



ORDINANCE O-82-2023

**AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1
ANNEXATION OF 62.6+/- 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 April 11, 2023, and

WHEREAS, the foregoing Resolution #0329-23 of the Franklin County Commissioners granting the petition was delivered to the City of New Albany on May 1, 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 62.6+/- 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 62.6 +/--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.

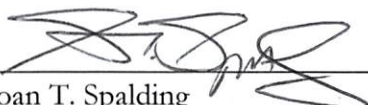
Section 4: The clerk is herewith directed to deliver certified copies of this ordinance and other proceedings relative to the annexation to the County Auditor, County Recorder, and the Secretary of State.

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 121.22 of the Ohio Revised Code.

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

CERTIFIED AS ADOPTED this 16 day of July, 2023.

Attest:




Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin Albrecht
Law Director

Legislation dates:

Prepared:	06/23/2023
Introduced:	07/05/2023
Revised:	
Adopted:	07/18/2023
Effective:	08/18/2023

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

I certify that copies of Ordinance **O-82-2023** were posted in accordance with Section 6.12 of the Charter, for 30 days starting on July 19, 2023.



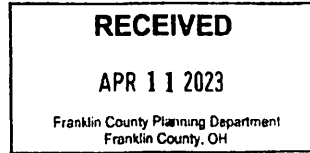
Jennifer Mason, Clerk of Council

7/19/23

Date

ANNEXATION
PLAN & DESCRIPTION
ACCEPTABLE
COMPELL R. ROBERTSON, P.E., P.S.
FRANKLIN COUNTY ENGINEER

By CRH Date 03/28/2023



AJX-17-23
PROPOSED ANNEXATION
62.6± ACRES

RECEIVED

MAR 28 2023

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

FROM: PLAIN TOWNSHIP

Exhibit A - O-82-2023

TO: CITY OF NEW ALBANY

Situated in the State of Ohio, County of Franklin, Township of Plain, lying in Section 16, Township 2, Range 15, United States Military Lands, being all of that 15 acre tract conveyed as Parcel I, that 7.7 acre tract conveyed as Parcel II and that 39.937 acre tract conveyed as Parcels III & IV to MBJ Holdings LLC by deed of record in Instrument Number 202303170025796, and all of that 0.500 acre tract conveyed to Stephen J. Majchrowski by deed of record in Instrument Number 200302250054863, (all references refer to the records of the Recorder's Office, Franklin County, Ohio) being more particularly described as follows:

BEGINNING in the centerline of Babbitt Road, at the northwesterly corner of said 15 acre tract, the southwestwesterly corner of that 5 acre tract conveyed to Julianna Dilullo by deed of record in Instrument Number 201106230078708;

Thence easterly, with the northerly line of said 15 acre tract, the southerly line of said 5 acre tract and that 13.107 acre tract conveyed to Julianna Dilullo by deed of record in Instrument Number 201106230078708, a distance of approximately 1353 feet to a point in the westerly line of that 177.497 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201808070105494, being in the existing City of New Albany corporation line as established by Ordinance Number O-27-2015, of record Instrument Number 201510300154555;

Thence southerly, with the easterly line of said 15 and 7.7 acre tracts, a westerly line of said 177.497 acre tract, and said existing corporation line, a distance of approximately 733 feet to a point in the northerly line of said 39.937 acre tract;

Thence easterly, with the northerly line of said 39.937 acre tract, a southerly line of said 177.497 acre tract, and said existing corporation line, a distance of approximately 628 feet to a point;

Thence southerly, with the easterly line of said 39.937 acre tract, a westerly line of said 177.937 acre tract and that 18.334 acre tract conveyed to AEP Ohio Transmission Company, Inc., by deed of record in Instrument Number 201904190045307, and said existing corporation line, a distance of approximately 1019 feet to a point at a southeasterly corner of said 39.937 acre tract, the northeasterly corner of that 29.898 acre tract conveyed to Grace W. Doran by deed of record in Instrument Number 200104180081300;

Thence westerly, with a southerly line of said 39.937 acre tract, the northerly line of said 29.898 acre tract, a distance of approximately 1227 feet to a point at a southwestwesterly corner of said 39.937 acre tract, the southeasterly corner of that 5.005 acre tract conveyed to Ronald L. Farber and Cynthia K. Farber by deed of record in Official Record 20684A16;

Thence northerly, with a westerly line of said 39.937 acre tract, the easterly line of said 5.005 acre tract, a distance of approximately 354 feet to a point;

Thence westerly, with a southerly line of said 39.937 acre tract, the northerly line of said 5.005 acre tract and that 1.331 acre tract conveyed to Alice R. Farber by deed of record in Instrument Number 200104120076595, a distance of approximately 780 feet to a point in the centerline of said Babbitt Road;

Thence northerly, with the centerline of said Babbitt Road, the westerly line of said 39.937 acre tract, a distance of approximately 172 feet to a point at the southwestwesterly corner of that 0.201 acre tract conveyed to Franklin County Commissioners by deed of record in Official Record 10186105;

Thence with the line common to said 39.937 and 0.201 acre tracts, the following courses and distances:

Easterly, a distance of approximately 35 feet to a point;

Northerly, a distance of approximately 250 feet to a point; and

Westerly, a distance of approximately 35 feet to a point in the centerline of said Babbitt Road;

62.6± ACRES

-2-

Thence northerly, with the centerline of said Babbitt Road, the westerly line of said 39.937 acre tract, a distance of 966 feet to the POINT OF BEGINNING, containing 62.6 acres, more or less.

Total perimeter of annexation area is 7551 feet, of which 2379 feet is contiguous with the City of New Albany by Ordinance Number O-27-2015, giving 31.5% perimeter contiguity.

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



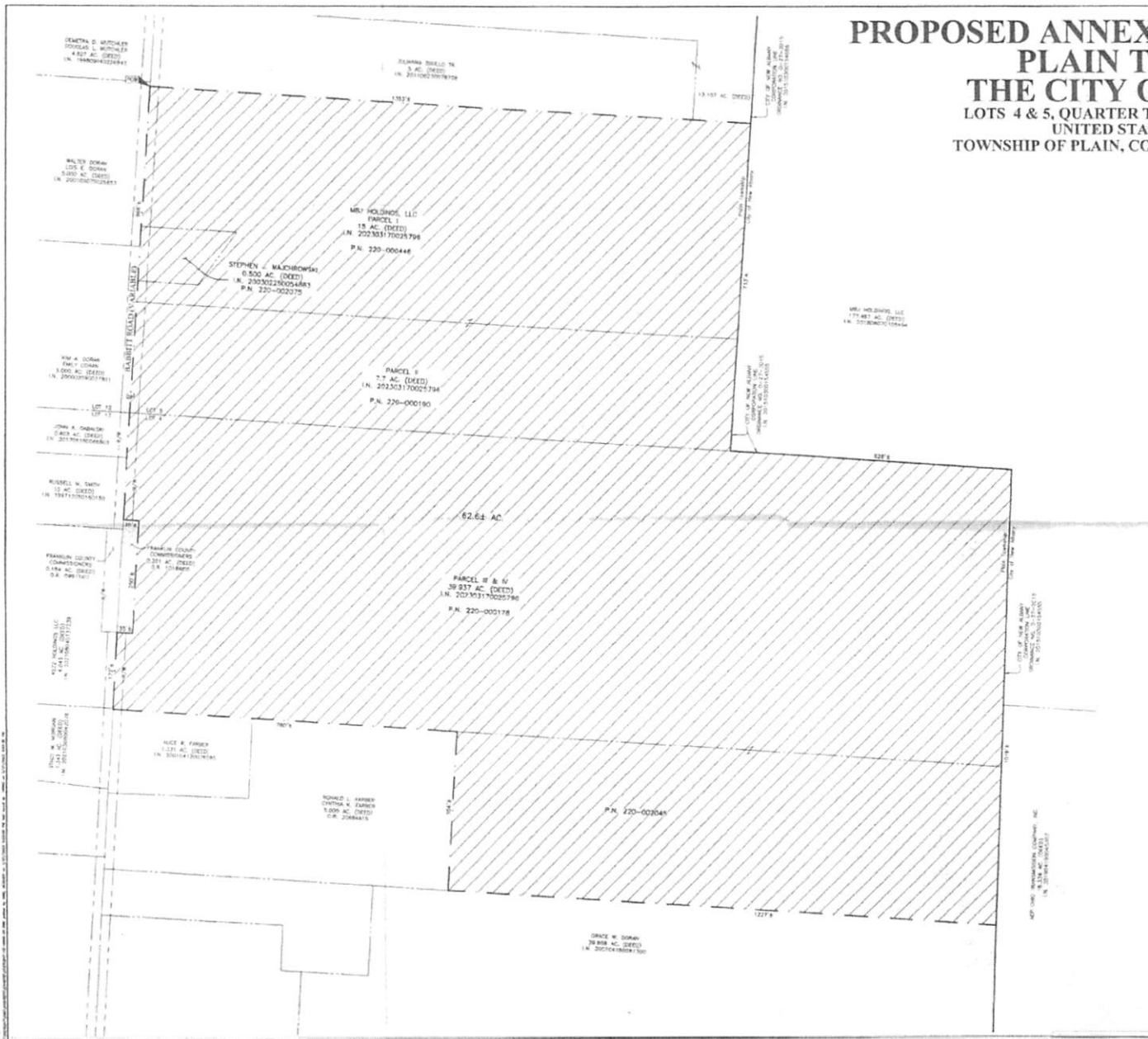
EVANS, MECHWART, HAMBLETON & TILTON, INC.

Heather L. King 3/27/23
Heather L. King
Professional Surveyor No. 8485

HLK: td
62_6 ac 200230247-VS-EXHB-ANNX-01

PROPOSED ANNEXATION OF 62.6 ± ACRES PLAIN TOWNSHIP TO THE CITY OF NEW ALBANY

LOTS 4 & 5, QUARTER TOWNSHIP 4, TOWNSHIP 2, RANGE 16
UNITED STATES MILITARY DISTRICT
TOWNSHIP OF PLAIN, COUNTY OF FRANKLIN, STATE OF OHIO



RECEIVED

MAR 23 2023

Franklin County Engineer
Daniel F. Schuman, P.E., S.E.

ANNEXATION
PLAN & DESCRIPTION
CORNELL B. ROBERTSON, P.E., P.A.
FRANKLIN COUNTY ENGINEER
By: *[Signature]* Date: 3/22/23



LOCATION MAP AND BACKGROUND DRAWING
SITE TO SCALE



SCALE: 1" = 50'

AREA TO BE ANNEXED
FROM PLAIN TOWNSHIP TO THE CITY OF NEW ALBANY
PROVIDED BY THE CITY OF NEW ALBANY CORP. 120
EXISTING CITY OF NEW ALBANY CORPORATION 100

Contiguity Note:
Total percentage of annexation area is 79% (50 feet of which
2570 21 feet is contiguous with the City of New Albany by
Ordinance Number D-27-2015, giving 51.9% percentage
contiguity.

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

RECEIVED
APR 11 2023
Franklin County Planning Department
Professional Office
ADP-11-23



[Signature] 3/27/23
Heather L. King
Professional Engineer No. 518387
hking@state.com

EMHT Engineering & Mapping, Inc. 1887 New Albany Road, Columbus, OH 43224 Phone: 614.881.1111	Date: March 22, 2023
	Scale: 1" = 100'
Project: Franklin County, Ohio - Plain Township Annexation	Job No.: 2023-0147
Client: City of New Albany	Drawn: [Blank]
Checked: [Blank]	Reviewed: [Blank]
Approved: [Blank]	Project: [Blank]

Exhibit B - O-82-2023



ORDINANCE O-83-2023

AN ORDINANCE TO ACCEPT WATER LINE, SANITARY SEWER, STREET AND STORM SEWER IMPROVEMENTS AND APPURTENANCES THERETO FOR HORIZON COURT, AS REQUESTED BY LINCOLN PROPERTY COMPANY

WHEREAS, in accordance with New Albany Ordinance 77-91; and pursuant to written certification by the city engineer that the improvements and appurtenances thereto for Horizon Court, have been completed to the standards set by Codified Ordinance 1187; and

WHEREAS, a 2-year maintenance bond in the amount of \$365,034, and engineering inspection fee deposit in the amount of \$5,380, and a 5-year settlement bond of \$130,516 will be provided by the applicant prior to the second reading.

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 improvements and appurtenances thereto for are hereby accepted.


Section 2. 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 3: 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 18 day of July, 2023.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:	
Prepared:	06/20/2023
Introduced:	07/05/2023
Revised:	
Adopted:	07/18/2023
Effective:	08/18/2023



RESOLUTION R-31-2023

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A COMMUNITY REINVESTMENT AREA AGREEMENT WITH RINCHEM COMPANY, LLC RELATED TO INCENTIVES AVAILABLE FOR PROJECT DEVELOPMENT IN THE OAK GROVE II COMMUNITY REINVESTMENT AREA

WHEREAS, the Council for the City of New Albany, Ohio (the “City”) by its Resolution No. R-17-09 adopted March 3, 2009 (the “Original CRA Legislation”), created the Oak Grove II Community Reinvestment Area (the “Original Area”), and by its Resolutions No. R-41-10 adopted July 6, 2010, No. R-72-10 adopted November 16, 2010, No. R-53-2012 adopted October 2, 2012, No. R-26-2013 adopted August 6, 2013, No. R-72-2014 adopted September 16, 2014, and R-49-2015 adopted November 17, 2015, No. R-45-2016 adopted November 1, 2016, No. R-02-17 adopted February 7, 2017, No. R-17-18 adopted July 17, 2018, No. R-41-18 adopted November 6, 2018, No. R-05-2019 adopted February 19, 2019, No. R-37-2019 adopted August 6, 2019, No. R-15-2021 adopted April 6, 2021, No. R-46-21 adopted September 21, 2021, No. R-09-2022 adopted February 1, 2022, and No. R-18-2022 adopted May 3, 2022, No. R-38-2022 adopted November 15, 2022, and No. R-21-2023 adopted April 18, 2023 (together the “CRA Expansion Legislation” and collectively with the Original CRA Legislation the “CRA Legislation”), amended the designation of the Original Area to include the area known as the “Johnstown Monroe Area”, “Johnstown Monroe Annex”, “Licking Heights Annex”, “Cobbs Road Annex”, “Harrison Road Area”, “Innovation Campus Area” “Innovation Campus Way Extension” “Beech Road South”, “Babbitt Road”, “Central College Road Area”, “Jug Street North”, “Jug Street South”, “Innovation District East”, “Innovation District East Expansion”, and “Mink Street and Green Chapel Road Expansion”, “Beech Road and US 62 District” and “Northeast Business Park District”, respectively, and certain other parcels within the City (collectively, with the Original Area, the “Area”), and designated that entire Area the Oak Grove II Community Reinvestment Area; and

WHEREAS, the Director of Development of the State of Ohio has determined that the Area contains the characteristics set forth in R.C. Section 3735.66 and confirmed the Area as a “Community Reinvestment Area”; and

WHEREAS, the Rinchem Company, LLC (the “Company”) has submitted to the City the application attached to the Community Reinvestment Area Agreement (the “CRA Agreement”) referred to in Section 1 of this Resolution (the “Agreement Application”) to be forwarded to the Ohio Department of Development with a copy of the final, executed CRA Agreement; and

WHEREAS, the City's Housing Officer, duly designated under Ohio Revised Code Section 3735.65, has reviewed the Agreement Application and has recommended the same to City Council on the basis that the Company is qualified by financial responsibility and business experience to

create and preserve employment opportunities in the Area and improve the economic climate of the City; and

WHEREAS, the City, having the appropriate legal authority, desires to provide certain property tax incentives to encourage the development the Project (as defined in the CRA Agreement); and

WHEREAS, the Boards of Education of both the Johnstown-Monroe Local School District and the Career and Technology Education Centers of Licking County have each waived their rights to receive notice under Section 5709.83 of the Revised Code in accordance with their respective compensation agreements entered into with the city of New Albany;

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

Section 1. Community Reinvestment Area Agreement. The Community Reinvestment Area Agreement for the Project, by and between the City and the Company, in the form presently on file with the Clerk of the Council, which provides for a 100% CRA exemption for up to 15-years for the proposed Project, is hereby approved and authorized with any changes therein and amendments thereto not inconsistent with this Resolution and not substantially adverse to this City and which shall be approved by the city manager. The city manager, for and in the name of this City, is hereby authorized to execute the Community Reinvestment Area Agreement and approve the character of any changes and any amendments thereto as consistent with this Resolution and not substantially adverse to the City, as evidenced conclusively by his execution of that Community Reinvestment Area Agreement.

Section 2. Expansion of the Oak Grove II Economic Opportunity Zone. This Council hereby authorizes the city manager, the director of law, the director of finance, the community development director, the clerk of council, or any such other appropriate officers of the City to take all action necessary, including but not limited to the preparation, execution and approval of all agreements and instruments, any other actions as may be appropriate to expand the Oak Grove II Economic Opportunity Zone in a manner consistent with the expansion of the Oak Grove II Community Reinvestment Area, all as contemplated by this Council in its Resolution No. R-18-2022 adopted May 3, 2022.


Section 3. Further Authorizations. This Council hereby further authorizes and directs the city manager, the director of law, the director of finance, the community development director, the clerk of council, or other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions as may be appropriate to implement this Resolution and the transactions referenced or contemplated in this Resolution and the Community Reinvestment Area Agreement authorized and approved in this Resolution


Section 4. Compliance with the Law. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5. Effective Date. Pursuant to Article 6.07 of the New Albany Charter, this Resolution shall take effect upon adoption.


CERTIFIED AS ADOPTED this 18 day of July, 2023.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:


Benjamin S. Albrecht
Law Director

Legislation dates:	
Prepared:	07/07/2023
Introduced:	07/18/2023
Revised:	
Adopted:	07/18/2023
Effective:	07/18/2023



RESOLUTION R-32-2023

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LIMITED NOTICE TO PROCEED AGREEMENT WITH MESSER CONSTRUCTION FOR PHASE TWO OF THE TAYLOR FARM PARK PROJECT

WHEREAS, the City of New Albany is currently developing a destination park called Taylor Farm Park as outlined in the New Albany Parks Framework Plan with the first phase of the park under construction and the second phase scheduled to begin later this year; and

WHEREAS, the second phase of the park includes the completion of the boardwalk system, community gardens, restroom facilities, wildlife habitats, and a playground area; and

WHEREAS, council approved R-45-2022 that authorized an amendment to the Construction Manager at Risk (CMR) contract with Messer Construction to include phase 2 of the Taylor Farm Park project, and

WHEREAS, the R-45-2022 specifies that a Guaranteed Maximum Price (GMP) will be established for Taylor Farm Park Phase 2 and council will be presented with additional legislation authorizing the city manager to enter into a Guaranteed Maximum Price Amendment to the contract; and

WHEREAS, the project has been bid and the parties are working toward a GMP Amendment to present to city council in the next couple of months; and

WHEREAS, in order to meet a schedule that would allow the community gardens to open at the beginning of the 2024 gardening season, the CMR would like to mobilize prior to the execution of the GMP Amendment; and

WHEREAS, this Limited Notice to Proceed (LNTP) in a not to exceed amount of \$487,988 will allow the CMR to proceed with a portion of the work, and

WHEREAS, this Limited Notice to Proceed (LNTP) is only intended to facilitate mobilization and will not negatively impact city council's ability to determine the final scope and cost of the project; and

WHEREAS, the CMR construction delivery method is exempt from traditional competitive bidding requirements under Section 123.32 of the New Albany Codified Ordinances.

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 city manager is hereby authorized to enter into a Limited Notice to Proceed Agreement not to exceed \$487,988 with Messer Construction for phase two of Taylor Farm Park.

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 121.22 of the Ohio Revised Code.

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


CERTIFIED AS ADOPTED this 18 day of July, 2023.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:


Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared:	07/07/2023
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