and Joshua Westfall by deed of record in Instrument Number 201908090016315, the southwesterly corner of that 6.232 acre tract conveyed to Timothy K. Burke and Alita Ann Mercer Burke by deed of record in Instrument Number 202208190020456, in the northerly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339;

Thence North 87° 01' 59" West, with said Green Chapel Road NW centerline, the line common to said Townships 3 and 2 and the northerly line of said 27.733 acre tract, a distance of 360.12 feet to a magnetic nail set at the southeasterly corner of said Franz tract, the southwesterly corner of that 5.63 acre tract conveyed to Andrea J. Ford by deed of record in Instrument Number 200505230015205, the TRUE POINT OF BEGINNING;

Thence North 87° 01' 59" West, with said centerline, said common Township line, the line common to said Franz and 27.733 acre tracts (passing a magnetic nail found at a distance of 44.59 feet), a total distance of 180.00 feet to a magnetic nail set at the southwesterly corner of said Franz tract, the southeasterly corner of that 5.638 acre tract conveyed to Justin J. Price and Jennifer M. Price by deed of record in Instrument Number 202008100020152;

Thence North 02° 58' 52" East, across said Green Chapel Road NW and with the line common to said Franz and 5.638 acre tracts, a distance of 10.00 feet to an iron pin set;

Thence South 87° 01' 59" East, across said Franz tract, a distance of 180.00 feet to an iron pin set in the line common to said Franz and Ford tracts;

Thence South 02° 58' 52" West, with said common line and across said Green Chapel Road NW, a distance of 10.00 feet to the TRUE POINT OF BEGINNING, containing 0.041 acre, more or less, all of which is within Auditor's Parcel Number 052-173646-00.005 and all of which is within the present road occupied.

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



**EXHIBIT A**

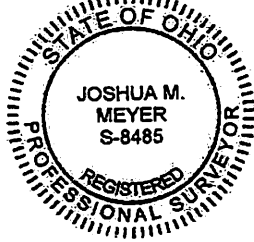
**PARCEL G49-WD  
0.041 ACRE**

-2-

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

The bearings shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Green Chapel Road NW, having a bearing of North 87° 01' 59" West, is designated the "basis of bearings" for this survey.

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



EVANS, MECHWART, HAMBLETON & TILTON, INC.

1-3-2023

Joshua M. Meyer  
Professional Surveyor No. 8485

Date

JMM:djf  
G49-WD\_0\_041 ac 20220307-VS-BNDY.docx

<b>PRE-APPROVAL</b>	
LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY:	35
DATE:	1/9/2023



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

PARCEL G49-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. 052-173646-00.005

Prior Instrument Reference: Instrument No. 201002250003655, 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 G49-T  
0.026 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 5.63 acre tract conveyed to Adam Franz and Beth A. Franz by deed of record in Instrument Number 201002250003655 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Green Chapel Road NW (Township Road 63), the line common to said Township 3 and Township 2 of said Range 15, the southwesterly corner of said 5.63 acre tract, the southeasterly corner of that 5.638 acre tract conveyed to Justin J. Price and Jennifer M. Price by deed of record in Instrument Number 202008100020152, in the northerly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339;

Thence North 02° 58' 52" West, with the line common to said 5.63 and 5.638 acre tracts, a distance of 10.00 feet to the TRUE POINT OF BEGINNING;

Thence North 02° 58' 52" East, with said common line, a distance of 10.00 feet to a point;

Thence across said 5.63 acre tract, the following courses and distances:

South 87° 01' 59" East, a distance of 113.99 feet to a point;

South 02° 58' 01" West, a distance of 10.00 feet to a point; and

North 87° 01' 59" West, a distance of 113.99 feet to the TRUE POINT OF BEGINNING, containing 0.026 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.



*Joshua M. Meyer*

Joshua M. Meyer  
Professional Surveyor No. 8485

1-26-2023

Date

JMM:djf  
G49-T\_0\_026 ac 1022007-VS-ESMT-TEMP.docx

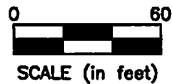
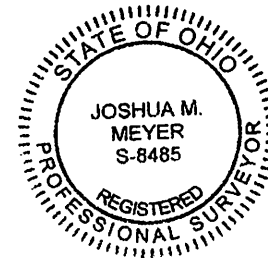
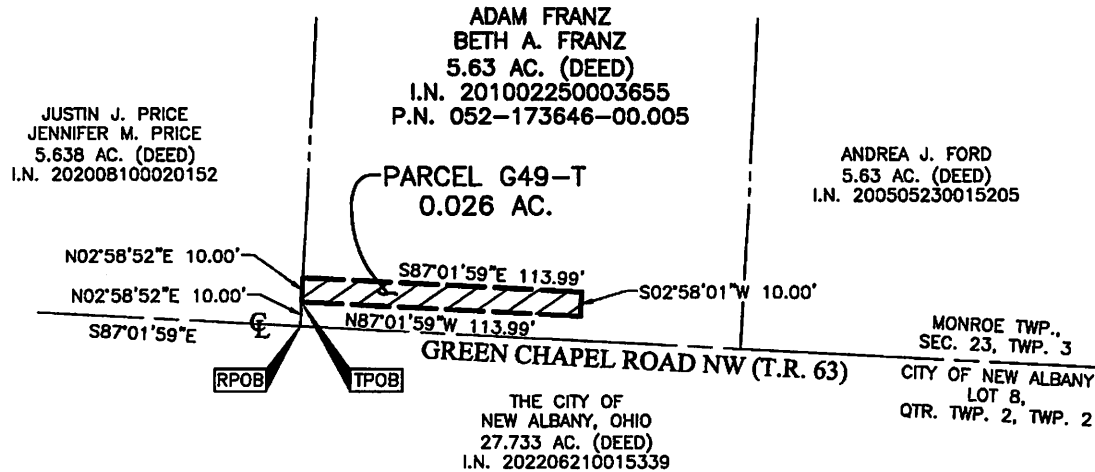


Evans, Mechwart, Hambleton & Tillor, Inc.  
 Engineers - Surveyors - Planners - Scientists  
 5500 New Albany Road, Columbus, OH 43254  
 Phone: 614.775.4500 Toll Free: 800.775.5648  
 emht.com

# TEMPORARY EASEMENT

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

Date:	January 26, 2023
Scale:	1" = 60'
Job No:	2022-0307
Sheet No:	1 of 1



By Joshua M. Meyer 1-26-2023  
 Joshua M. Meyer  
 Professional Surveyor No. 8485  
 jmeyer@emht.com  
 Date

Ordinance O-63-2023 EXHIBIT 2

## **EASEMENT**

### **PARCEL G49-S**

A perpetual non-exclusive easement granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to occupy for drainage, stormwater management, utilities and appurtenances necessary for the establishment, construction, reconstruction, widening, repair or maintenance and use of a public road (the “Project”) the following described real estate (“Easement Area”) and for other purposes described herein:

**SEE EXHIBIT A ATTACHED**

**Licking County Current Tax Parcel No. 052-173646-00.005**

**Prior Instrument Reference: Instrument Number 201002250003655 Licking County, Ohio Recorder’s Office**

The purpose of the easement is for drainage, stormwater management and utilities appurtenant to a public road, together with the right to construct, reconstruct, operate, maintain, repair, replace, and/or remove said drainage, stormwater and utility facilities that may be necessary or convenient for the providing of such drainage, stormwater and utility services, in, upon, across, over, under, and through the Easement Area, together with ingress and egress thereto. The City may assign this Easement to parties who may be responsible for the proper use, operation, and maintenance of the drainage, stormwater, utility and public roadway that required this Easement.

Upon completion of any construction of any drainage, stormwater and utilities in the Easement Area, the Easement Area will be graded, seeded or erosion control measures shall be installed and the Easement Area shall be returned as reasonably practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. The City shall restore the initial construction in the Easement Area in accordance with the roadway improvement plans and specifications on file at the Licking County Engineer’s Office.

The Owner shall not unreasonably interfere with the drainage, stormwater or utility easement or its purposes and shall not convey any other easement within the Easement Area; place any additional structures of a temporary or permanent type on, above, or under the Easement Area; add or remove any dirt, stone, fill, trees or other vegetation or materials within the Easement Area; or disturb or alter any slopes, drainage courses or water flows within the Easement Area. However, the Owner may continue to enjoy the use of said property for any purposes which do not interfere with or prevent the use of this Easement by the City including ingress and egress over said Easement not inconsistent with its intended use.

**EXHIBIT A**

**PARCEL G49-S  
0.015 ACRE**

**EASEMENT**

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Section 23, Township 3, Range 15, United States Military District, being on, over, and across that 5.63 acre tract conveyed to Adam Franz and Beth A. Franz by deed of record in Instrument Number 201002250003655 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Green Chapel Road NW (Township Road 63), the line common to said Township 3 and Township 2 of said Range 15, the southeasterly corner of said Franz tract, the southwesterly corner of that 5.63 acre tract conveyed to Andrea J. Ford by deed of record in Instrument Number 200505230015205, in the northerly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339;

Thence North 02° 58' 52" West, with the line common to said Franz and Ford tracts, a distance of 10.00 feet to the TRUE POINT OF BEGINNING;

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

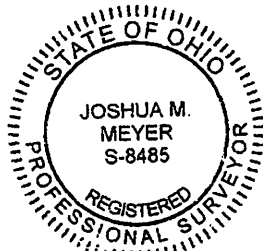
North 87° 01' 59" West, a distance of 66.01 feet to a point;

North 02° 58' 01" East, a distance of 10.00 feet to a point; and

South 87° 01' 59" East, a distance of 66.01 feet to a point in said common line;

Thence South 02° 58' 52" West, with said common line, a distance of 10.00 feet to the TRUE POINT OF BEGINNING, containing 0.015 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.



Joshua M. Meyer  
Professional Surveyor No. 8485

1-26-2023

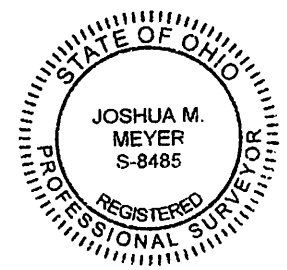
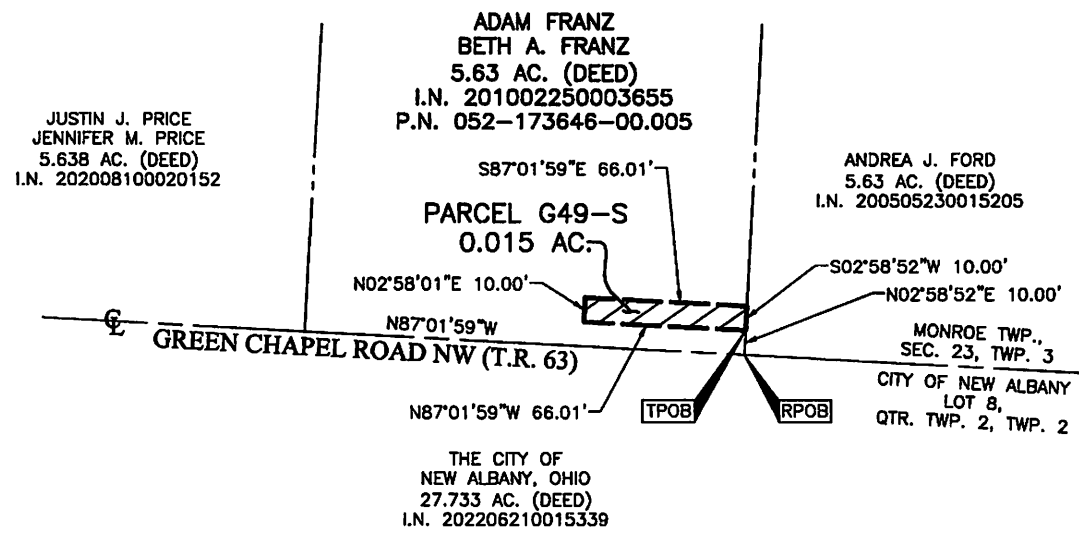
Date

JMM:djf  
G49-S\_0\_015 ac 20220307-VS-ESMT-DRAN.docx

**EMHT**  
 Evans, Mechwart, Hambleton & Titon, Inc.  
 Engineers - Surveyors - Planners - Scientists  
 6500 New Albany Road, Columbus, OH 43064  
 Phone: 614.775.4500 Toll Free: 888.775.3648  
 emht.com

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

Date:	January 26, 2023
Scale:	1" = 60'
Job No:	2022-0307
Sheet No:	1 of 1



By Joshua M. Meyer 1-26-2023  
 Joshua M. Meyer Date  
 Professional Surveyor No. 8485  
 jmeyer@emht.com

Ordinance O-63-2023 EXHIBIT 3

J:\2022\307\DWG\04SHEETS\EASEMENTS\G49-S\_2022\307-VS-ESMT-DRAW.DWG plotted by FERGUSON, DAVID on 1/26/2023 3:00:19 PM last saved by FERGUSON on 1/26/2023 3:00:16 PM





**ORDINANCE O-66-2023**

**AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENTS FROM THE OWNERS, RONALD MUSIC AND EUINE MUSIC, OF THE PROPERTY LOCATED AT 11718 GREEN CHAPEL ROAD IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE GREEN CHAPEL ROAD PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY**

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

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

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

**WHEREAS**, a Resolution of intent was previously adopted by Council in Resolution No. R-10-2023 and said Resolution was served according to law and return of service has been made; and

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

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

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

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

**Section 1.** The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easements from its owners, Ronald Music and Euine Music, for the property located 11718 Green Chapel Road, for the public purpose of making, repairing, improving and constructing Green Chapel Road and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described as depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel G54A-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 G54A-T).

**Section 2.** That Council hereby fixes the value of all the interests appropriated at One Thousand Eight Hundred Ninety-one Dollars (\$1,891.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owners of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

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

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

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

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

**Section 7.** It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this legislation were adopted in an open meeting of the Council, and that all deliberations of the Council and/or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

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

CERTIFIED AS ADOPTED this 18 day of April, 2023.

Attest:

  
\_\_\_\_\_  
Sloan T. Spalding  
Mayor

  
\_\_\_\_\_  
Jennifer H. Mason  
Clerk of Council

Approved as to form:

  
\_\_\_\_\_  
Benjamin S. Albrecht  
Law Director

<b>Legislation dates:</b>	
Prepared:	03/24/2023
Introduced:	04/04/2023
Revised:	
Adopted:	04/18/2023
Effective:	04/18/2023

**EXHIBIT A**

**PARCEL G54B-WD  
0.062 ACRE**

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

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

---

**[Surveyor's description of premises follows]**

---

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Lot 7 (first range of lots), Quarter Township 4, Township 3, Range 15, United States Military District, being part of that 7.00 acre tract conveyed to Ronald D. Music and Euine F. Music by deed of record in Deed Book 834, Page 526 (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 of Green Chapel Road NW (Township Road 63) at the southerly common corner of said and Lot 7 (First Range of Lots) and Section 23 of said Township 3, in the northerly line of Lot 8, Quarter Township 2, Township 2, said Range 15, the southeasterly corner of that 5.654 acre tract conveyed to Lauren McCuen and Joshua Westfall by deed of record in Instrument Number 201908090016315, the southwesterly corner of that 6.232 acre tract conveyed to Timothy K. Burke and Alita Ann Mercer Burke by deed of record in Instrument Number 202208190020456, in the northerly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339;

Thence with the centerline of said Green Chapel Road NW, the line common to said Townships 3 and 2, the following courses and distances:

South 87° 01' 59" East, a distance of 0.57 feet to a magnetic nail found at the northerly common corner of Quarter Townships 1 and 2 of said Township 2, in the southerly line of said Lot 7; and

South 86° 44' 16" East, a distance of 636.72 feet to a magnetic nail set at the southwesterly corner of said 7.00 acre tract, the southeasterly corner of that 3.004 acre tract conveyed to Ronald Music and Euine Music by deed of record in Official Record 116, Page 473, in the northerly line of said 27.733 acre tract, the TRUE POINT OF BEGINNING;

Thence North 02° 59' 18" East, across said Green Chapel Road NW and with the line common to said 7.00 and 3.004 acre tracts, a distance of 10.00 feet to an iron pin set;

Thence South 86° 44' 16" East, across said 7.00 acre tract, a distance of 269.96 feet to an iron pin set in the easterly line of said 7.00 acre tract, the westerly line of that 5.224 acre tract conveyed to Danny G. Vanhoose and Barbara J. Vanhoose by deed of record in Deed Book 802, Page 223;

Thence South 02° 46' 43" West, across said Green Chapel Road NW and with the line common to said 7.00 and 5.224 acre tracts, a distance of 10.00 feet to a magnetic nail set at the southerly common corner thereof, in said centerline, said common Township line and said northerly line;

Thence North 86° 44' 16" West, with the southerly line of said 7.00 acre tract, said centerline, said common Township line and said northerly line, a distance of 270.00 feet to the

**EXHIBIT A**

**PARCEL G54B-WD  
0.062 ACRE**

**-2-**

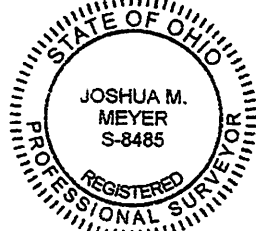
TRUE POINT OF BEGINNING, containing 0.062 acre, more or less, all of which is within Auditor's Parcel Number 052-172710-02.000 and 0.058 acre of which is within the present road occupied.

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

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

The bearings shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Green Chapel Road NW, having a bearing of North 86° 44' 16" West, is designated the "basis of bearings" for this survey.

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



EVANS, MECHWART, HAMBLETON & TILTON, INC.

1-6-2023

Joshua M. Meyer  
Professional Surveyor No. 8485

Date

JMM:djf  
G54B-WD\_0\_062 ac 20220307-VS-BNDY.docx

<b>PRE-APPROVAL</b>	
LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY:	<i>BS</i>
DATE:	<i>1/10/23</i>

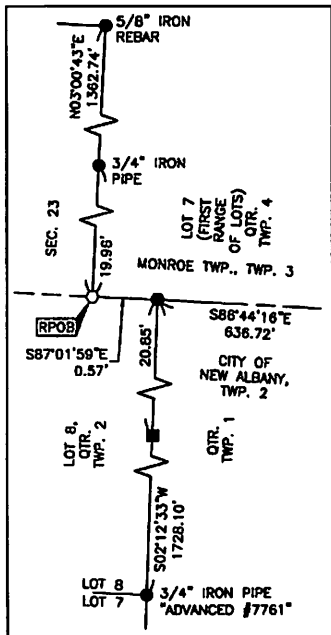


Evans, Mochwort, Hambleton & Tison, Inc.  
 Engineers - Surveyors - Planners - Scientists  
 6000 New Albany Road, Columbus, OH 43254  
 Phone: 614.778.4300 Toll Free: 888.778.2648  
 emht.com

# SURVEY OF ACREAGE PARCEL

## LOT 7 (FIRST RANGE OF LOTS), QUARTER TOWNSHIP 4, TOWNSHIP 3, RANGE 15 UNITED STATES MILITARY DISTRICT TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

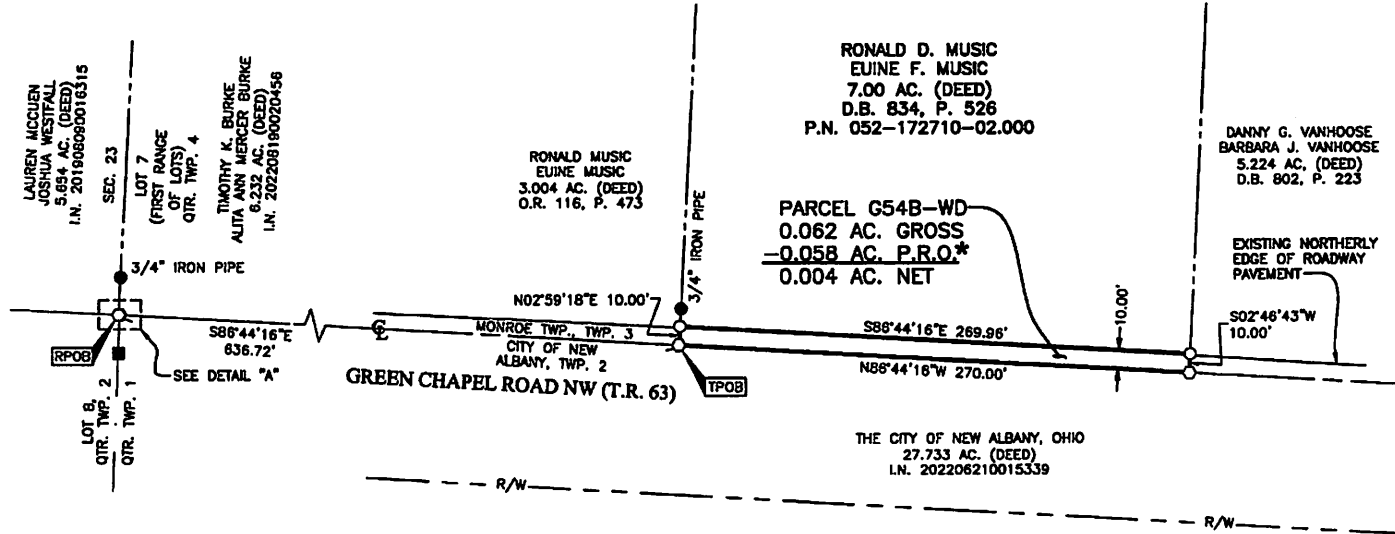
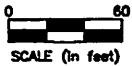
Date:	January 6, 2023
Scale:	1" = 60'
Job No:	2022-0307
Sheet No:	1 of 1



DETAIL "A"  
N.T.S.

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

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



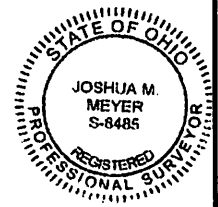
**\* ROAD RIGHT OF WAY NOTES:**  
 The existing right-of-way width for Green Chapel Road has not been specified since neither a Road Record nor a Commissioner Road Folder could be found in the Licking County Engineer's office. The existing edge of roadway pavement was used to calculate the Present Road Occupied (P.R.O.) for this Road.

**BASIS OF BEARINGS:**  
 The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Green Chapel Road NW, having a bearing of North 86° 44' 16" West, is designated the "basis of bearings" for this survey.

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

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

1-6-2023  
 Date



Ordinance O-66-2023 EXHIBIT 1

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

PARCEL G54B-T1

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

**SEE EXHIBIT A ATTACHED**

Licking County, Ohio Current Tax Parcel No. 052-172710-02.000

Prior Instrument Reference: Deed Book 834, Page 526, 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 G54B-T1  
0.031 ACRE**

**TEMPORARY EASEMENT  
WITHOUT LIMITATION OF ACCESS**

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

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Lot 7 (first range of lots), Quarter Township 4, Township 3, Range 15, United States Military District, being on, over and across that 7.00 acre tract conveyed to Ronald D. Music and Euine F. Music by deed of record in Deed Book 834, Page 526 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Green Chapel Road NW (Township Road 63) at the southwesterly corner of said 7.00 acre tract, the southeasterly corner of that 3.004 acre tract conveyed to Ronald Music and Euine Music by deed of record in Official Record 116, Page 473, in the northerly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339, the line common to said Township 3 and Township 2;

Thence North 02° 59' 18" East, with the line common to said 7.00 and 3.004 acre tracts, a distance of 10.00 feet to the TRUE POINT OF BEGINNING;

Thence North 02° 59' 18" East, continuing with said common line, a distance of 10.00 feet to a point;

Thence across said 7.00 acre tract, the following courses and distances:

South 86° 44' 16" East, a distance of 135.85 feet to a point;

South 03° 15' 44" West, a distance of 10.00 feet to a point; and

North 86° 44' 16" West, a distance of 135.80 feet to the TRUE POINT OF BEGINNING, containing 0.031 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

*Matthew A. Kirk*

11 JAN 23

Matthew A. Kirk  
Professional Surveyor No. 7865

Date

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G54B-T1\_0\_031 ac 20220307-VS-ESMT-TEMP.docx





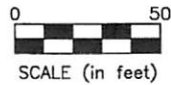
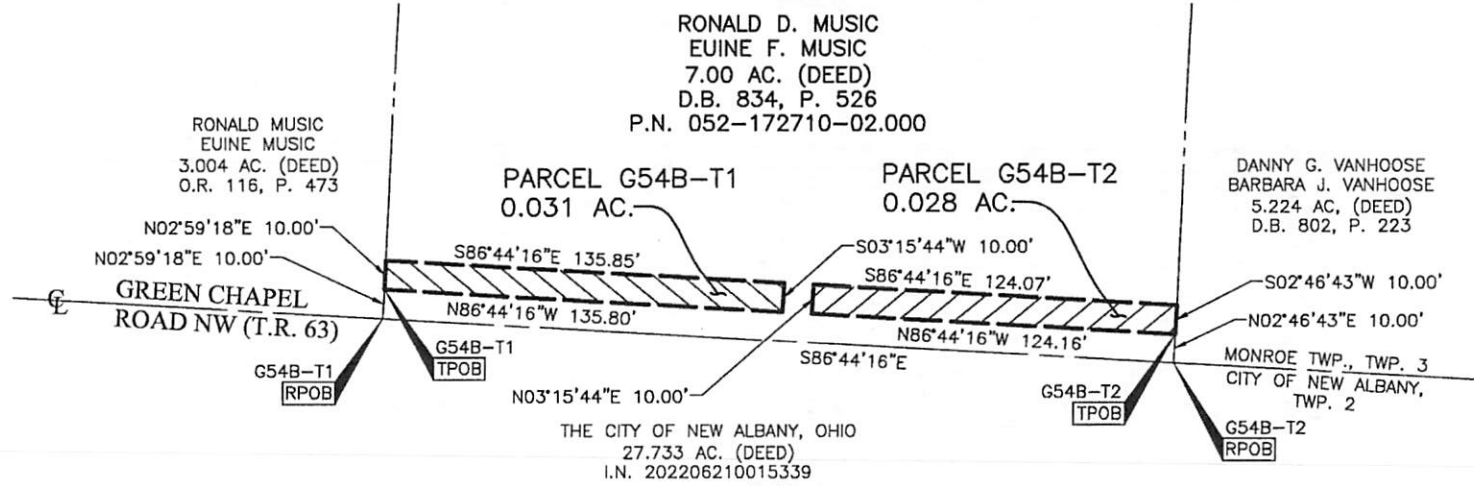


Evans, Mechwart, Hambleton & Tilton, Inc.  
 Engineers • Surveyors • Planners • Scientists  
 5500 New Albany Road, Columbus, OH 43054  
 Phone: 614.775.4500 Toll Free: 888.775.3448  
 emht.com

# TEMPORARY EASEMENTS

**LOT 7 (FIRST RANGE OF LOTS), QUARTER TOWNSHIP 4, TOWNSHIP 3, RANGE 15**  
**UNITED STATES MILITARY DISTRICT**  
**TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO**

Date:	January 11, 2023
Scale:	1" = 50'
Job No:	2022-0307
Sheet No:	1 of 1



By Matthew A. Kirk 11 Jan 23  
 Matthew A. Kirk Date  
 Professional Surveyor No. 7865  
 mkirk@emht.com

Ordinance O-66-2023 EXHIBIT 2

J:\20220307\DWG\04SHEETS\EASEMENTS\G54B-T1 & T2\_20220307-VS-ESMT-TEMP.DWG plotted by DIROMA, THERESA on 1/19/2023 7:38:46 AM last saved by TDIROMA on 1/19/2023 7:38:13 AM

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

PARCEL G54B-T2

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

**SEE EXHIBIT A ATTACHED**

Licking County, Ohio Current Tax Parcel No. 052-172710-02.000

Prior Instrument Reference: Deed Book 834, Page 526, 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 G54B-T2  
0.028 ACRE**

**TEMPORARY EASEMENT  
WITHOUT LIMITATION OF ACCESS**

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

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Lot 7 (first range of lots), Quarter Township 4, Township 3, Range 15, United States Military District, being on, over and across that 7.00 acre tract conveyed to Ronald D. Music and Euine F. Music by deed of record in Deed Book 834, Page 526 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Green Chapel Road NW (Township Road 63) at the southeasterly corner of said 7.00 acre tract, the southwesterly corner of that 5.224 acre tract conveyed to Danny G. Vanhose and Barbara J. Vanhose by deed of record in Deed Book 802, Page 223, in the northerly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339, the line common to said Township 3 and Township 2;

Thence North 02° 46' 43" East, with the line common to said 7.00 and 5.224 acre tracts, a distance of 10.00 feet to the TRUE POINT OF BEGINNING;

Thence across said 7.00 acre tract, the following courses and distances:

North 86° 44' 16" West, a distance of 124.16 feet to a point;

North 03° 15' 44" East, a distance of 10.00 feet to a point; and

South 86° 44' 16" East, a distance of 124.07 feet to a point in said common line;

Thence South 02° 46' 43" West, with said common line, a distance of 10.00 feet to the TRUE POINT OF BEGINNING, containing 0.028 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

*Matthew A. Kirk*

11 JAN 23

Matthew A. Kirk  
Professional Surveyor No. 7865

Date

HLK:djf  
G54B-T2\_0\_028 ac 20220307-VS-ESMT-TEMP.docx



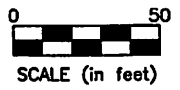
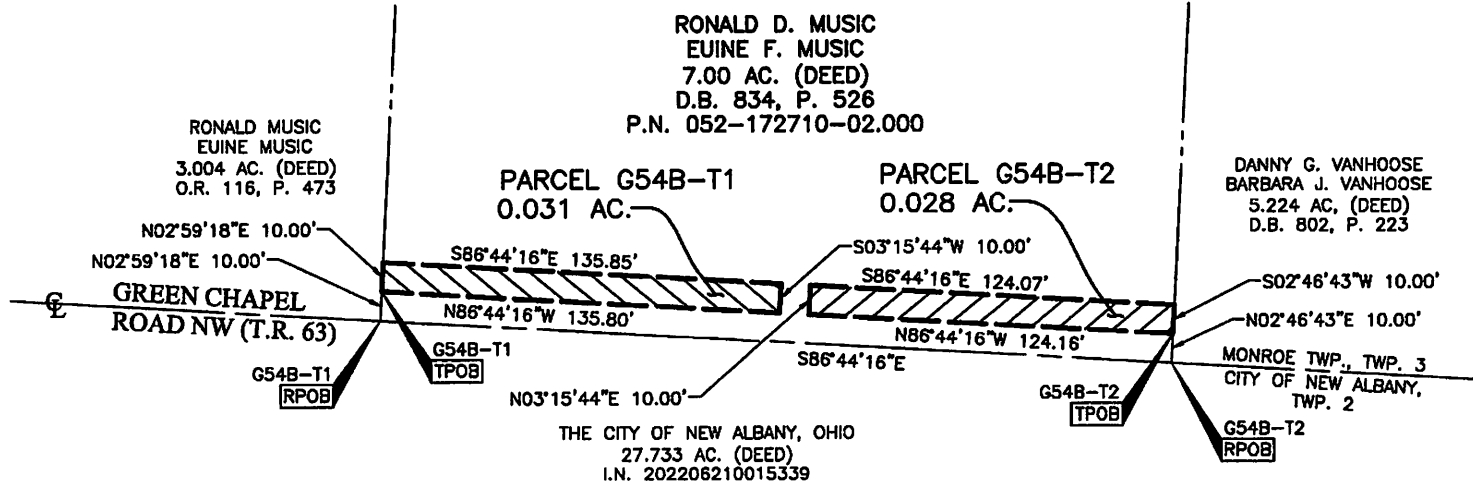


Evans, Mochwart, Hambleton & Tilton, Inc.  
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 emht.com

# TEMPORARY EASEMENTS

**LOT 7 (FIRST RANGE OF LOTS), QUARTER TOWNSHIP 4, TOWNSHIP 3, RANGE 15  
 UNITED STATES MILITARY DISTRICT  
 TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO**

Date:	January 11, 2023
Scale:	1" = 50'
Job No:	2022-0307
Sheet No:	1 of 1



By Matthew A. Kirk 11 Jan 23  
 Matthew A. Kirk Date  
 Professional Surveyor No. 7865  
 mkirk@emht.com

Ordinance O-66-2023 EXHIBIT 3

J:\20220307\DWG\04SHEETS\EASEMENTS\G54B-T1 & T2\_20220307-VB-ESM7-TEMP.DWG plotted by DIROMA, THERESA on 1/19/2023 7:38:48 AM last saved by DIROMA on 1/19/2023 7:38:13 AM

## **EASEMENT**

### **PARCEL G54B-S**

A perpetual non-exclusive easement granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to occupy for drainage, stormwater management, utilities and appurtenances necessary for the establishment, construction, reconstruction, widening, repair or maintenance and use of a public road (the “Project”) the following described real estate (“Easement Area”) and for other purposes described herein:

SEE EXHIBIT A ATTACHED

Licking County Current Tax Parcel No. 052-172710-02.000

Prior Instrument Reference: Deed Book 834, Page 526, Licking County, Ohio  
Recorder’s Office

The purpose of the easement is for drainage, stormwater management and utilities appurtenant to a public road, together with the right to construct, reconstruct, operate, maintain, repair, replace, and/or remove said drainage, stormwater and utility facilities that may be necessary or convenient for the providing of such drainage, stormwater and utility services, in, upon, across, over, under, and through the Easement Area, together with ingress and egress thereto. The City may assign this Easement to parties who may be responsible for the proper use, operation, and maintenance of the drainage, stormwater, utility and public roadway that required this Easement.

Upon completion of any construction of any drainage, stormwater and utilities in the Easement Area, the Easement Area will be graded, seeded or erosion control measures shall be installed and the Easement Area shall be returned as reasonably practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. The City shall restore the initial construction in the Easement Area in accordance with the roadway improvement plans and specifications on file at the Licking County Engineer’s Office.

The Owner shall not unreasonably interfere with the drainage, stormwater or utility easement or its purposes and shall not convey any other easement within the Easement Area; place any additional structures of a temporary or permanent type on, above, or under the Easement Area; add or remove any dirt, stone, fill, trees or other vegetation or materials within the Easement Area; or disturb or alter any slopes, drainage courses or water flows within the Easement Area. However, the Owner may continue to enjoy the use of said property for any purposes which do not interfere with or prevent the use of this Easement by the City including ingress and egress over said Easement not inconsistent with its intended use.

**EXHIBIT A**

**PARCEL G54B-S  
0.002 ACRE**

**EASEMENT**

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Lot 7 (first range of lots), Quarter Township 4, Township 3, Range 15, United States Military District, being on, over and across that 7.00 acre tract conveyed to Ronald D. Music and Euine F. Music by deed of record in Deed Book 834, Page 526 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Green Chapel Road NW (Township Road 63) at the southeasterly corner of said 7.00 acre lot, the southwesterly corner of that 5.224 acre tract conveyed to Danny G. Vanhoose and Barbara J. Vanhoose by deed of record in Deed Book 802, Page 223, in the northerly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339, the line common to said Township 3 and Township 2;

Thence North 86° 44' 16" West, with the centerline of said Green Chapel Road NW, the line common to said Townships 3 and 2, a distance of 124.24 feet to a point;

Thence across said 7.00 acre tract, the following courses and distances:

North 03° 15' 44" East, a distance of 10.00 feet to the TRUE POINT OF BEGINNING;

North 86° 44' 16" West, a distance of 10.00 feet to a point;

North 03° 15' 44" East, a distance of 10.00 feet to a point;

South 86° 44' 16" East, a distance of 10.00 feet to a point; and

South 03° 15' 44" West, a distance of 10.00 feet to the TRUE POINT OF BEGINNING, containing 0.002 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

*Matthew A. Kirk*

11 JAN 23

Matthew A. Kirk  
Professional Surveyor No. 7865

Date

HLK:djf  
G54B-S\_0\_002 ac 20220307-VS-ESMT-DRAN.docx



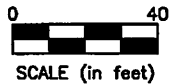
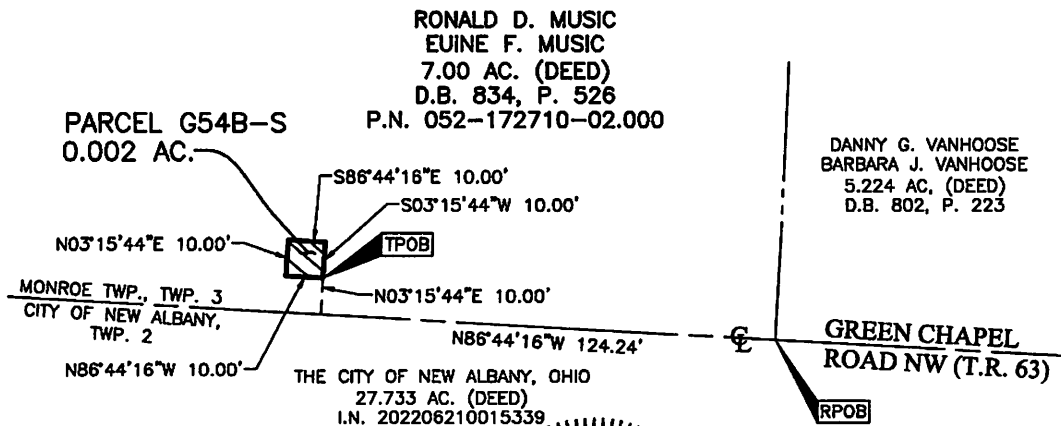


Evans, Mechwart, Hambleton & Tilton, Inc.  
 Engineers • Surveyors • Planners • Scientists  
 5500 New Albany Road, Columbus, OH 43054  
 Phone: 614.775.4500 Toll Free: 888.775.3648  
 emht.com

# EASEMENT

LOT 7 (FIRST RANGE OF LOTS), QUARTER TOWNSHIP 4, TOWNSHIP 3, RANGE 15  
 UNITED STATES MILITARY DISTRICT  
 TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date:	January 11, 2023
Scale:	1" = 40'
Job No:	2022-0307
Sheet No:	1 of 1



By Matthew A. Kirk 11 JAN 23  
 Matthew A. Kirk Date  
 Professional Surveyor No. 7865  
 mkirk@emht.com

Ordinance O-66-2023 EXHIBIT 4



**ORDINANCE O-67-2023**

**AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENTS FROM THE OWNERS, RONALD D. MUSIC AND EUINE F. MUSIC, OF THE PROPERTY LOCATED AT 11718 GREEN CHAPEL ROAD IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE GREEN CHAPEL ROAD PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY**

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

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

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

**WHEREAS**, a Resolution of intent was previously adopted by Council in Resolution No. R-10-2023 and said Resolution was served according to law and return of service has been made; and

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

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

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



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

**Section 1.** The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easements from its owners, Ronald D. Music and Euine F. Music, for the property located 11718 Green Chapel Road, for the public purpose of making, repairing, improving and constructing Green Chapel Road and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described as depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel G54B-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 G54B-T1).
- C. Temporary easement with continuing access to and from adjoining public roadway(s) in and to the premises described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 3 (Project Parcel G54B-T2).
- D. Permanent easement as described in the legal description and survey and on the terms and conditions attached hereto as Exhibit 4 (Project Parcel G54B-S).

**Section 2.** That Council hereby fixes the value of all the interests appropriated at Three Thousand Seven Hundred Eighty-one Dollars (\$3,781.00), including damages to residual lands, if any, which sum shall be deposited with the Licking County Common Pleas Court for the use and benefit of the owners of the property appropriated. Upon such deposit, the City of New Albany shall take possession of and enter upon the property pursuant to law.

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

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

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

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

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


**Section 7.** It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this legislation were adopted in an open meeting of the Council, and that all deliberations of the Council and/or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

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

CERTIFIED AS ADOPTED this 16 day of April, 2023.

Attest:

  
\_\_\_\_\_  
Sloan T. Spalding  
Mayor

  
\_\_\_\_\_  
Jennifer H. Mason  
Clerk of Council

Approved as to form:

  
\_\_\_\_\_  
Benjamin S. Albrecht  
Law Director

<b>Legislation dates:</b>	
Prepared:	03/24/2023
Introduced:	04/04/2023
Revised:	
Adopted:	04/18/2023
Effective:	04/18/2023

**EXHIBIT A**

**PARCEL G54B-WD  
0.062 ACRE**

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

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

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Lot 7 (first range of lots), Quarter Township 4, Township 3, Range 15, United States Military District, being part of that 7.00 acre tract conveyed to Ronald D. Music and Euine F. Music by deed of record in Deed Book 834, Page 526 (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 of Green Chapel Road NW (Township Road 63) at the southerly common corner of said and Lot 7 (First Range of Lots) and Section 23 of said Township 3, in the northerly line of Lot 8, Quarter Township 2, Township 2, said Range 15, the southeasterly corner of that 5.654 acre tract conveyed to Lauren McCuen and Joshua Westfall by deed of record in Instrument Number 201908090016315, the southwesterly corner of that 6.232 acre tract conveyed to Timothy K. Burke and Alita Ann Mercer Burke by deed of record in Instrument Number 202208190020456, in the northerly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339;

Thence with the centerline of said Green Chapel Road NW, the line common to said Townships 3 and 2, the following courses and distances:

South 87° 01' 59" East, a distance of 0.57 feet to a magnetic nail found at the northerly common corner of Quarter Townships 1 and 2 of said Township 2, in the southerly line of said Lot 7; and

South 86° 44' 16" East, a distance of 636.72 feet to a magnetic nail set at the southwesterly corner of said 7.00 acre tract, the southeasterly corner of that 3.004 acre tract conveyed to Ronald Music and Euine Music by deed of record in Official Record 116, Page 473, in the northerly line of said 27.733 acre tract, the TRUE POINT OF BEGINNING;

Thence North 02° 59' 18" East, across said Green Chapel Road NW and with the line common to said 7.00 and 3.004 acre tracts, a distance of 10.00 feet to an iron pin set;

Thence South 86° 44' 16" East, across said 7.00 acre tract, a distance of 269.96 feet to an iron pin set in the easterly line of said 7.00 acre tract, the westerly line of that 5.224 acre tract conveyed to Danny G. Vanhoose and Barbara J. Vanhoose by deed of record in Deed Book 802, Page 223;

Thence South 02° 46' 43" West, across said Green Chapel Road NW and with the line common to said 7.00 and 5.224 acre tracts, a distance of 10.00 feet to a magnetic nail set at the southerly common corner thereof, in said centerline, said common Township line and said northerly line;

Thence North 86° 44' 16" West, with the southerly line of said 7.00 acre tract, said centerline, said common Township line and said northerly line, a distance of 270.00 feet to the

**EXHIBIT A**

**PARCEL G54B-WD  
0.062 ACRE**

-2-

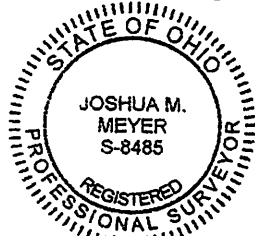
TRUE POINT OF BEGINNING, containing 0.062 acre, more or less, all of which is within Auditor's Parcel Number 052-172710-02.000 and 0.058 acre of which is within the present road occupied.

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

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

The bearings shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Green Chapel Road NW, having a bearing of North 86° 44' 16" West, is designated the "basis of bearings" for this survey.

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



EVANS, MECHWART, HAMBLETON & TILTON, INC.

1-6-2023

Joshua M. Meyer  
Professional Surveyor No. 8485

Date

JMM:djf  
G54B-WD\_0\_062 ac 20220307-VS-BNDY.docx

<b>PRE-APPROVAL</b>	
LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY:	
DATE: 1/6/23	

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

PARCEL G54B-T1

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

**SEE EXHIBIT A ATTACHED**

Licking County, Ohio Current Tax Parcel No. 052-172710-02.000

Prior Instrument Reference: Deed Book 834, Page 526, 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.

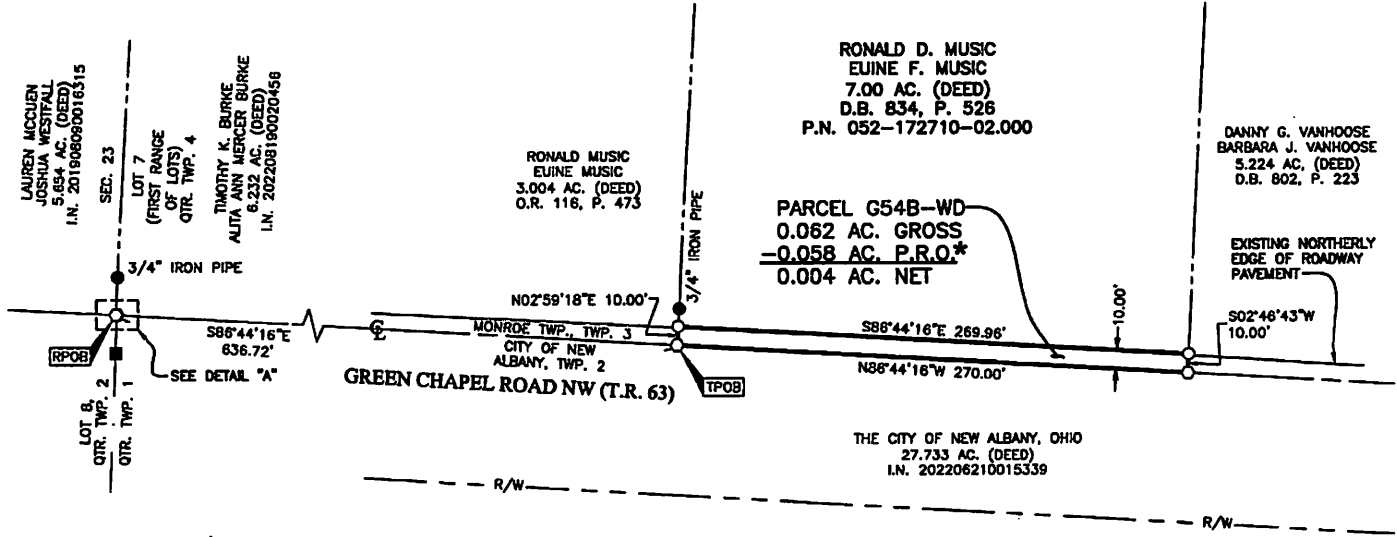
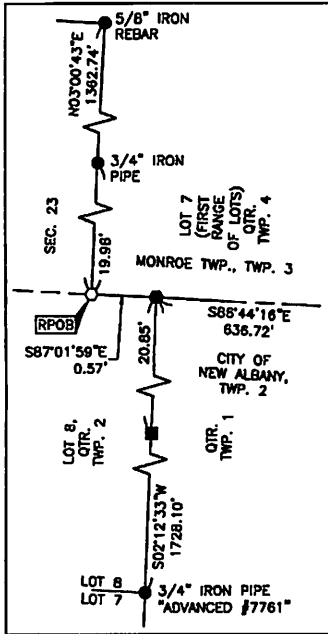


Evans, Machwart, Hambleton & Thies, Inc.  
 Engineers - Surveyors - Planners - Scientists  
 820 New Albany Road, Columbus, OH 43254  
 Phone: 614.778.4320 Fax: 614.778.3648  
 emht.com

# SURVEY OF ACREAGE PARCEL

## LOT 7 (FIRST RANGE OF LOTS), QUARTER TOWNSHIP 4, TOWNSHIP 3, RANGE 15 UNITED STATES MILITARY DISTRICT TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date:	January 6, 2023
Scale:	1" = 60'
Job No:	2022-0307
Sheet No:	1 of 1



**\* ROAD RIGHT OF WAY NOTES:**

The existing right-of-way width for Green Chapel Road has not been specified since neither a Road Record nor a Commissioner Road Folder could be found in the Licking County Engineer's office. The existing edge of roadway pavement was used to calculate the Present Road Occupied (P.R.O.) for this Road.

**BASIS OF BEARINGS:**

The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Green Chapel Road NW, having a bearing of North 86° 44' 16" 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.

RONALD D. MUSIC  
 EUINE F. MUSIC  
 7.00 AC. (DEED)  
 D.B. 834, P. 526  
 P.N. 052-172710-02.000

PARCEL G54B-WD  
 0.062 AC. GROSS  
 = 0.058 AC. P.R.O.\*  
 0.004 AC. NET

DANNY G. VANHOOSE  
 BARBARA J. VANHOOSE  
 5.224 AC. (DEED)  
 D.B. 802, P. 223

RONALD MUSIC  
 EUINE MUSIC  
 3.004 AC. (DEED)  
 O.R. 116, P. 473

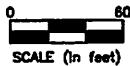
LAUREN MCCUEN  
 JOSHUA WESTFALL  
 5.694 AC. (DEED)  
 I.N. 201908080016315

TIMOTHY K. BURKE  
 ALITA ANN MERKER BURKE  
 6.232 AC. (DEED)  
 I.N. 20220819020456

THE CITY OF NEW ALBANY, OHIO  
 27.733 AC. (DEED)  
 I.N. 202206210015339

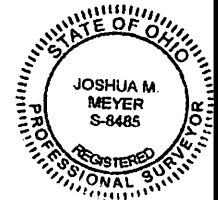
- Iron Pin Set
- Iron Pin Found
- ⊙ Stone Found
- P.K. Nail Found
- Fence Post Found
- Magnetic Nail Set
- Magnetic Nail Found
- ▲ Railroad Spike Found

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



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

1-6-2023  
 Date



Ordinance O-67-2023 EXHIBIT 1

**EXHIBIT A**

**PARCEL G54B-T1  
0.031 ACRE**

**TEMPORARY EASEMENT  
WITHOUT LIMITATION OF ACCESS**

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

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Lot 7 (first range of lots), Quarter Township 4, Township 3, Range 15, United States Military District, being on, over and across that 7.00 acre tract conveyed to Ronald D. Music and Euine F. Music by deed of record in Deed Book 834, Page 526 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Green Chapel Road NW (Township Road 63) at the southwesterly corner of said 7.00 acre tract, the southeasterly corner of that 3.004 acre tract conveyed to Ronald Music and Euine Music by deed of record in Official Record 116, Page 473, in the northerly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339, the line common to said Township 3 and Township 2;

Thence North 02° 59' 18" East, with the line common to said 7.00 and 3.004 acre tracts, a distance of 10.00 feet to the TRUE POINT OF BEGINNING;

Thence North 02° 59' 18" East, continuing with said common line, a distance of 10.00 feet to a point;

Thence across said 7.00 acre tract, the following courses and distances:

South 86° 44' 16" East, a distance of 135.85 feet to a point;

South 03° 15' 44" West, a distance of 10.00 feet to a point; and

North 86° 44' 16" West, a distance of 135.80 feet to the TRUE POINT OF BEGINNING, containing 0.031 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

*Matthew A. Kirk*

11 JAN 23

Matthew A. Kirk  
Professional Surveyor No. 7865

Date

HLK:djf  
G54B-T1\_0\_031 ac 20220307-VS-ESMT-TEMP.docx



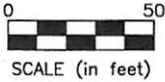
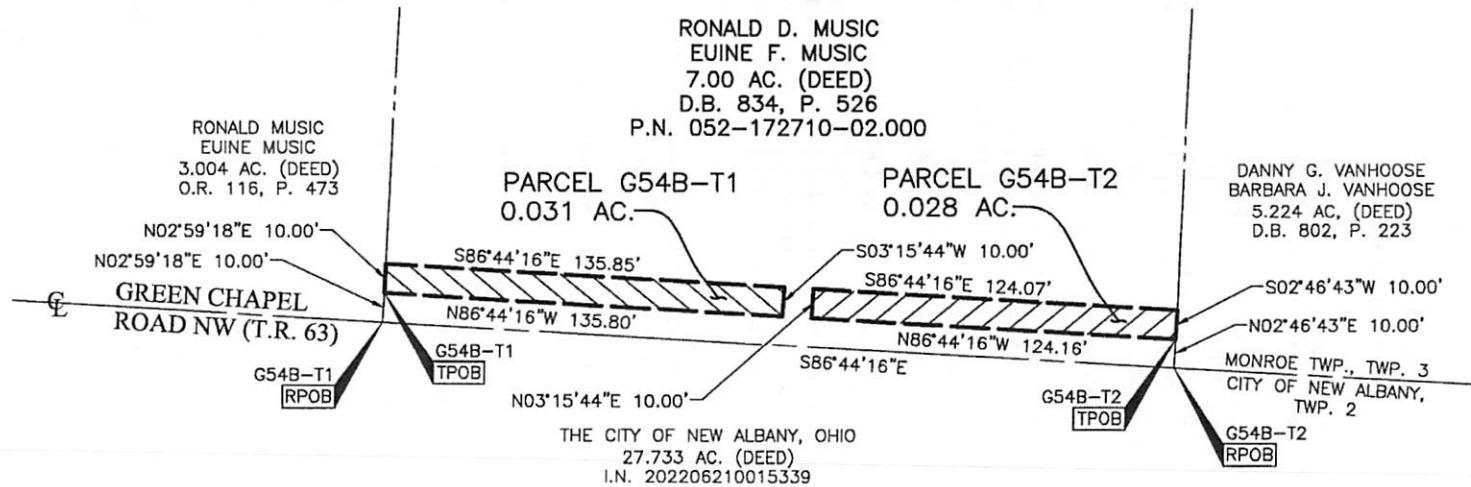


Evans, Mechwart, Hambleton & Tilton, Inc.  
 Engineers • Surveyors • Planners • Scientists  
 5500 New Albany Road, Columbus, OH 43054  
 Phone: 614.775.4500 Toll Free: 888.775.3648  
 emht.com

# TEMPORARY EASEMENTS

LOT 7 (FIRST RANGE OF LOTS), QUARTER TOWNSHIP 4, TOWNSHIP 3, RANGE 15  
 UNITED STATES MILITARY DISTRICT  
 TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date:	January 11, 2023
Scale:	1" = 50'
Job No:	2022-0307
Sheet No:	1 of 1



By Matthew A. Kirk 11 Jan 23  
 Matthew A. Kirk Date  
 Professional Surveyor No. 7865  
 mkirk@emht.com

Ordinance O-67-2023 EXHIBIT 2



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

PARCEL G54B-T2

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

**SEE EXHIBIT A ATTACHED**

Licking County, Ohio Current Tax Parcel No. 052-172710-02.000

Prior Instrument Reference: Deed Book 834, Page 526, 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 G54B-T2  
0.028 ACRE**

**TEMPORARY EASEMENT  
WITHOUT LIMITATION OF ACCESS**

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

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Lot 7 (first range of lots), Quarter Township 4, Township 3, Range 15, United States Military District, being on, over and across that 7.00 acre tract conveyed to Ronald D. Music and Euine F. Music by deed of record in Deed Book 834, Page 526 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Green Chapel Road NW (Township Road 63) at the southeasterly corner of said 7.00 acre tract, the southwesterly corner of that 5.224 acre tract conveyed to Danny G. Vanhooose and Barbara J. Vanhooose by deed of record in Deed Book 802, Page 223, in the northerly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339, the line common to said Township 3 and Township 2;

Thence North 02° 46' 43" East, with the line common to said 7.00 and 5.224 acre tracts, a distance of 10.00 feet to the TRUE POINT OF BEGINNING;

Thence across said 7.00 acre tract, the following courses and distances:

North 86° 44' 16" West, a distance of 124.16 feet to a point;

North 03° 15' 44" East, a distance of 10.00 feet to a point; and

South 86° 44' 16" East, a distance of 124.07 feet to a point in said common line;

Thence South 02° 46' 43" West, with said common line, a distance of 10.00 feet to the TRUE POINT OF BEGINNING, containing 0.028 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

*Matthew A. Kirk*

11 Jan 23

Matthew A. Kirk  
Professional Surveyor No. 7865

Date

HLK:djf  
G54B-T2\_0\_028 ac 20220307-VS-ESMT-TEMP.docx



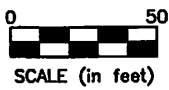
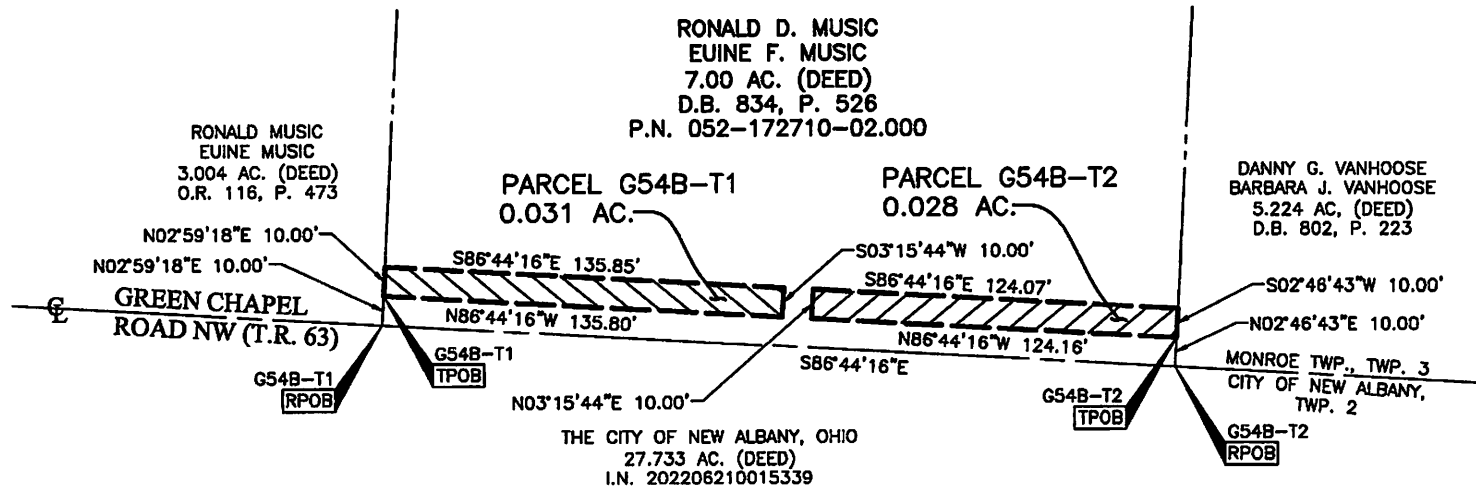


Evans, Mechwart, Hambleton & Tilton, Inc.  
 Engineers • Surveyors • Planners • Scientists  
 5500 New Albany Road, Columbus, OH 43054  
 Phone: 614.775.4500 Fax: 614.775.3648  
 emht.com

# TEMPORARY EASEMENTS

**LOT 7 (FIRST RANGE OF LOTS), QUARTER TOWNSHIP 4, TOWNSHIP 3, RANGE 15  
 UNITED STATES MILITARY DISTRICT  
 TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO**

Date:	January 11, 2023
Scale:	1" = 50'
Job No:	2022-0307
Sheet No:	1 of 1



By Matthew A. Kirk 11 Jan 23  
 Matthew A. Kirk Date  
 Professional Surveyor No. 7865  
 mkirk@emht.com

Ordinance O-67-2023 EXHIBIT 3

J:\2022\0307\DWG\04SHEETS\EASEMENTS\G54B-T1 & T2\_20220307-V3-ESMT-TEMP.DWG plotted by TORONA, THERESA on 1/19/2023 7:30:46 AM last saved by TORONA on 1/19/2023 7:38:13 AM

## **EASEMENT**

### **PARCEL G54B-S**

A perpetual non-exclusive easement granted to the City of New Albany (“City”), its employees, contractors, permittees, designees, agents, successors and assigns to occupy for drainage, stormwater management, utilities and appurtenances necessary for the establishment, construction, reconstruction, widening, repair or maintenance and use of a public road (the “Project”) the following described real estate (“Easement Area”) and for other purposes described herein:

SEE EXHIBIT A ATTACHED

Licking County Current Tax Parcel No. 052-172710-02.000

Prior Instrument Reference: Deed Book 834, Page 526, Licking County, Ohio  
Recorder’s Office

The purpose of the easement is for drainage, stormwater management and utilities appurtenant to a public road, together with the right to construct, reconstruct, operate, maintain, repair, replace, and/or remove said drainage, stormwater and utility facilities that may be necessary or convenient for the providing of such drainage, stormwater and utility services, in, upon, across, over, under, and through the Easement Area, together with ingress and egress thereto. The City may assign this Easement to parties who may be responsible for the proper use, operation, and maintenance of the drainage, stormwater, utility and public roadway that required this Easement.

Upon completion of any construction of any drainage, stormwater and utilities in the Easement Area, the Easement Area will be graded, seeded or erosion control measures shall be installed and the Easement Area shall be returned as reasonably practicable to its original condition, taking into consideration the nature of the work performed and the compensation provided to the Owner for existing improvements that are not restored. The City shall restore the initial construction in the Easement Area in accordance with the roadway improvement plans and specifications on file at the Licking County Engineer’s Office.

The Owner shall not unreasonably interfere with the drainage, stormwater or utility easement or its purposes and shall not convey any other easement within the Easement Area; place any additional structures of a temporary or permanent type on, above, or under the Easement Area; add or remove any dirt, stone, fill, trees or other vegetation or materials within the Easement Area; or disturb or alter any slopes, drainage courses or water flows within the Easement Area. However, the Owner may continue to enjoy the use of said property for any purposes which do not interfere with or prevent the use of this Easement by the City including ingress and egress over said Easement not inconsistent with its intended use.

**EXHIBIT A**

**PARCEL G54B-S  
0.002 ACRE**

**EASEMENT**

Situated in the State of Ohio, County of Licking, Township of Monroe, lying in Lot 7 (first range of lots), Quarter Township 4, Township 3, Range 15, United States Military District, being on, over and across that 7.00 acre tract conveyed to Ronald D. Music and Euine F. Music by deed of record in Deed Book 834, Page 526 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Green Chapel Road NW (Township Road 63) at the southeasterly corner of said 7.00 acre lot, the southwesterly corner of that 5.224 acre tract conveyed to Danny G. Vanhooose and Barbara J. Vanhooose by deed of record in Deed Book 802, Page 223, in the northerly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339, the line common to said Township 3 and Township 2;

Thence North 86° 44' 16" West, with the centerline of said Green Chapel Road NW, the line common to said Townships 3 and 2, a distance of 124.24 feet to a point;

Thence across said 7.00 acre tract, the following courses and distances:

North 03° 15' 44" East, a distance of 10.00 feet to the TRUE POINT OF BEGINNING;

North 86° 44' 16" West, a distance of 10.00 feet to a point;

North 03° 15' 44" East, a distance of 10.00 feet to a point;

South 86° 44' 16" East, a distance of 10.00 feet to a point; and

South 03° 15' 44" West, a distance of 10.00 feet to the TRUE POINT OF BEGINNING, containing 0.002 acre, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

*Matthew A. Kirk*

11 JAN 23

Matthew A. Kirk  
Professional Surveyor No. 7865

Date

HLK:djf  
G54B-S\_0\_002 ac 20220307-VS-ESMT-DRAN.docx



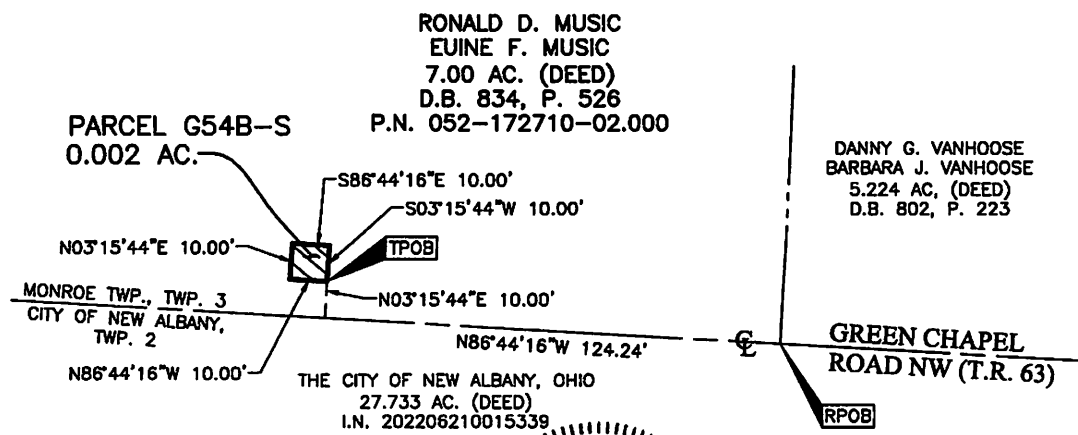


Evans, Mechwart, Hambleton & Tilton, Inc.  
 Engineers • Surveyors • Planners • Scientists  
 6500 New Albany Road, Columbus, OH 43054  
 Phone: 614.775.4500 Toll Free: 888.775.3648  
 emht.com

# EASEMENT

LOT 7 (FIRST RANGE OF LOTS), QUARTER TOWNSHIP 4, TOWNSHIP 3, RANGE 15  
 UNITED STATES MILITARY DISTRICT  
 TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

Date:	January 11, 2023
Scale:	1" = 40'
Job No:	2022-0307
Sheet No:	1 of 1



By Matthew A. Kirk 11 JAN 23  
 Matthew A. Kirk Date  
 Professional Surveyor No. 7865  
 mkirk@emht.com

Ordinance O-67-2023 EXHIBIT 4



**ORDINANCE O-69-2023**

**AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENTS FROM THE OWNER, GREEN CHAPEL PROPERTIES, LLC, OF THE PROPERTY LOCATED AT 4438 MINK STREET NW IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY**

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

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

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

**WHEREAS**, a Resolution of intent was previously adopted by Council in Resolution No. R-2-2023 and said Resolution was served according to law and return of service has been made; and

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

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

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

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

**Section 1.** The City determines the appropriation is necessary and directs that the appropriation proceed and the City appropriate the following property and easements from its owner, Green Chapel Properties, LLC, for the property located at 4438 Mink Street NW, for the public purpose of making, repairing, improving and constructing Mink Street and its necessary appurtenances pursuant to the Charter of the City of New Albany, Ohio Revised Code Chapters 163, 715, 717, and 719; and the Constitution of the State of Ohio and other applicable laws, which property and interests are described and depicted as follows:

- A. Fee simple interest, without limitation of existing access rights to and from adjoining public roadway(s), in and to the premises described in the legal description and survey attached hereto as Exhibit 1 (Project Parcel M40-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 M40-T).

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

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

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

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

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




**Section 7.** It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this legislation were adopted in an open meeting of the Council, and that all deliberations of the Council and/or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

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

CERTIFIED AS ADOPTED this 18 day of April, 2023.

Attest:

  
\_\_\_\_\_  
Sloan T. Spalding  
Mayor

  
\_\_\_\_\_  
Jennifer H. Mason  
Clerk of Council

Approved as to form:

  
\_\_\_\_\_  
Benjamin S. Albrecht  
Law Director

<b>Legislation dates:</b>	
Prepared:	03/24/2023
Introduced:	04/04/2023
Revised:	
Adopted:	04/18/2023
Effective:	04/18/2023

**EXHIBIT A**

**PARCEL M40-WD  
0.140 ACRE**

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

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

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, lying in Quarter Township 1, Township 2, Range 15, United States Military District, being part of that 88.622 acre tract conveyed as Parcel VII to Green Chapel Properties, LLC by deed of record in Instrument Number 200612260036775 (all references are to the records of the Recorder's Office, Licking County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at a magnetic nail set at the centerline intersection of Green Chapel Road NW (County Road 63) and Mink Street NW (County Road 41) (width varies), the southwesterly corner of that 2.853 acre tract conveyed to Shelli Wriesel AKA Shelli S. Writesel by deed of record in Instrument Number 201910020021346, the northwesterly corner of that 73.71 acre tract conveyed to Anne Evans by deed of record in Official Record 667, Page 805, the northeasterly corner of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339, the southeasterly corner of that 3.322 acre tract conveyed to Chad B. Harrison and Amy L. Harrison by deed of record in Instrument Number 20080108000490, a common corner of Lot 7 (First Range of Lots) and Lot 7 (Second Range of Lots), in the line common to said Township 2 and Township 3 of said Range 15;

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

South 19° 07' 08" West, a distance of 241.20 feet to a magnetic nail set;

South 23° 42' 08" West, a distance of 300.00 feet to a magnetic nail set;

South 23° 24' 08" West, a distance of 199.45 feet to a magnetic nail set; and

South 24° 28' 38" West, a distance of 621.18 feet to the northwesterly corner of said 88.622 acre tract, the southwesterly corner of said 73.71 acre tract, in the easterly line of said 27.733 acre tract, the TRUE POINT OF BEGINNING;

Thence South 86° 11' 43" East, with the line common to said 88.622 and 73.71 acre tracts and crossing said Mink Street NW (passing a 5/8 inch iron rebar capped "J&H #7900" found at a distance of 31.31 feet), a total distance of 32.06 feet to an iron pin set in the easterly right-of-way line thereof;

Thence South 24° 28' 38" West, across said 88.622 acre tract, with said easterly right-of-way line, a distance of 203.48 feet to an iron pin set in the line common to said 88.622 acre tract and that 4.648 acre tract conveyed to Nicole Lauren Verbeck and Jeremy Lee Osterhout by deed of record in Instrument Number 201108030014236;

Thence North 86° 39' 59" West, with said common line and crossing said Mink Street NW (passing a 5/8 inch bent iron rebar found 0.60 feet northerly at a distance of 2.55 feet), a total distance of 32.17 feet to a magnetic nail set in said centerline at a common corner of said 88.622 and 4.648 acre tracts, in the easterly line of said 27.733 acre tract;

**EXHIBIT A**

**PARCEL M40-WD  
0.140 ACRE**

-2-

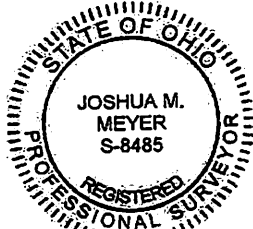
Thence North 24° 28' 38" East, with said centerline, the line common to said 88.622 and 27.733 acre tracts, a distance of 203.77 feet to the TRUE POINT OF BEGINNING, containing 0.140 acre, more or less all of which is within the present road occupied.

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

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

The bearings shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street NW, having a bearing of North 24°28'38" 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:sd  
M40-WD\_0\_140 ac 20220233-V8-BNDY.docx

EVANS, MECHWART, HAMBLETON & TILTON, INC.

*Josh M. Meyer*  
Joshua M. Meyer  
Professional Surveyor No. 8485

11-15-2022

Date

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY:	<i>BS</i>
DATE:	<i>11/17/22</i>

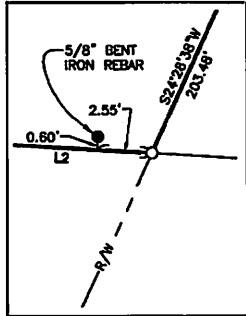


Evans, Meschery, Hombler & Wilson, Inc.  
 Engineers • Surveyors • Planners • Scientists  
 6500 New Albany Road, Columbus, OH 43244  
 Phone: 614.775.0300 Fax: 614.775.0346  
 emht.com

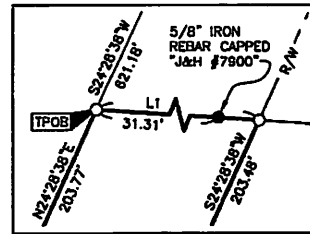
# SURVEY OF ACREAGE PARCEL

QUARTER TOWNSHIP 1, TOWNSHIP 2, RANGE 15  
 UNITED STATES MILITARY DISTRICT  
 TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Date: November 15, 2022 Scale: 1" = 60' Job No: 2022-0233 Sheet No: 1 of 1



DETAIL "B"  
N.T.S.



DETAIL "A"  
N.T.S.

**BASIS OF BEARINGS:**

The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 180. The portion of the centerline of Mink Street NW, having a bearing of North 24°28'38" East, is designated the "basis of bearings" for this survey.

**SURVEY NOTE:**

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

CHAD B. HARRISON AND  
 AMY L. HARRISON  
 3.322 AC. (DEED)  
 I.N. 200801080000490

SHELLI WRITESSEL  
 AKA SHELLI S. WRITESSEL  
 2.853 AC. (DEED)  
 I.N. 201910020021346

THE CITY OF NEW ALBANY, OHIO  
 27.733 AC. (DEED)  
 I.N. 202206210015339

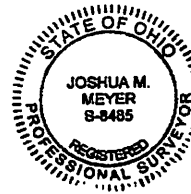
ANNE EVANS  
 73.71 AC. (DEED)  
 O.R. 667, P. 605

PARCEL M40-WD  
 0.140 AC. GROSS  
 0.140 AC. P.R.O.  
 0.000 AC. NET

GREEN CHAPEL  
 PROPERTIES, LLC  
 PARCEL VII  
 88.622 AC. (DEED)  
 I.N. 200612260036775  
 P.N. 037-112032-00.000

NICOLE LAUREN VERBECK  
 AND  
 JEREMY LEE OSTERHOUT  
 4.848 AC. (DEED)  
 I.N. 201108030014238

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S86°11'43"E	32.06'
L2	N86°39'59"W	32.17'

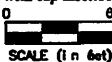


By *J. Meyer*  
 Joshua M. Meyer  
 Professional Surveyor No. 8485  
 jmeyer@emht.com

11-15-2022  
 Date

- 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.



A:\2022\03\Survey\GREEN CHAPEL PROPERTIES, LLC\PARCEL VII\20220233-00-000.dwg plotted by: JPM on 11/15/2022 10:46:43 AM last saved by: JPM on 11/15/2022 10:46:43 AM

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

PARCEL M40-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. 037-112032-00.000

Prior Instrument Reference: Instrument No. 200612260036775, Licking County Recorder’s Office.

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

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

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

**EXHIBIT A**

**PARCEL M40-T  
0.014 ACRE**

**TEMPORARY EASEMENT  
WITHOUT LIMITATION OF ACCESS**

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

[Surveyor's description of premises follows]

Situated in the State of Ohio, County of Licking, Township of Jersey, Quarter Township 1, Township 2, Range 15, United States Military District, being on, over and across that 88.622 acre tract conveyed as Parcel VII to Green Chapel Properties, LLC by deed of record in Instrument Number 200612260036775 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, at the common corner of said 88.622 acre tract, that 73.71 acre tract conveyed to Anne Evans by deed of record in Official Record 667, Page 805, in the easterly line of that 27.733 acre tract conveyed to The City of New Albany, Ohio by deed of record in Instrument Number 202206210015339, in the centerline of Mink Street NW (County Road 41) (width varies);

Thence South 86° 11' 43" East, with the line common to said 88.622 and 73.71 acre tracts, a distance of 32.06 feet to the TRUE POINT OF BEGINNING;

Thence South 86° 11' 43" East, continuing with said common line, a distance of 6.41 feet to a point;

Thence across said 88.622 acre tract, the following courses and distances:

South 24° 28' 38" West, a distance of 38.22 feet to a point;

South 65° 31' 22" East, a distance of 4.00 feet to a point;

South 24° 28' 38" West, a distance of 23.00 feet to a point;

North 65° 31' 22" West, a distance of 7.00 feet to a point;

South 24° 28' 38" West, a distance of 57.47 feet to a point;

North 65° 31' 22" West, a distance of 3.00 feet to a point in the easterly right-of-way line of said Mink Street NW; and

North 24° 28' 38" East, with said easterly right-of-way line, a distance of 116.42 feet to the TRUE POINT OF BEGINNING, containing 0.014 acre, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

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

12/8/22  
Date

