



## RESOLUTION R-21-2020

**A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN ANNEXATION AGREEMENT WITH JERSEY TOWNSHIP IN ORDER TO FACILITATE THE ANNEXATION OF PARCEL NUMBER 37-1121040001 WHICH IS COMPRISED OF APPROXIMATELY 2.9 +/- ACRES**

**WHEREAS**, the city and the township share certain boundaries and therefore have a shared interest in the general area found immediately east of Beech Road and north of Innovation Campus Way, as illustrated and described in the exhibits of the attached Annexation Agreement; and

**WHEREAS**, it is anticipated that real property comprised of a real estate Parcel Number 37-1121040001, totaling approximately 2.9 +/- acres, and located at 2278 Beech Road, (Annexation Parcel), will be the subject of an annexation petition to be filed with the Licking County Commissioners soon after the Effective Date; and

**WHEREAS**, the city and the township desire to maintain a cooperative relationship that will foster economic development on the property and to provide for public infrastructure improvements that will serve the residents and property owners of the city and township; and

**WHEREAS**, the Ohio Revised Code Sections 709.021 and 709.022 establish provisions for the annexation of property that includes an annexation agreement between the city and the township; and

**WHEREAS**, in furtherance of this relationship, the city and the township desire to enter this Agreement to memorialize the terms of their mutual agreement on the procedure under which the annexation(s) of the property to the city will occur in order to ensure that such annexation(s) are completed in accordance with the procedure that has been historically utilized by 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.** Council hereby authorizes the city manager to enter into an annexation agreement with Jersey Township.

**Section 2.** This Agreement shall cover and be applicable only to the property which is identified in Exhibit A, attached herein. The area/boundaries of the property to which this agreement applies shall not be reduced, enlarged, modified, or altered in any way except by written mutual agreement of the parties approved authorizing legislation from both the legislative authority of the township and the city. Any changes to the boundaries of the property shall require a written amendment to this Agreement.

**Section 3.** On or after the Effective Date, all or part of the property shall, upon proper petition(s) to and with the approval of the Licking County Board of Commissioners and acceptance of the annexation by the city, be annexed to and accepted by the city under the conditions set forth in the annexation agreement.


**Section 4.** It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of 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 Section 121 of the Ohio Revised Code, and further pursuant to Ohio General Assembly 133 – House Bill 197 effective March 27, 2020.

**Section 5.** 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 May, 2020.

Attest:

  
Sloan T. Spalding  
Mayor

  
Jennifer H. Mason  
Clerk of Council

Approved as to form:

  
Mitchell H. Banchefsky  
Law Director

|                           |            |
|---------------------------|------------|
| <b>Legislation dates:</b> |            |
| Prepared:                 | 04/23/2020 |
| Introduced:               | 05/05/2020 |
| Revised:                  |            |
| Adopted:                  | 05/05/2020 |
| Effective:                | 05/05/2020 |

**ANNEXATION AGREEMENT**

THIS ANNEXATION AGREEMENT (this "Agreement"), is entered into as of the last date of signature below (the "Effective Date") by and between the City of New Albany, Ohio (the "City"), an Ohio Charter municipal corporation having its address at 99 W. Main Street, New Albany, Ohio 43054, and the Township of Jersey, Licking County, Ohio (the "Township"), a township duly organized and validly existing under the laws of the State of Ohio having its address at 1481 Mink Street, Pataskala, Ohio 43062.

**WITNESSETH:**

WHEREAS, the City and the Township share certain boundaries and therefore have a mutual interest in the general area found east of Beech Road, north of Innovation Campus Road East and south of Smith's Mill Loop Road, as illustrated in Exhibit A and described in Exhibit B; and

WHEREAS, the City and the Township desire to maintain a cooperative relationship that will foster economic development within the property and to provide for public infrastructure improvements that will serve the residents and property owners of the City and the Township; and

WHEREAS, in furtherance of this relationship, the City and the Township desire to enter this Agreement to memorialize the terms of their mutual agreement on the procedure under which the future annexation of the Property to the City will occur in order to ensure that such annexation is completed in accordance with the procedure that has been historically utilized by the City; and

WHEREAS, the City desires to work in good faith with the Township in order to identify certain public infrastructure improvements that the City will construct and fund in the general vicinity of the Property that will serve residents and property owners in the Township and the City.

**NOW, THEREFORE**, in consideration of the foregoing and of the mutual covenants and agreements hereinafter set forth, the parties hereby agree as follows:

1. **Territory Defined**: This Agreement shall cover and be applicable only to the Property, which is presently located within the boundaries of the Township. The boundaries of the Property shall not be reduced, enlarged, modified, or altered in any way except by written consent approved and given by the legislative authorities of both the City and the Township by means of appropriate action authorizing such reduction, enlargement, modification, or alteration. Any changes to the boundaries of the Property shall require a written amendment to this Agreement.
2. **Annexation of the Property**: On or after the Effective Date, all or part of the Property shall, upon proper petition(s) to and with the final approval of the Licking County Board of Commissioners (the "Commissioners"), be annexed to and accepted by the City under the conditions hereinafter set forth in this Section 2 and subject to all other conditions and limitations in this Agreement. It is anticipated that the real property identified in Exhibits

A and B attached hereto and incorporated by reference will be the subject of an annexation petition to be filed with the Commissioners soon after the Effective Date.

- A. Procedure: Annexations of all or part of the Property to the City shall be filed pursuant to and comply with the provisions of Sections 709.021 and 709.022 of the Ohio Revised Code, as such provisions exist on the Effective Date. It is the intention of the parties to require any petition seeking to annex all or a portion of the Property to the City to be filed pursuant to and in compliance with the provisions of Sections 709.021 and 709.022 of the Ohio Revised Code as set forth in this Section 2.A, and to prohibit the City from assisting or accepting an annexation petition concerning the Property which fails to comply with this requirement.
  - B. Effect of Annexation: Immediately following both (i) the approval of a particular annexation petition affecting all or part of the Property by the Commissioners and (ii) the City's acceptance into municipal boundaries of the real property affected by the petition(s), then the annexed property shall be treated and viewed with the same legal effect as if it had been approved as an annexation completed under Section 709.02 of the Ohio Revised Code. Should, at any time, any Property annexed into the City, pursuant to this Agreement, be excluded from the Township, the City shall compensate the Township as in accordance with Section 709.19 of the Ohio Revised Code.
  - C. In the event that the annexed Properties' redevelopment and associated change in use from agricultural and/or residential uses to commercial use results in a reduction in the total aggregate property tax revenue received by the Township from the Property in tax years 2020 through 2025, when compared with property tax revenue received by the Township for tax year 2019 (January 1, 2019 tax lien date) (Baseline Year), the City agrees to compensate the Township annually in an amount equal to any such aggregate reduction in said property tax revenue. In the event any of the parcels which make up the Property are combined with other parcels not subject to this Agreement, then in that case, the total tax property revenue received by the Township for such combined parcel(s) shall be utilized in the comparison calculation to the Baseline Year.
  - D. Cooperative Efforts: Upon the filing of any annexation petition concerning all or part of the Property in accordance with Section 2.A of this Agreement, the Township and the City shall cooperate in good faith to facilitate the approval and success of such petition. In such an instance, each party shall refrain from taking any action that would directly or indirectly delay the annexation process or endanger the possible approval of the annexation petition by the Commissioners.
3. Tax Increment Financing (TIF) in Jersey Township: If the City redirects real property tax revenue through Tax Increment Financing (TIF), then, by May 1 and November 1 of the year following the year in which the (TIF) becomes effective, and continuing each year thereafter, for the duration of the TIF the City shall pay to the Township an amount equal to the real property tax revenue the Township would have received during the previous

calendar year, exclusively from all property tax levies for fire and emergency medical services (EMS), had the TIF not been granted by the City (the "Fire & EMS Payment").

4. **Public Infrastructure:** In addition to their agreement regarding annexation of the Property as provided in Section 2 above, the City and the Township desire to work cooperatively to identify new public infrastructure improvements that may be necessary to serve areas in the vicinity of the Property. To this end, the City and the Township acknowledge that certain improvements may need to be made by the City to Beech Road at its intersection with Innovation Campus Road.

The City and the Township shall make reasonable and good faith efforts to identify such public infrastructure improvements in the future as the need arises and to negotiate the specifications and parameters for such improvements. Any commitments regarding the construction and/or financing of improvements as contemplated in this Section 3 shall require the prior approval of the New Albany City Council.

5. **Miscellaneous:**

- A. The term of this Agreement shall commence on the Effective Date and shall terminate at 11:59 p.m. on the fiftieth (50<sup>th</sup>) anniversary of the Effective Date (the "Initial Term"). Unless the legislative authority of the City or the Township, at least ninety (90) days before the expiration of the Initial Term or any subsequent term as provided herein, acts to terminate the Agreement at the expiration of said term, this Agreement shall automatically renew for consecutive terms of twenty (20) years each, with no limit on the number of renewal terms.
- B. **Notices.** Any notice required to be given hereunder shall be given in writing by ordinary United States mail, postage prepaid, by nationally recognized overnight courier or by hand delivery addressed to the parties at their respective addresses as set forth below.

**If to City:**

The City of New Albany  
Attn: City Manager  
99 W. Main Street  
New Albany, Ohio 43054  
Fax: (614) 855-8583

**If to Township:**

Jersey Township Board of Trustees  
Attn: \_\_\_\_\_  
1481 Mink Street  
Pataskala, Ohio 43062  
Fax: \_\_\_\_\_

Notices shall be deemed received at the earlier of (i) actual hand delivery to the address of the receiving party, (ii) when received or when receipt is refused or (iii) two business days following proper deposit in the United States mail or delivery by facsimile.

- C. Entire Contract. This Agreement embodies the entire understanding among the parties with respect to the subject matter herein contemplated. Any amendments hereto shall be in writing and shall be executed by both the City and the Township.
- D. Counterparts. This Agreement may be executed in counterparts, each of which, when executed and delivered, shall be deemed an original, and all counterparts shall constitute one and the same instrument.

***[Remainder of this page intentionally blank – Signatures on following page.]***

**City of New Albany**

**Jersey Township**

By: \_\_\_\_\_  
Joseph Stefanov, City Manager

By: \_\_\_\_\_  
Ed Bright, Trustee

By: \_\_\_\_\_  
Dan Wetzel, Trustee

By: \_\_\_\_\_  
Jeff Fry, Trustee

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Approved as to Form:

Approved as to Form:

\_\_\_\_\_  
Mitchell Banchefsky,  
Law Director

\_\_\_\_\_  
[INSERT NAME AND TITLE]

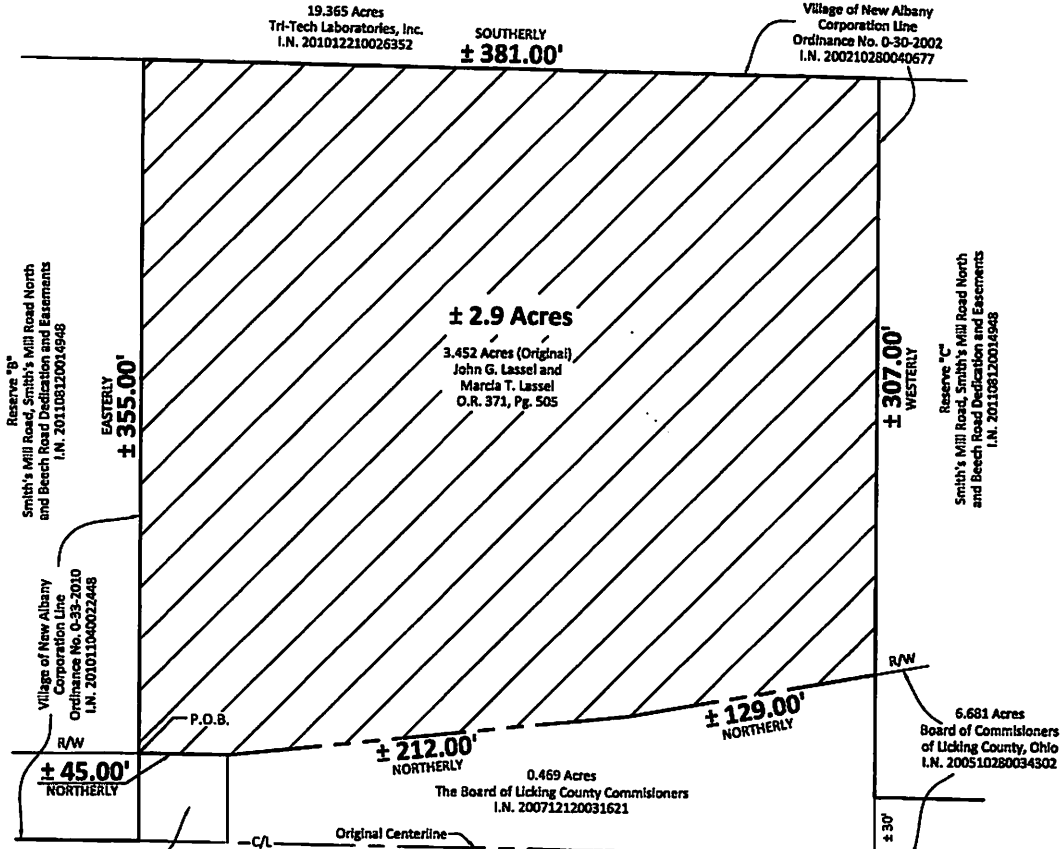
**EXHIBIT A**

**Depiction of the "Property"**



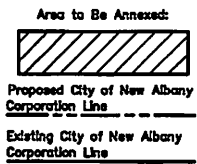
# ANNEXATION OF 2.9± ACRES TO THE CITY OF NEW ALBANY FROM JERSEY TOWNSHIP

LOT 32, QUARTER TOWNSHIP 2, TOWNSHIP 2, RANGE 15  
UNITED STATES MILITARY LANDS  
TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO



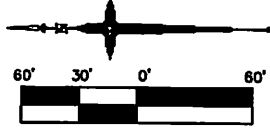
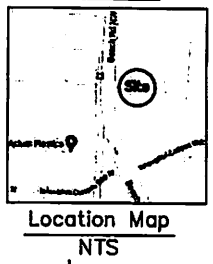
0.041 Acres  
City of New Albany  
I.N. 201510080021905

**BEECH ROAD**  
(Twp. Rd. 88)



Proposed Annexation  
of 2.9 +/- acre to the City of New Albany

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



**Contiguity Note:**  
Total Perimeter of annexation area is 1429.0 feet, of which 1043.0 feet is contiguous with the City of New Albany by Ordinance Number 0-33-2010 and 0-30-2002, giving 73.0% perimeter contiguity.

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

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

Board of Licking County Commissioners

Petition Received \_\_\_\_\_ 20\_\_\_\_  
Commissioner \_\_\_\_\_

Petition Approved \_\_\_\_\_ 20\_\_\_\_  
Commissioner \_\_\_\_\_  
Commissioner \_\_\_\_\_

Transferred this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon the duplicates of this office  
Containing \_\_\_\_\_ acres.  
Transfer fee \_\_\_\_\_

Received for Record \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ (AM-PM) and recorded \_\_\_\_\_  
in plat, ordinance, petition, etc., in Instrument Number \_\_\_\_\_

Plat Fee \_\_\_\_\_  
Ordinance, etc., Fee \_\_\_\_\_

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

Attest \_\_\_\_\_  
Clerk, City of New Albany



*Paul T. Dinan* Feb. 20, 2020  
BY: Paul T. Dinan Date  
Professional Surveyor No. 7312

**Myers Surveying**  
COMPANY  
2740 E. Main St., Beavley, Ohio 43209-2577  
(614) 235-8577 - (614) 235-4539 fax  
info@myerssurveying.com

SHEET 1 OF 1

| m.s.# 3-02/12/2020 | 12122018.ecj | X -         | T - |
|--------------------|--------------|-------------|-----|
| REVISIONS:         |              |             |     |
| No.                | Date         | Description | By  |
|                    |              |             |     |
|                    |              |             |     |

**EXHIBIT B**

**Description of the "Property"**

2740 East Main Street  
Bexley, Ohio 43209-2577  
(614) 235-8677  
Telefax (614) 235-4559  
Email: info@myerssurveying.com

**+/-2.9 Acre Proposed Annexation**  
**From: Jersey Township**  
**To: City of New Albany**

Situate in the State of Ohio, County of Licking, Township of Jersey, being part of Lot 32, Quarter Township 2, Township 2, Range 15, United States Military Lands, also being part of the 3.452 Acre tract conveyed to John G. Lassel and Marcia T. Lassel in Official Record 371, Page 505, all records being of the Recorder's Office, Licking County, Ohio and being more particularly bounded and described as follows:

**BEGINNING** at the southeast corner of Beech Road, 40 feet wide and the southwest corner of Reserve "B" as delineated on Smith's Mill Road, Smith's Mill Road North and Beech Road Dedication and Easements as recorded in Instrument Number 201108120014948, at the northeast corner of a 0.041 Acre tract conveyed to City of New Albany in Instrument Number 201510080021905 and in the north line of said 3.452 Acre tract;

Thence, Easterly, along part of the north line of said 3.452 Acre tract and along the south line of said Reserve "B", approximately 355 feet to the northeast corner of said 3.452 Acre tract, the southeast corner of said Reserve "B" and in the west line of a 19.365 Acre tract conveyed to Tri-Tech Laboratories, Inc. in Instrument Number 201012210026352;

Thence, Southerly, along the east line of said 3.452 Acre tract and along part of the west line of said 19.365 Acre tract, approximately 381 feet to the southeast corner of said 3.452 Acre tract and the northeast corner of Reserve "C" of said Smith's Mill Road, Smith's Mill Road North and Beech Road Dedication and Easements;

Thence, Westerly, along part of the south line of said 3.452 Acre tract and the north line of said Reserve "C", approximately 307 feet to the northwest corner of said Reserve "C", the northeast corner of a 6.681 Acre tract conveyed to Board of Commissioners of Licking County, Ohio in Instrument Number 200510280034302 and the southeast corner of a 0.469 Acre tract conveyed to The Board of Licking County Commissioners in Instrument Number 200712120031621;

Thence, Northerly, across part of said 3.452 Acre tract and along part of the east line of said 0.469 Acre tract, approximately 129 feet;

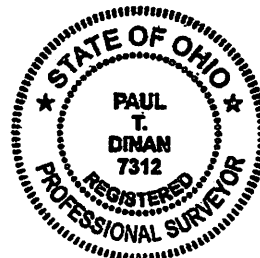
Thence, Northerly, continuing across part of said 3.452 Acre tract and along part of the east line of said 0.469 Acre tract, approximately 212 feet to the northeast corner of said 0.469 Acre tract and the southeast corner of said 0.041 Acre tract;

Thence, Northerly, continuing across part of said 3.452 Acre tract and along the east line of said 0.041 Acre tract, approximately 45 feet to the **POINT OF BEGINNING, CONTAINING 2.9 ACRES, MORE OR LESS**. This description was prepared from record information only and is not based on a field survey. This description is for annexation purposes only.

Contiguity = 73%

Myers Surveying Company, Inc.

*Paul T. Dinan Feb. 20, 2020*  
Paul T. Dinan Professional Surveyor 7312  
PTD/ptd  
(302122020BeechRoadAnnexation)





## RESOLUTION R-22-2020

### A RESOLUTION TO AUTHORIZE A THEN AND NOW CERTIFICATE WITHIN THE GENERAL FUND

**WHEREAS**, the Ohio Revised Code §5705.41(D) and City Charter require a fiscal officer certificate to be issued for certain types of expenditures certifying funds are available and appropriated by Council; and

**WHEREAS**, in the event a fiscal officer certificate is not obtained prior to incurring an expenditure, the Ohio Revised Code §5705.41(D)(2) allows for the issuance of a “Then & Now” certificate; and

**WHEREAS**, a “Then & Now” certificate indicates that both at the time of the contract, purchase or order was made and at the time of certification, sufficient funds were available or in the process of collection and were properly appropriated and free from any previous encumbrance; and

**WHEREAS**, it is necessary to obtain council approval of each “Then & Now” certificate in excess of \$3,000; and

**WHEREAS**, it was necessary for the City to include an ad at a cost of \$3,595.00 in the *Columbus Business First* publication for which a requisition was unable to be processed for the expenditure in a timely manner due to limited resources during the COVID-19 ongoing pandemic; and

**WHEREAS**, the finance director has confirmed that \$3,595.00 was and is available in the General Fund to compensate Columbus Business First.

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

**Section 1:** Council hereby authorizes a “Then and Now” certificate pursuant to Ohio Revised Code §5705.41(D)(2) to authorize payment in the amount of \$3,595.00 to Columbus Business First.

**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 Section 121 of the Ohio Revised Code, and further pursuant to Ohio General Assembly 133 – House Bill 197 effective March 27, 2020.

**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 May, 2020.

Attest:

  
Sloan T. Spalding  
Mayor

  
Jennifer H. Mason  
Clerk of Council

Approved as to form:

  
Mitchell H. Banchefsky  
Law Director

|                           |            |
|---------------------------|------------|
| <b>Legislation dates:</b> |            |
| Prepared:                 | 04/24/2020 |
| Introduced:               | 05/05/2020 |
| Revised:                  |            |
| Adopted:                  | 05/05/2020 |
| Effective:                | 05/05/2020 |