



ORDINANCE O-01-2021

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 3.35 +/- ACRES OF LAND LOCATED AT 4093 REYNOLDSBURG NEW ALBANY ROAD AND 6 HAWKSMOOR DRIVE FROM ITS CURRENT ZONING OF RESIDENTIAL ESTATE (R-1) AND INFILL PLANNED UNIT DEVELOPMENT (I-PUD) TO INFILL PLANNED UNIT DEVELOPMENT (I-PUD) AS REQUESTED BY D&H HAWKSMOOR PROPERTIES LTD., c/o AARON UNDERHILL, ESQ.

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

WHEREAS, the Planning Commission and city 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 D&H Hawksmoor Properties Ltd., c/o Aaron Underhill, Esq., the Planning Commission has reviewed the proposed ordinance amendment and recommended its approval.

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 3.35 ± acre area of land located at 4093 Reynoldsburg New Albany Road (PID: 222-000630) and 6 Hawksmoor Drive (PID: 222-004874) from its current zoning of Residential Estate District (R-1) and Infill Planned Unit Development (I-PUD) to Infill Planned Unit Development (I-PUD).
- B. The zoning district's preliminary development plan and text 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 of the Ohio Revised Code, and further pursuant to Ohio General Assembly 133 – House Bill 404 effective November 22, 2020.

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 _____ day of _____, 2021.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

Legislation dates:

Prepared: 12/22/2020

Introduced: 01/05/2021

Revised:

Adopted:

Effective:

HAWKSMOOR NORTH
INFILL PLANNED UNIT DEVELOPMENT (I-PUD) TEXT

December 3, 2020

I. Introduction and Summary:

The property that is the subject of this zoning text consists of 3.35± acres configured in an “L” shape with frontage on Hawksmoor Drive and Reynoldsburg-New Albany Road. The western portion of the property consists of Lot 6A of the Hawksmoor subdivision (1.14+/- acres), while the balance of the property (2.21+/- acres) consists of a separate parcel extending to Reynoldsburg-New Albany Road which includes an existing home and a detached garage/accessory building. The intent of this text is to rezone the property to modify parcel sizes to make them more balanced, creating a western parcel of 1.72+/- acres, and an eastern parcel of 1.63+/- acres. It will also provide development standards to facilitate the removal of existing structures and the construction of up to two estate homes that will be consistent in quality and design with the existing Hawksmoor development and other newer homes in the general vicinity.

The present zoning of the property that is contained within Lot 6A of the Hawksmoor subdivision is I-PUD, allowing for the construction of one single-family home thereon. The current zoning classification for the balance of the subject property is R-1, Residential Estate District, which allows for two homes. Therefore, this zoning will allow for the development of two homes rather than the three homes that are permitted prior to this application.

II. Permitted Uses:

Permitted uses in this zoning district will include the permitted uses contained in the Codified Ordinances of the City of New Albany, R-1 Single-Family Residential District, Section 1131.02, and the accessory uses contained in Section 1131.03. No conditional uses will apply to this zoning district.

III. Development Standards:

Unless otherwise specified in the submitted drawings or in this written text, the development standards of Part Eleven of the Codified Ordinances of the City of New Albany shall apply to this zoning district. In the event that any development standard which is set forth in this text conflicts with an otherwise applicable provision of the Codified Ordinances, then the development standard contained in this text shall govern. When this text is silent as to a particular development standard, then the standard contained in the Codified Ordinances shall govern.

A. Density: There shall be a maximum of two single-family homes permitted in this zoning district, with one home to be located on each of the two parcels contemplated herein.

B. Setbacks and Lot Commitments:

1. Street Frontages: The western parcel in this zoning district shall have a minimum of 120 feet of frontage on Hawksmoor Drive. The eastern parcel shall have a minimum of 150 feet of frontage on Reynoldsburg-New Albany Road.

2. Home Orientation: The western parcel shall developed with a home that is oriented in one of two ways: With its front façade oriented toward Hawksmoor Drive in a similar manner as existing homes located to the east on the same street, or alternatively, with its front façade oriented to the west, provided that the latter circumstance shall be permitted only if the home is located to the north of the shared property line between the western parcel and Lots 3, 4, and 5 of the Hawksmoor subdivision and to the north of a line extending westward from that shared boundary line to the western boundary of the western parcel. The eastern parcel shall be developed with a home with its front façade being oriented toward Reynoldsburg-New Albany Road.

3. Western Parcel Setbacks: The following setback requirements shall apply to the primary structure on the western parcel:

a. Southern Parcel Line: The minimum building setback shall be 40 feet as measured from the right-of-way of Hawksmoor Drive.

b. Western Parcel Line: There shall be a minimum building setback of 10 feet from the western boundary of the western parcel in the circumstance where the home on the parcel is oriented to face Hawksmoor Drive, subject to any larger setbacks resulting from the tree preservation areas that is contemplated later in this text. There shall be a minimum building setback of 50 feet from the western boundary of the western parcel in the circumstance where the home on the parcel is oriented to face to the west.

c. Northern and Southern Parcel Lines: There shall be a minimum building setback of 20 feet from each of the northern and southern boundaries of the western parcel.

d. Eastern Parcel Line: There shall be a minimum building setback of 50 feet from the shared boundary between the eastern and western parcels in this zoning district.

4. Eastern Parcel Setbacks: The following setback requirements shall apply to the primary structure on the eastern parcel:

a. Eastern Parcel Line: The minimum building setback shall be 130 feet as measured from the right-of-way of Reynoldsburg-New Albany Road.

b. Western Parcel Line: There shall be a minimum building setback of 50 feet from the shared boundary between the eastern and western parcels in this zoning district.

c. Northern and Southern Parcel Lines: There shall be a minimum building setback of 20 feet from each of the northern and southern boundaries of the western parcel.

5. Other Setbacks: Setbacks for permitted accessory structures and other accessory improvements shall be permitted in accordance with applicable provisions of the Codified Ordinances.

C. Access, Parking and Traffic-Related Commitments:

1. Parking: A garage attached to each primary residential structure shall be provided with a minimum of two vehicular parking spaces.

2. Vehicular Access: The primary vehicular access to and from the western parcel shall be provided using a driveway connecting to Hawksmoor Drive. The primary vehicular access to and from the eastern parcel shall be provided using a driveway connecting to Reynoldsburg-New Albany Road.

3. Pedestrian Access: An existing sidewalk is located along the zoning district's frontage on Hawksmoor Drive. An existing paved leisure trail exists along the zoning district's frontage on Reynoldsburg-New Albany Road. No additional pedestrian access improvements shall be required along these streets.

4. Public Street Rights-of-Way; Street Improvements: No additional street rights-of-way shall be required to be dedicated to the City from this zoning district. No street improvements shall be required as a result of the development of the property.

D. Architectural Standards:

1. Maximum building heights: The maximum building height for the primary residential structure shall be forty-five (45) feet as measured per the Codified Ordinances. Any other permitted structures shall not exceed the lesser of (a) 25 feet or (b) the height of the primary residential structure.

2. Exterior Materials:

a. Wall finish materials: Brick, stone, wood siding, and composite siding materials (Hardi-plank, its equivalent, or of higher quality) shall be permitted as primary exterior façade materials. Exterior wall finish materials must be used to complete massing elements. The application of brick to a single building facade is prohibited.

b. Brick: House brick shall be of a "handmade appearance". Traditional brick detailing is required, such as, but not limited to, traditional bonds, watertable caps, sills, jack arches, segmental arches and soldier courses.

c. Siding: Siding shall be cedar shiplap wood siding or composite material with a natural appearance. Houses with wood or composite siding shall have brick chimneys and brick plinths to the height of the watertable.

d. Roof: Pitched roofs shall be required to have a minimum 6:12 rise over run. Roof pitches with rise over run of less than 6:12 are permitted on minor roofs (i.e. entry porches, dormers, etc.). Flat roofs shall be permitted, but must integrate strong cornice lines. Roofs may be of natural slate, wood shake or wood shingle, metal standing seam, or an architectural grade fiberglass asphalt shingle.

e. Windows: Windows shall be of traditional themes. Simulated or true divided lite windows shall be required.

f. Shutters: Where used, shutters shall be sized to cover the adjacent window and appear operable. Shutters shall be mounted on appropriate shutter hardware (hinges and shutter dogs).

g. Gutters and downspouts: Traditional half round gutters and/or ogee gutters with downspouts shall be used.

h. Skylights: Skylights in the roof shall be permitted, provided they are not visible from off-site. Cupolas, dormers, lanterns, belvederes or window bays shall be permitted, provided they are consistent with the architectural theme.

i. Accessory Structures. Permitted accessory structures shall be of an architectural design, character, and theme that is consistent with or complimentary to the primary residential structure.

j. Design Approval: The design of the primary residential structures and any permitted accessory structures shall be reviewed as part of a final development plan. Architectural designs for structures shall meet the requirements of the City's Design Guidelines and Requirements unless a deviation or variance therefrom is expressly requested and approved as part of a final development plan. It is anticipated that, due to the nature of the proposed homes and related structures as custom "estate homes", architectural designs may continue to evolve beyond the date of final development plan approval and the property owner should be afforded flexibility in this regard in the same manner as would apply to a home being constructed in the City in a subdivision with numerous homes. To this end, architecture approved as part of a final development plan may be modified after the approval of final development plan without further review by the Planning Commission and with the approval of City staff if (a) the modifications are permitted under the City's Design Guidelines and Requirements or by a variance granted therefrom which has been previously approved by the Planning Commission, (b) do not otherwise cause the need for a variance from this text or other relevant provisions of the Codified Ordinances, and (c) will not cause a substantial deviation from the massing or design of the home or other structure when compared to that which was approved by the Planning Commission. The intent is not to provide an overly stringent design review

procedure in this zoning district when compared to homes in other areas of the City, but rather to provide the Planning Commission with oversight over major components of design while leaving more minor components to the review and approval of City staff in the same manner as other homes in the City.

3. Vehicular and Pedestrian Standards:

a. Garages:

i. Garage Doors (Vehicular): Individual bay doors are required, double wide garage doors are prohibited. The width of garage doors shall not exceed nine (9) feet. All garage doors shall be solid paneled. No glazing shall be permitted on garage doors unless they are consistent with the architectural theme.

ii. Garage Doors (Pedestrian): All pedestrian garage doors shall be solid paneled.

b. Driveways and Entry Courts: Driveways shall be made of a durable material. Appropriate materials are brick, dark color concrete pavers, asphalt with controlled edges, and rolled-in stone topping. Concrete driveways are prohibited where visible from off-site.

4. Screened Porches: Screened porches are permitted on the rear or side of the primary residential structure. Detailing shall be traditional wood with a break in screening at rail height. Columns or full height vertical wood members shall be at least 6" x 6". All screened porch trim shall be painted. Roof lines of screened porches shall conform to the architectural style of the home and blend into the massing of the home.

6. Service Areas: Air conditioners/heat pumps, garbage cans and carts, irrigation controllers, pumps, generators, and meters which are visible from any point outside of the zoning district shall be entirely enclosed by a privacy wall, a fence, and/or landscaping that is a minimum of four feet high.

6. Swimming Pools/Spas:

a. All swimming pools/spas shall be located to meet the minimum building setback requirements on the site, and shall be completely enclosed and adequately screened from adjoining properties in accordance with the City's Codified Ordinances. Screening and enclosure of swimming pools/spas may be accomplished by installing and maintaining fencing that terminates at a structure so that the combination of fencing and walls of structures provides for complete enclosure of the pool or spa. For purposes of clarification, the foregoing provision is intended to allow complete enclosure of a pool/spa using a combination of fencing and structure walls and is not intended to allow for any gaps between fencing and walls that are large enough to allow a person to enter

and exit the pool/spa area through such a gap and the requirements of Codified Ordinances Chapter 1173 must still be met.

b. All swimming pools/spas shall be in-ground construction. The swimming pool/spa equipment shall be within the enclosure and completely screened from adjoining properties.

c. Spas may be constructed provided that they shall be flush with the top of the paving. Spas shall be completely screened from off-site view by fencing or landscaping.

7. Storage:

a. Equipment Storage: Storage of all maintenance equipment shall be within garages or permitted storage structures or screened from off-site view. Such items should not be visible from streets and adjacent lots or developments.

b. Vehicle Storage: All campers, off-road vehicles, and boats must be parked within an enclosed garage. No undrivable vehicles or parts of vehicles may be stored outside.

E. Buffering, Landscaping, Open Space and Screening Commitments:

1. Tree Preservation Zone: Within tree preservation areas, no structures or pavement shall be permitted, and healthy mature trees shall be preserved unless they present a danger to persons or property or are of a noxious or invasive species. A 30-foot wide tree preservation area exists pursuant to the approved plat that created Hawksmoor subdivision Lot 6A, and is generally located in the northwestern portion of this zoning district. This tree preservation area shall remain. In addition, a 20-foot wide tree preservation zone will be created along a portion of the western boundary line of the western parcel as shown on the accompanying preliminary development plan.

2. Street Trees: Street trees exist within the rights-of-way of Hawksmoor Drive and Reynoldsburg-New Albany Road just outside of the boundaries of this zoning district. These trees shall remain and no additional street tree plantings shall be required in these locations. Any street trees which are damaged by construction traffic serving this zoning district shall be replaced by the property owner at its expense.

3. Fencing and Walls:

a. Along Reynoldsburg-New Albany Road: A four board white horse fence exists along Reynoldsburg-New Albany Road and shall remain.

b. Temporary Fencing: 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. All temporary fences must be removed prior to the issuance of a certificate of occupancy.

c. Hawksmoor Drive: The landscaping hedge that exists along the zoning district's frontage on Hawksmoor Drive shall remain, except that limited portions may be removed to install a driveway and decorative brick piers on each side of the driveway so as to be consistent with similar features for other parcels on Hawksmoor Drive.

F. Miscellaneous Commitments:

1. Prohibited Storage Buildings: Pre-fabricated storage buildings are prohibited.
2. Sport and Recreational Equipment: Basketball backboards and supports, swing sets and other children's play facilities shall be permitted, provided they are screened from adjoining properties.
3. Utilities: All proposed utilities shall be placed underground. Utility easement locations and widths shall be determined in the final development plan.
4. Lighting: Lighting shall be permitted in accordance with the requirements of the Codified Ordinances. One yard light shall be required to be located in the portion of the yard near Hawksmoor Drive to the east of the driveway providing access to and from this street, with a location, size, color, and fixtures which are consistent with those located on other lots within the Hawksmoor subdivision. The yard light shall have a photocell light sensor.
5. Garbage Cans: All garbage cans and other waste containers shall be kept in a garage, within buildings, or within other screened areas so that they cannot be viewed from off-site.

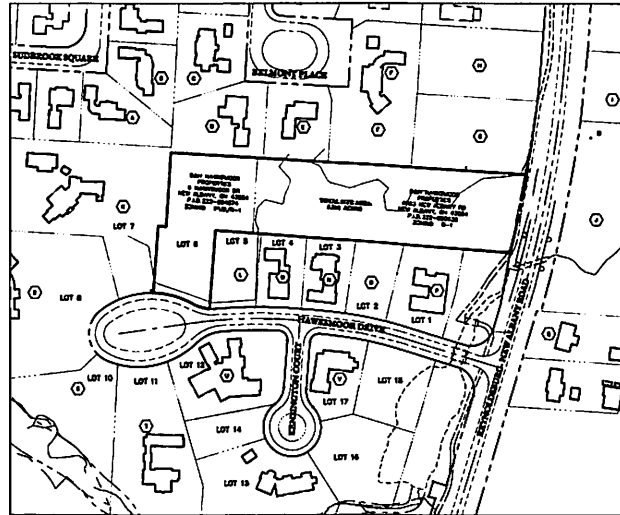
G. Variances and Appeals:

1. Nature of Variance: On this property, extraordinary circumstances may exist making a strict enforcement of the applicable development standards of this I-PUD text or the Zoning Ordinance unreasonable and, therefore, the procedure for variance from development standards is provided to allow the flexibility necessary to adapt to changed or unusual conditions, both foreseen and unforeseen, under circumstances which do not ordinarily involve a change of the primary use of the land or structure permitted.
2. Variance and Appeals Process: The procedures and requirements of Chapter 1113, Appeal and Variances, of the Codified Ordinances of the City of New Albany shall be followed in cases of appeals. Requests for variances shall be heard by the Planning Commission.

**CITY OF NEW ALBANY
FRANKLIN COUNTY, OHIO
HAWKSMOOR NORTH
PRELIMINARY DEVELOPMENT PLAN**

OWNER INFORMATION

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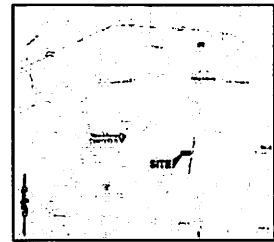


GRAPHIC SCALE



1 inch = 100 feet

VICINITY MAP
SCALE: 1"=100'



LOCATION MAP
SCALE: NTS

INDEX OF DRAWINGS	
SHEET TITLE	SHEET NUMBER
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SITE PLAN	3

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ORDINANCE O-02-2021

AN ORDINANCE TO AMEND CODIFIED ORDINANCES OF THE CITY OF NEW ALBANY CHAPTER 113 "COUNCIL", SPECIFICALLY SECTIONS 113.01 "SALARY OF THE MAYOR" AND 113.02 "SALARY FOR MEMBERS OF COUNCIL"

WHEREAS, Section 4.04 of the New Albany Charter authorizes council, by ordinance, to annually determine its compensation and benefits, and Codified Ordinance Chapter 113 provides for salary levels of the mayor and members of council, and

WHEREAS, salary amounts for the mayor, members of council, and President *Pro Tem* who presides over Mayor's Court were last set via ordinance O-02-2020; and

WHEREAS, as the city grows, so does the work for council, and a cost of living increase of 1.5% for city staff was approved as part of the 2021 budget; and

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. Chapter 113, specifically Sections 113.01, ~~and 113.02, and 113.03~~ of the New Albany Codified Ordinances, is hereby amended, ~~and a new section 113.03 created,~~ to read as follows:

113.01 SALARY OF THE MAYOR.

The annual salary of the Mayor shall be Twenty-Five Thousand One Hundred Fifty-Six dollars and Ninety-Five cents (\$25,156.95) ~~Twenty-Four Thousand Seven Hundred Eighty-Five dollars and Seventeen cents (\$24,785.17)~~ paid bi-weekly, ~~plus a payment of Nine Hundred Fifty-Three dollars and Twenty-Eight cents (\$953.28) to account for the extra pay period in 2020.~~

113.02 SALARY FOR MEMBERS OF COUNCIL.

The annual salary of each Council Member shall be Eleven Thousand Five Hundred Twenty-Eight dollars and Sixty-Two cents (\$11,528.62) ~~Eleven Thousand Three Hundred Fifty-Eight dollars and Twenty-Five cents (\$11,358.25)~~ paid bi-weekly, ~~plus a payment of Four Hundred Thirty-Six dollars and Eighty-Six cents (\$436.86) to account for the extra pay period in 2020.~~ The annual salary of the President *Pro Tem* shall be Eleven Thousand Five Hundred Twenty-Eight dollars and Sixty-Two cents (\$11,528.62) ~~Eleven Thousand Three Hundred Fifty-Eight dollars and Twenty-Five cents (\$11,358.25)~~ paid bi-weekly, ~~plus a payment of Four Hundred Thirty-Six dollars and Eighty-Six cents (\$436.86) to account for the extra pay period in 2020.~~

113.03 ADDITIONAL SALARY FOR PRESIDING OVER MAYOR'S COURT

The additional annual salary of the Mayor and/or the President *Pro Tem* and/or the designated council member who is regularly scheduled to preside in Mayor's Court, averaging two court sessions per month, shall be Five Thousand Seven Hundred Sixty-Nine dollars and Ninety-Four cents (\$5,769.94) ~~Five Thousand Six Hundred Eighty-Four dollars and Sixty-Seven cents (\$5,684.67)~~ paid bi-weekly. ~~plus a payment of Two Hundred Eighteen dollars and Sixty-Four cents (\$218.64) to account for the extra pay period in 2020.~~

Section 2. The salary changes shall be effective as of January 1, 2021.

Section 3. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with Section 121 of the Ohio Revised Code, and further pursuant to Ohio General Assembly 133 – House Bill 404 effective November 22, 2020.

Section 4. 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 _____ day of _____, 2021.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

Legislation dates:

Prepared: 12/28/2020

Introduced: 01/05/2021

Revised:

Adopted:

Effective:



ORDINANCE O-03-2021

AN ORDINANCE TO ACCEPT WATER LINE, SANITARY SEWER, STREET AND STORM SEWER IMPROVEMENTS AND APPURTENANCES THERETO FOR NOTTINGHAM TRACE, PHASE 2A, AS REQUESTED BY PULTE HOMES

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 Nottingham Trace, Phase 2A, have been completed to the standards set by Codified Ordinance 1187; and

WHEREAS, a two-year maintenance bond in the amount of \$116,228, and engineering inspection fee deposit in the amount of \$3,794, and a five-year settlement bond of \$28,750 will be provided by the applicant prior to the second reading. Any infrastructure items that cannot be completed due to weather conditions will be identified and a performance bond or escrow amount will be submitted in an amount deemed acceptable to the city as required by codified ordinance.

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. Any weather-related items, street trees, and landscaping covered under performance bonds must be installed as outlined in such performance bonds by July 30, 2021.

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 of the Ohio Revised Code, and further pursuant to Ohio General Assembly 133 – House Bill 404 effective November 22, 2020.

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 _____ day of _____, 2021.

Attest:

Sloan T. Spalding

Jennifer H. Mason

Mayor

Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

Legislation dates:

Prepared: 01/08/2021

Introduced: 01/19/2021

Revised:

Adopted:

Effective:



ORDINANCE O-04-2021

AN ORDINANCE TO MODIFY THE SPEED LIMIT FOR A 1.3 MILE SEGMENT OF U.S. 62 WITH THE SOUTHERN LIMIT BEING THE EXISTING 35 MPH SPEED ZONE SOUTH OF THURSTON HALL AND THE NORTHERN LIMIT BEING CENTRAL COLLEGE ROAD AND TO REPEAL ANY AND ALL SPEED LIMIT ORDINANCES AND RESOLUTIONS ALONG THIS ROADWAY SEGMENT

WHEREAS, the existing speed limit for the subject segment of U.S. 62 is 50 mph; and

WHEREAS, the City of New Albany desires to establish a reasonable, safe and consistent speed limit on US 62 between Thurston Hall and Central College Road, with a particular interest within the interchange of S.R. 161; and

WHEREAS, the Ohio Revised Code (ORC) Section 4511.21 provides for the establishment of a reasonable and safe statutory prima-facie speed limit for all streets and highways within the State; and

WHEREAS, the Ohio Revised Code (ORC) Section 4511.21(J) establishes that local jurisdictions have the ability by ordinance to adjust speed limits on their roads; and

WHEREAS, the Ohio Manual of Uniform Traffic Control Devices (OMUTCD) section 1A.09 provides that a municipality may adjust local speed limits upon the completion of a supporting speed study that has been prepared by a certified traffic engineer; and

WHEREAS, a speed zone study was completed in accordance with the Ohio Department of Transportation (ODOT) Speed Zones Guidelines that supports modifying the speed limit from 50 mph to 45 mph; and

WHEREAS, the New Albany Police Department has reviewed the speed zone study and agrees that a speed limit of 45 miles per hour is reasonable and safe for this section of U.S. 62; and

WHEREAS, the City of New Albany will continue to monitor traffic accidents and volumes and revise necessary regulations to ensure safe roadway operations.

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

Section 1. Upon the basis of the speed zone study, the speed limit along U.S. 62 between the existing 35 mph speed zone south of Thurston Hall and Central College Road will be reduced from 50 mph to 45 mph and that the appropriate signs will be modified.

Section 2. Any and all previous speed limit ordinances and resolutions be repealed for this segment of U.S. 62.

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 of the Ohio Revised Code, and further pursuant to Ohio General Assembly 133 – House Bill 404 effective November 22, 2020.

Section 4. 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 _____ day of _____, 2021.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

Legislation dates:

Prepared: 12/23/2021
Introduced: 01/19/2021
Revised:
Adopted:
Effective:



RESOLUTION R-04-2021

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN ODOT CONSENT LEGISLATION FOR A CABLE BARRIER PROJECT ALONG S.R. 161 LOCATED BETWEEN HAMILTON ROAD AND THE FRANKLIN/LICKING COUNTY LINE, A PORTION OF WHICH IS LOCATED WITHIN THE CITY OF NEW ALBANY

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

WHEREAS, the Ohio Department of Transportation has identified the need for the described project in the interest of public safety along the S.R. 161 corridor: install cable barrier in the median of SR 161 from Hamilton Road to the Franklin/Licking County line, further defined as PID 112968, FRA-161-18.63 Cable Barrier; and

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

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

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

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

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

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

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

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

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

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

Section 6. It is hereby found and determined that all formal actions of 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, and further pursuant to Ohio General Assembly 133 – House Bill 404 effective November 22, 2020.

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

CERTIFIED AS ADOPTED this _____ day of _____, 2021.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

Legislation dates:

Prepared: 12/22/2020
Introduced: 01/19/2021
Revised:
Adopted:
Effective:

CERTIFICATE OF COPY
STATE OF OHIO

City of New Albany, Franklin County, Ohio

I, _____, as Clerk of the City of New Albany, Ohio, do hereby certify that the foregoing is a true and correct copy of the Resolution adopted by the legislative Authority of the said City on the _____ day of _____, 2_____, that the publication of such Resolution has been made and certified of record according to law; that no proceedings looking to a referendum upon such Ordinance have been taken; and that such Resolution and certificate of publication thereof are of record in Resolution Record Number, Page _____.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this _____ day of _____, 2021 .

Clerk

City of New Albany, Ohio.

(SEAL)
(If Applicable)

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

For the City of New Albany, Ohio

Attest: _____, Date _____
Contractual Officer

For the State of Ohio

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



RESOLUTION R-05-2021

A RESOLUTION TO AMEND THE CITY'S GROUND LEASE WITH THE NEW ALBANY PLAIN LOCAL JOINT PARK DISTRICT TO PROVIDE FOR THE DEVELOPMENT AND OPERATION OF THE NEW ALBANY MIRACLE FIELD

WHEREAS, on April 2, 2018, the City of New Albany entered into a ten year ground lease with the New Albany Plain Local Joint Park District to provide for the development and operation of the New Albany Miracle Field; and

WHEREAS, the New Albany Miracle League has obtained a grant from the Mirolo Foundation in the amount of \$150,000 to facilitate the construction of the Miracle Field conditioned upon the extension of the lease from ten to twenty years; and

WHEREAS, the city has been a leading supporter of the New Albany Miracle League through the contribution of land, the construction of infrastructure, and the solicitation of state Capital Grant funds;

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 attached amendment to the city's Ground Lease with the New Albany Plain Local Joint Park District to provide for the development and operation of the New Albany Miracle Field is hereby approved.

Section 2. The city manager is hereby authorized to execute the amendment on behalf of the city in order to modify the lease and extend its term from ten years to twenty years.

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 of the Ohio Revised Code, and further pursuant to Ohio General Assembly 133 – House Bill 404 effective November 22, 2020.

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

CERTIFIED AS ADOPTED this _____ day of _____, 2021.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

Legislation dates:

Prepared: 01/08/2021

Introduced: 01/19/2021

Revised:

Adopted:

Effective:

**FIRST AMENDMENT TO SWICKARD WOODS GROUND LEASE BETWEEN
THE CITY OF NEW ALBANY AND THE NEW ALBANY-PLAIN LOCAL
JOINT PARKS DISTRICT**

This Amendment to the Swickard Woods Ground Lease (hereinafter referred to as “Lease”) is made on this ___ day of _____, 2021 between City of New Albany (hereinafter referred to as “Landlord”), with offices at 99 W. Main Street, New Albany, Ohio 43054 and the New Albany-Plain Local Joint Park District (hereinafter referred to as “Tenant” or “JPD”), with offices at 7860 Bevelhymer Road, New Albany, Ohio 43054.

This Amendment modifies and amends the Lease between Landlord and Tenant dated April 2, 2018, the execution of which was approved by Landlord’s City Council via Resolution R-58-2017 regarding premises containing approximately five and four fifths (5.792) acres and known as Swickard Woods situated in the City of New Albany, County of Franklin, State of Ohio, which is more particularly described by the Franklin County Auditor as parcel number 222-003178. Except as modified herein, all of the terms and provisions of the Lease shall remain in full force and effect. In the event of a conflict between the terms and conditions of the Lease and this Amendment, this Amendment shall govern.

The Lease Agreement is modified and amended as follows:

1. **SECTION 2. TERM:** The Term is of the Lease is hereby extended from ten (10) years to twenty (20) years, from the April 2, 2018 Lease Commencement Date.
2. **SECTION 13(C). (New):** In addition to the provisions set forth in this Section 13 regarding Tenant’s repairs, in the event the Tenant fails or refuses to make the necessary repairs in accordance with this Section 13, such failure or refusal to comply with the provisions set forth herein shall be considered a substantial default subject to the termination provisions set forth in Section 20, herein.

IN WITNESS OF THE ABOVE, the Landlord and Tenant have caused this Amendment to be executed on the day and year set forth above.

{Remainder of This Page Intentionally Left Blank}

IN WITNESS WHEREOF, the parties hereto have executed this Lease the day and year first above written.

Signed and acknowledged
in the presence of:

LANDLORD:
CITY OF NEW ALBANY,
An Ohio Municipal Corporation

Print Name: _____

By: _____
Joseph F. Stefanov,
City Manager

Approved as to Form:

Mitchell H. Banchefsky, City Law Director

STATE OF OHIO :
:ss.
COUNTY OF FRANKLIN :

The foregoing instrument was acknowledged before me this ____ day of _____,
2021 by Joseph F. Stefanov, City Manager of the City of New Albany, an Ohio Municipal Corporation,
for and on behalf of said City.

Notary Public

Signed and acknowledged
in the presence of:

TENANT:
NEW ALBANY-PLAIN LOCAL
JOINT PARK DISTRICT

Print Name: _____

By: _____
David Wharton,
Director

STATE OF OHIO :
 :ss.
COUNTY OF FRANKLIN :

The foregoing instrument was acknowledged before me this ____ day of _____, 2021 by David Wharton, Director of the New Albany-Plain Local Joint Park District, for and on behalf of said District.

Notary Public