



ORDINANCE O-07-2022

AN ORDINANCE TO RENEW THE APPROVAL OF THE FINAL PLAT FOR 34 AGE RESTRICTED SINGLE FAMILY LOTS ON 9.56 +/- ACRES AND ACCEPT RESERVE "F" FOR PHASE 3 OF THE "NOTTINGHAM TRACE" SUBDIVISION GENERALLY LOCATED WEST OF STATE ROUTE 605, EAST OF SCHLEPPI ROAD, AND SOUTH OF WALNUT STREET, AS REQUESTED BY PULTE HOMES

WHEREAS, an application to approve the Nottingham Trace subdivision phase 3 final plat has been submitted; and

WHEREAS, Codified Ordinance chapter 1187 requires approval of the final plat by council; and

WHEREAS, the New Albany Planning Commission, after review during a public meeting on March 18, 2019, recommended approval of this final plat (FP-14-2019); and

WHEREAS, the phase 3 Final Plat for Nottingham Trace includes approximately 9.56 +/- acres of land to be subdivided into 34 residential lots in addition to the public streets; and

WHEREAS, the 9.56 acre phase 3 Final Plat for Nottingham Trace final plat includes approximately 2.57 +/- acres of parkland; and

WHEREAS, the phase 3 Final Plat for Nottingham Trace includes the commitment to dedicate reserve F to the City for public parkland and open space; and

WHEREAS, New Albany city council has agreed to the terms and conditions by which this parkland will be donated; and

WHEREAS, the city engineer certifies that the Nottingham Trace phase 3 final plat meets all the requirements of Chapter 1187 of the Codified Ordinances, stormwater management, design requirements, and will meet all other requirements of the city.

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

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

Section 2: City Council hereby accepts the lands shown on the map attached hereto as Exhibit A, under the terms and conditions outlined and the covenants and restrictions stipulated in the deed and final plat.

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

Section 4: Pursuant to Article VI, Section 6.07(B) of the City of New Albany Charter, this ordinance shall take effect on and after the earliest period allowed by law.

CERTIFIED AS ADOPTED this 5 day of April, 2022.

Attest:



Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Interim Law Director

Legislation dates:

Prepared: 02/28/2022

Introduced: 03/15/2022

Revised:

Adopted: 04/05/2022

Effective: 05/05/2022

A quarter-circle sector is shown, with a radius of 2 and a central angle of 2 radians. The sector is shaded gray.



to provide a clear delineation between public and private spaces.

to provide a clear delineation between public and private spaces.

public records, including those in the Recorder's Office, Franklin County, Ohio.

can be acquired by a computer in connection of the data center.

correctly be shown on this plat. Existing recorded easement information about Northshore Town Plaza 1 is not shown.

deemed necessary by these providers for the installation and

so that a movement away from the center of the circle is not possible. In addition to these points, the following are also shown on this plot:

NOTE: At the time of placing electric cable, and

for the purpose of open space.

For sample files to the left in the Nottingham Trade Subdivisions

dedicated herein, shall be owned by the City of New Albany.

NOTE - P. - RESERVE - P. - Reserve P., as designated and

structure is extensive pursuant to the City of New Albany.

(Trent) J. "Nothing better, however," says Trent, "than placing the contractor and me at a driveway alongside of the rest of a road."

drive-ways are hereby prohibited on all lots in Nottingham Trac-

NOTE - E. - DEPRESSSED DEWEAYS

222-004962 9 JUL 62

222-001416 0225 Ac

Phase 1 is out of the following Franklin County Parcel Numbers:

NOTE - ACRAGE BREAKDOWN: Northham Trac

Average in remaining jobs:

Average in right-of-way: 1.745 Ac.
Average in Reserve Tr.: 2.574 Ac.

Total acreage: 9,563 Ac.

NOTE "C" - ACRAGE BREAKDOWN:

collection of the property from agricultural use.

against the property dedicated herein, which result from grantor

any additional documents required or listed in the form.

dedicating the property described in this plat, hereby agrees to

NOTE: B. - AMBULATORY RETROPHARYNGEAL
being the duly authorized representative of the developer

NOTES

100-443887-1000

map for Franklin County. Ohio, and Incorporated with map

outside of the 0.2% annual chance floodplain, as said Zone 1

NOTE: As the time of planting, the land being planted was in Zone X (area determined to be suitable for planting Zone X trees).



ORDINANCE O-08-2022

AN ORDINANCE TO RENEW THE APPROVAL OF THE FINAL PLAT FOR 20 AGE RESTRICTED SINGLE FAMILY LOTS ON 5.30 +/- ACRES AND ACCEPT RESERVE "G" FOR PHASE 4 OF THE "NOTTINGHAM TRACE" SUBDIVISION GENERALLY LOCATED WEST OF STATE ROUTE 605, AND SOUTH OF WALNUT STREET, AS REQUESTED BY PULTE HOMES

WHEREAS, an application to approve the Nottingham Trace subdivision phase 4 final plat has been submitted; and

WHEREAS, Codified Ordinance chapter 1187 requires approval of the final plat by council; and

WHEREAS, the New Albany Planning Commission, after review during a public meeting on March 18, 2019, recommended approval of this final plat (FP-15-2019); and

WHEREAS, the Nottingham Trace phase 4 final plat for includes approximately 5.30 +/- acres of land to be subdivided into 20 residential lots in addition to the public streets; and

WHEREAS, the 5.30 acre Nottingham Trace phase 4 final plat includes approximately 0.206 +/- acres of parkland; and

WHEREAS, the Nottingham Trace phase 4 final plat includes the commitment to dedicate reserve G to the city (grantee) for public parkland and open space; and

WHEREAS, New Albany city council has agreed to the terms and conditions by which this parkland will be donated; and

WHEREAS, the city engineer certifies that the Nottingham Trace phase 4 final plat meets all the requirements of Chapter 1187 of the Codified Ordinances, stormwater management, design requirements and will meet all other requirements of the city.

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

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


Section 2: City Council hereby accepts the lands shown on the map attached hereto as Exhibit A, under the terms and conditions outlined and the covenants and restrictions stipulated in the deed and final plat.

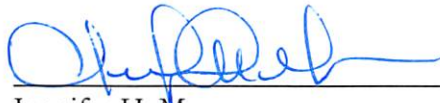
Section 3: It is hereby found and determined that all formal actions of council concerning and relating to the adoption of this legislation were adopted in an open meeting of council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings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

Section 4: Pursuant to Article VI, Section 6.07(B) of the City of New Albany Charter, this ordinance shall take effect on and after the earliest period allowed by law.

CERTIFIED AS ADOPTED this 5 day of April, 2022.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:


Benjamin S. Albrecht
Interim Law Director

Legislation dates:

Prepared:	02/28/2022
Introduced:	03/15/2022
Revised:	
Adopted:	04/05/2022
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NOTTINGHAM TRACE PHASE 4

NOTE "A": At the time of platting, the land being platted as Nottingham Trace Phase 4 is in Zone X (area designated to be outside of the 0.2% annual chance floodplain), as said Zone is designated and delineated on the FEMA Flood Insurance rate map for Franklin County, Ohio, and incorporated into map number 38049C02022, with effective date of June 17, 2008.

NOTE "B" - AGRICULTURAL RECOUPMENT: Grantor, being the duly authorized representative of the developer dedicating the property described in this plat, hereby agrees to indemnify the City of New Albany, Inc. and hold it harmless from any agricultural reconcoments assessed or levied in the future against the property dedicated herein, which result from grantor's conversion of the property from agricultural use.

NOTE "C" - ACREAGE BREAKDOWN:

Total acreage: 5.300 Ac.
Acreage in right-of-way: 1.753 Ac.
Acreage in Reserve "C": 0.206 Ac.
Acreage in remaining lots: 3.341 Ac.

NOTE "D" - ACREAGE BREAKDOWN: Nottingham Trace Phase 4 is out of the following Franklin County Parcel Number:

222-004443 5.300 Ac.

NOTE "E" - DEPRESSED DRIVEWAYS: Depressed driveways are hereby prohibited on all lots in Nottingham Trace Phase 4. Nothing herein, however, shall prohibit the construction and use of a driveway alongside or to the rear of a residential structure if otherwise permitted by the City of New Albany.

NOTE "F" - RESERVE "C": Reserve "C", as designated and delineated herein, shall be owned by the City of New Albany and maintained by an association comprised of the owners of the five single lots in the lots in the Nottingham Trace subdivisions for the purpose of open space.

NOTE "G": No vehicular access to be in effect with each time as the public street right-of-way is extended and dedicated by plat or deed.

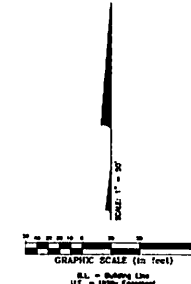
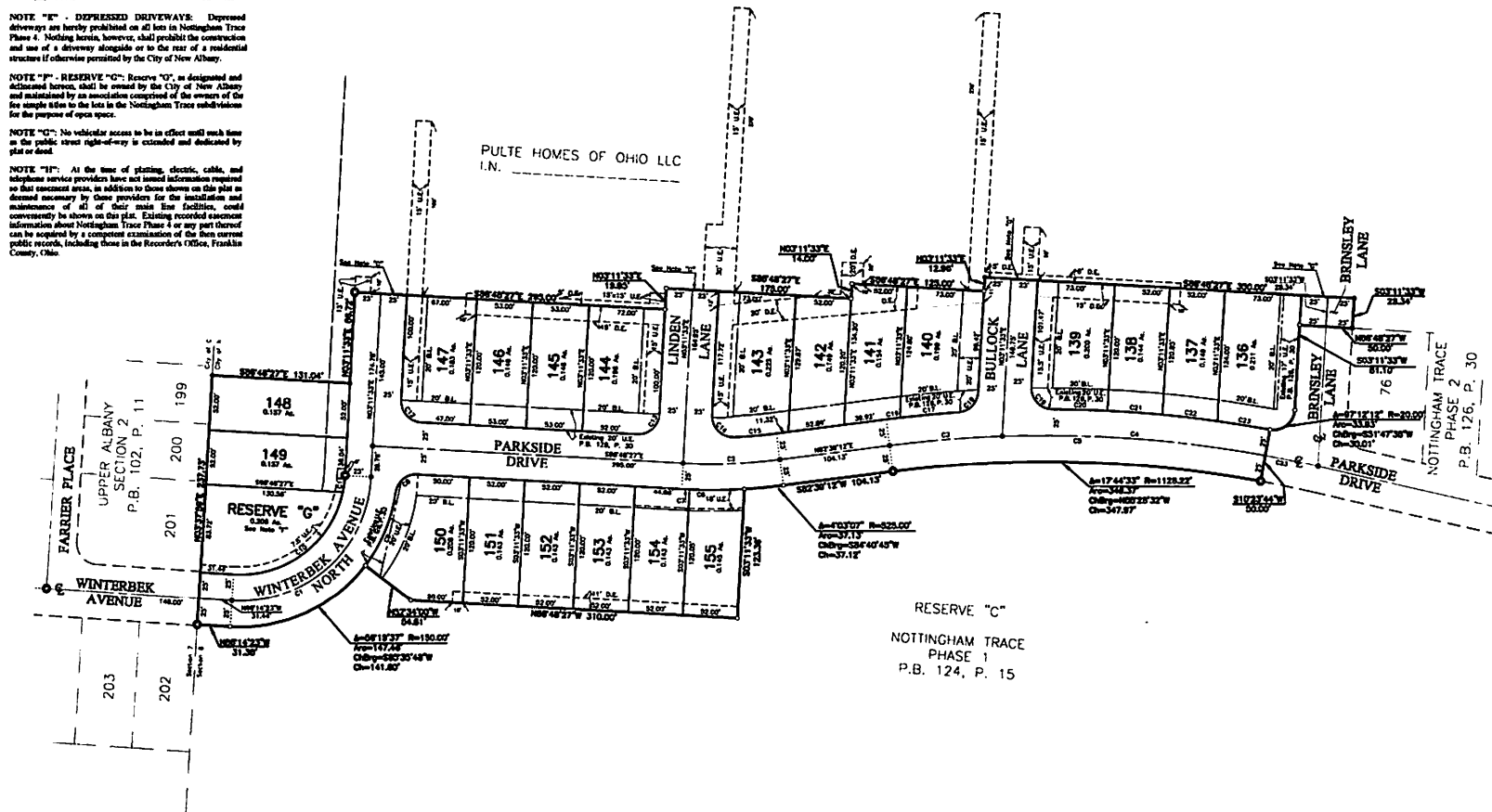
NOTE "H": At the time of platting, electric, cable, and telephone service providers have not issued information required so that easement areas, in addition to those shown on this plat as deemed necessary by these providers for the installation and maintenance of all of their main line facilities, could conveniently be shown on this plat. Existing recorded easement information about Nottingham Trace Phase 4 or any part thereof can be acquired by a competent examination of the then current public records, including those in the Recorder's Office, Franklin County, Ohio.

NOTE "I": Where residential lots abut parkland and/or open space, wood bollards shall be placed and maintained along the shared property lines between said lots and said reserve in order to provide a clear delineation between public and private spaces.

NOTE "J" - LOTS 143 THROUGH 153: On each of Lots 143 through 153, both inclusive, no building shall be constructed which has an opening unprotected from flooding in its foundation wall which is lower than the flood protection elevation for that lot given in the following table:

Lot No.	Flood Protection Elevation USGS 1981 Datum
143	1009.10
144	1009.10
145	1009.10
146	1009.10
147	1009.10
148	1011.50
149	1011.50
150	1011.50
151	1011.50
152	1011.50
153	1011.50

The foregoing flood protection elevations is approximately 2.0 feet above the 100 year flood elevation.



CURVE NO.	DELTA	PC	PT	CHORD BEARING	CHORD DISTANCE
C1	80°34'04"	125.00'	197.20'	N 48°23'23" E	177.65'
C2	10°23'21"	800.00'	91.87'	N 87°30'22" E	91.84'
C3	9°18'38"	1153.22'	107.32'	S 82°19'01" W	107.19'
C4	12°24'34"	1153.22'	248.88'	N 82°46'42" W	248.88'
C5	17°44'33"	1153.22'	357.11'	N 88°28'32" W	355.89'
C6	8°41'28"	825.00'	85.15'	N 88°32'56" E	85.11'
C7	8°47'54"	825.00'	7.22'	N 87°13'25" E	7.20'
C8	8°51'30"	30.00'	29.82'	N 26°40'32" E	28.89'
C9	28°03'42"	130.00'	76.17'	N 27°31'08" E	75.35'
C10	81°23'01"	100.00'	142.04'	N 52°04'10" E	135.40'
C12	80°00'00"	30.00'	31.42'	N 41°48'27" W	28.28'
C13	80°00'00"	30.00'	31.42'	N 48°11'32" W	26.18'
C14	80°46'23"	30.00'	33.40'	N 44°38'44" W	29.80'
C15	49°17'48"	475.00'	40.27'	S 82°03'02" W	40.31'
C16	0°27'48"	1176.22'	12.86'	S 82°38'08" W	12.86'
C17	2°43'48"	1176.22'	96.13'	N 84°38'53" W	96.12'
C18	82°48'12"	30.00'	28.81'	N 44°26'10" W	26.48'
C19	82°51'21"	20.00'	22.41'	N 42°14'13" W	20.89'
C20	23°14'48"	1176.22'	62.03'	N 88°24'04" W	59.02'
C21	23°14'48"	1176.22'	62.01'	N 82°30'17" W	59.01'
C22	23°01'41"	1176.22'	62.10'	N 82°30'14" W	59.10'
C23	23°01'41"	1176.22'	60.77'	N 82°30'10" W	59.77'
C24	23°01'41"	1153.22'	61.21'	N 78°18'58" W	51.20'

RESERVE "C"
NOTTINGHAM TRACE
PHASE 1
P.B. 124, P. 15

NOTTINGHAM TRACE PHASE 4

Situated in the State of Ohio, County of Franklin, City of New Albany, and in Section 8, Quarter Township 2, Township 2, Range 16, United States Military Lands, containing 5,300 acres of land, more or less, said 5,300 acres being all of that tract of land conveyed as Tract II to PULTE HOMES OF OHIO LLC by deed of record in Instrument Number 202202150025379, Recorder's Office, Franklin County, Ohio.

The undersigned, PULTE HOMES OF OHIO LLC, a Michigan limited liability company, by DAVE DOZER, Director of Land Development, does hereby certify that this plan correctly represents its "NOTTINGHAM TRACE PHASE 4", a subdivision containing Lots numbered 136 to 153, both inclusive, and an area designated as Reserve "D", does hereby accept this plan of same and dedicates to public use, as such, all of Bellbrook Lane, Linden Lane, Parkside Drive, and Winterbrook Avenue North shown hereon and not heretofore dedicated.

Easements are hereby reserved in, over and under areas designated on this plan as "Easements" or "Drainage Easements". Each of the aforementioned designated easements permit the construction, operation and maintenance of all public and quasi-public utilities above, beneath, 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 plan, an additional easement is hereby reserved for the purpose of constructing, operating and maintaining major storm water drainage swales and/or other above ground storm water drainage facilities. No above grade structures, dams or other obstructions to the flow of storm water runoff are permitted within Drainage Easement areas as delineated on this plan unless approved by the New Albany Municipal Engineer. Easement areas shown hereon outside of the platted areas are within lands owned by the undersigned and easements are hereby reserved therein for the uses and purposes expressed herein.

In Witness Whereof, DAVE DOZER, Director of Land Development of PULTE HOMES OF OHIO LLC, has hereunto set his hand this ____ day of ____, 20__.

Signed and Acknowledged
In the presence of
PULTE HOMES OF OHIO LLC
By DAVE DOZER,
Director of Land Development

STATE OF OHIO
COUNTY OF FRANKLIN ss:

Before me, a Notary Public in and for said State, personally appeared DAVE DOZER, Director of Land Development of PULTE HOMES OF OHIO LLC, who acknowledged the signing of the foregoing instrument to be his voluntary act and deed and the voluntary act and deed of said PULTE HOMES OF OHIO LLC, for the uses and purposes expressed herein.

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 Bellbrook Lane, Linden Lane, Parkside Drive, and Winterbrook Avenue North shown dedicated hereon are accepted, as such, by the Council for the City of New Albany, Ohio.

Transformed this ____ day of ____, 20__ Auditor, Franklin County, Ohio

Deputy Auditor, Franklin County, Ohio

Filed for record this ____ day of ____, 20__ at ____ M. Per \$ Recorder, Franklin County, Ohio

File No. ____

Recorded this ____ day of ____, 20__ Deputy Recorder, Franklin County, Ohio

Plat Book ____ Pages ____

RESERVATION OF EASEMENTS OUTSIDE OF THE PLATTED AREA ACROSS DESIGNATED AREAS ON THE NEW ALBANY COMPANY LLC LAND

Certain areas designated "Utility Easements" and "Drainage Easements" shown hereon outside of the 5,300 acres of land being platted as "Nottingham Trace Phase 4" are within lands located adjacent to "Nottingham Trace Phase 4" that are owned by THE NEW ALBANY COMPANY LLC by deed of record in Instrument Number 20180306000572, Recorder's Office, Franklin County, Ohio.

In Witness Whereof, BRENT B. BRADBURY, Chief Financial Officer of THE NEW ALBANY COMPANY LLC, has hereunto set his hand this ____ day of ____, 20__.

Signed and Acknowledged
In the presence of: THE NEW ALBANY COMPANY LLC

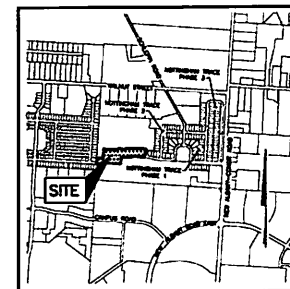
By BRENT B. BRADBURY,
Chief Financial Officer

STATE OF OHIO
COUNTY OF FRANKLIN ss:

Before me, a Notary Public in and for said State, personally appeared BRENT B. BRADBURY, Chief Financial Officer of THE NEW ALBANY COMPANY LLC, who acknowledged the signing of the foregoing instrument to be his voluntary act and deed and the voluntary act and deed of said THE NEW ALBANY COMPANY LLC, for the uses and purposes expressed herein.

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



LOCATION MAP AND BACKGROUND DRAWING
NOT TO SCALE

SURVEY DATA:

BASES OF BEARINGS: The bearings shown hereon are based on the same meridian as those shown on the plat entitled "Nottingham Trace Phase 1", of record in Plat Book 124, Page 15. The bearing of South 86° 13' 47" East, assigned to the southern right of way line of Walnut Street, is designated the basis of bearings for this plat.

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

IRON PINS: Iron pins, where indicated hereon, unless otherwise noted, are to be set and are iron pins, thirteen-eighths inch inside diameter, thirty inches long with a plastic plug placed in the top and bearing the initial EMH/DIC.

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 end flush with the surface of the ground and then capped with an aluminum cap stamped EMH/DIC. Once installed, the top of the cap shall be marked (punched) to record the actual locations of the points. 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 infrastructure improvements. The New Albany, Ohio, Municipal Engineer shall be notified in writing when the markers are in place.

SURVEYED & PLATTED
BY



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

○ = Iron Pin (See Survey Data)
● = IAC Nail to be set
● = Permanent Marker (See Survey Data)

By Professional Surveyor No. 7865 Date



RESOLUTION R-15-2022

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ADVERTISE, BID, AWARD AND EXECUTE CONTRACTS RELATED TO THE CONSTRUCTION OF TRAFFIC SIGNALS AND RELATED IMPROVEMENTS AT THE INTERSECTION OF HARLEM ROAD & DUBLIN GRANVILLE ROAD AND THE INTERSECTION OF FOREST DRIVE & SMITH'S MILL ROAD

WHEREAS, Council desires to make infrastructure improvements at two intersections within the city; and

WHEREAS, the city traffic engineer has studied and made recommendations for the improvements of the intersection of Harlem Road and Dublin Granville Road, as well as the intersection of Forest Drive and Smith's Mill Road; and

WHEREAS the combined engineer's estimate for both projects is \$1,710,000; and

WHEREAS, the completion of the infrastructure improvements will provide for enhanced vehicular and pedestrian access and safety in these areas.

NOW, THEREFORE, be it resolved by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, that;


Section 1. The city manager is hereby authorized and directed to advertise, bid, award and execute all contractual documents necessary to accomplish the construction of the two traffic signal projects.


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 of the Ohio Revised Code.

Section 3. Pursuant to Article 6.07(A) of the New Albany Charter, this resolution shall take effect upon adoption.

CERTIFIED AS ADOPTED this 5 day of April, 2022.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:


Benjamin S. Albrecht
Interim Law Director

Legislation dates:

Prepared:	03/25/2022
Introduced:	04/05/2022
Revised:	
Adopted:	04/05/2022
Effective:	05/05/2022



RESOLUTION R-16-2022

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO PARTICIPATE IN THE ODOT ROAD SALT CONTRACT (018-23)

WHEREAS, the City of New Albany, Franklin and Licking Counties, (hereinafter referred to as the "Political Subdivision") hereby submits this written agreement to participate in the Ohio Department of Transportation's (ODOT) annual road salt bid in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT road salt contract:

- A. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the road salt contract and acknowledges that upon of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and
- B. The Political Subdivision hereby acknowledges that upon the Director of ODOT's signing of the road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and
- C. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision's participation in the road salt contract; and
- D. The Political Subdivision's electronic order for Sodium Chloride (Road Salt) will be the amount the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and
- E. The Political Subdivision hereby agrees to purchase a minimum of 90% of its electronically submitted salt quantities from its awarded salt supplier during the contract's effective period; and
- F. The Political Subdivision hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT salt contract; and
- G. The Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than Friday, April 29 by 5:00 p.m. The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: Contracts.Purchasing@dot.ohio.gov by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision's participation request. Furthermore, it is the sole responsibility of the Political Subdivision to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Political Subdivision's participation agreement and/or a Political Subdivision's request to rescind its participation agreement.

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 above participation agreement for the ODOT road salt contract is hereby approved, funding has been authorized, and the City of New Albany agrees to the above terms and conditions regarding participation on the ODOT salt contract.

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

Section 3. Effective Date. Pursuant to Article 6.07(A) of the New Albany Charter, this resolution shall take effect upon adoption.

CERTIFIED AS ADOPTED this 5 day of April, 2022.

Attest:



Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



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