



ORDINANCE O-01-2023

AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1 ANNEXATION OF 61.26+/- ACRES FROM JERSEY TOWNSHIP, LICKING COUNTY TO THE CITY OF NEW ALBANY

WHEREAS, pursuant to the petition filed by Underhill & Hodge, LLC, agents for petitioner, with the Licking County Development and Planning Department, on October 6, 2022, and

WHEREAS, the foregoing Resolution #116-62 of the Licking County Commissioners granting the petition was delivered to the City of New Albany on October 31, 2022, and more than sixty (60) days have lapsed since the foregoing resolution and transcript was transmitted to the City of New Albany, and

WHEREAS, pursuant to Resolution R-01-2022 of the City of New Albany signed on January 04, 2022, the New Albany City Manager was authorized to enter into a Roadway Maintenance Agreement with the Licking County Board of Commissioners for the maintenance of sections of roadways impacted by this annexation, 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, the real estate is located in Licking County and is subject to the "New Albany East Community Authority" and 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 Licking County requesting the annexation of 61.26+/- 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 Licking 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 61.26+/-acre tract, situated in Jersey Township, Licking 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 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 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 _____ day of _____, 2023.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 12/15/2022
Introduced: 01/03/2023
Revised:
Adopted:
Effective:

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

I certify that copies of Ordinance **O-01-2023** were posted in accordance with Article VI, Section 6.12 of the Charter of the City of New Albany, for 30 days starting on _____, 2023.

Jennifer Mason, Clerk of Council

Date

Exhibit A - O-01-2023

EXHIBIT "A" **PROPOSED ANNEXATION OF** **61.26± ACRES**

FROM: JERSEY TOWNSHIP

TO: CITY OF NEW ALBANY

Situated in the State of Ohio, County of Licking, Township of Jersey, in Lots 1, 10-12 & 15, Quarter Township 1, Township 2, Range 15, United States Military Lands, being comprised of all of the following tracts of land. That 13.912 acre tract conveyed to Robert A. Carr and Deborah B. Carr by deed of record in Instrument Number 201109230017882, that 11.865 acre tract conveyed to Louis R. Powell and Linda S. Powell, Trustees of the Powell Family Trust, by deed of record in Instrument Number 201706200012941, that 35.745 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202207200017782, and that 0.539 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202205100011767, (all references refer to the records of the Recorder's Office, Licking County, Ohio), and more particularly bounded and described as follows:

Beginning, for reference, at the centerline intersection of Mink Street with Jug Street Road;

Thence North 24° 19' 48" East, with the centerline of said Mink Street, a distance of 504.77 feet to the northeasterly corner of that 5.179 acre tract conveyed to Geraldine M. Campbell by deed of record in Official Record 706, Page 82, the TRUE POINT OF BEGINNING for this description;

Thence North 86° 38' 49" West, with the northerly line of said 5.179 acre tract, a distance of 1021.31 feet to a point in the easterly line of that 6.440 acre tract conveyed to Chris A. Anderson and Colleen F. Anderson by deed of record in Instrument Number 201206010012102;

Thence North 02° 53' 04" East, with the easterly line of said 6.440 acre tract, the easterly line of that 111.82 acre tract conveyed to Mary Alice Foster, Alice M. Schlaegel, Judith A. Anderson, Susan K. Bishop, Nancy M. Loshbough, Thomas M. Foster, John C. Foster, Joseph D. Foster and Emma K. Kiser by deeds of record in Deed Book 577, Page 214, Official Record 207, Page 821, Instrument Numbers 201502120002686, Instrument Number 201605130009477 and Instrument Number 202205020010802, and the existing City of New Albany corporation line, as established by Ordinance Number O-11-2022, of record in Instrument Number 202205120011951, a distance of 1920.63 feet to appoint in the southerly line of that 251.333 acre tract conveyed to MCVGCM Holdings LLC by deed of record in Instrument Number 202206210015330;

Thence South 87° 23' 13" East, with the southerly line of said 251.333 acre tract and said corporation line, a distance of 1746.36 feet to a point;

Thence North 05° 03' 09" East, with the easterly line of said 251.333 acre tract, an easterly line of that 237.574 acre tract conveyed to Intel Corporation by deed of record in Instrument Number 202207180017547, and said corporation line, a distance of 208.54 feet to a point;

Thence South 87° 59' 17" East, with a southerly line of said 237.574 acre tract and said corporation line, a distance of 168.13 feet to a point in the centerline of said Mink Street;

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

South 22° 34' 48" West, a distance of 366.21 feet to a point; and

South 24° 23' 13" West, a distance of 844.00 feet to the northeasterly corner of that 1.952 acre tract conveyed to Michael D. Sadilek and Christina K. Sadilek by deed of record in Instrument Number 201709150019732;

**PROPOSED ANNEXATION OF
61.26± ACRES**

-2-

Thence North 86° 51' 47" West, with the northerly line of said 1.952 acre tract, a distance of 589.76 feet to the northwesterly corner thereof;

Thence South 04° 06' 19" West, with the westerly line of said 1.952 acre tract and the westerly line of that 1.663 acre tract conveyed to Anthony Verdone and Wendy Verdone by deed of record in Instrument Number 200503100007065, a distance of 303.59 feet to the southwesterly corner thereof;

Thence South 86° 16' 17" East, with the southerly line of said 1.663 acre tract, a distance of 453.40 feet to a point in the centerline of said Mink Street;

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

South 27° 47' 52" West, a distance of 513.09 feet to a point; and

South 26° 54' 15" West, a distance of 268.46 feet to the TRUE POINT OF BEGINNING, containing 61.260 acres of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

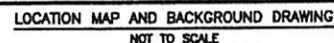
Matthew A. Kirk

5 OCT 22

Matthew A. Kirk

Professional Surveyor No. 7865





Licking County Annexation Documentation / 20220888-VS-E04B-ANEX-04



ORDINANCE O-02-2023

**AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1
ANNEXATION OF 6.15+/- ACRES FROM JERSEY TOWNSHIP,
LICKING COUNTY TO THE CITY OF NEW ALBANY**

WHEREAS, pursuant to the petition filed by Underhill & Hodge, LLC, agents for petitioner, with the Licking County Development and Planning Department, on October 6, 2022, and

WHEREAS, the foregoing Resolution #116-61 of the Licking County Commissioners granting the petition was delivered to the City of New Albany on October 31, 2022, and more than sixty (60) days have lapsed since the foregoing resolution and transcript was transmitted to the City of New Albany, and

WHEREAS, pursuant to Resolution R-01-2022 of the City of New Albany adopted on January 4, 2022, the New Albany City Manager was authorized to enter into a Roadway Maintenance Agreement with the Licking County Board of Commissioners for the maintenance of sections of roadways impacted by this annexation, 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, the real estate is located in Licking County and is subject to the "New Albany East Community Authority" and 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 Licking County requesting the annexation of 6.15+/- 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 Licking 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 6.15+/-acre tract, situated in Jersey Township, Licking 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 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 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 _____ day of _____, 2023.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 12/15/2022
Introduced: 01/03/2023
Revised:
Adopted:
Effective:

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

I certify that copies of Ordinance **O-02-2023** were posted in accordance with Article VI, Section 6.12 of the Charter of the City of New Albany, for 30 days starting on _____, 2023.

Jennifer Mason, Clerk of Council

Date

EXHIBIT "A"
PROPOSED ANNEXATION OF
6.15± ACRES

FROM: JERSEY TOWNSHIP

TO: CITY OF NEW ALBANY

Situated in the State of Ohio, County of Licking, Township of Jersey, in Lot 1, Quarter Township 2, and Section 13, Quarter Township 3, Township 2, Range 15, United States Military Lands, being comprised of all of that 1.944 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202208010018731, all of that 1.973 acre tract conveyed to Pamela S. Howell by deed of record in Instrument Number 200906180013304, and all of that 2.231 acre tract conveyed to Ronald Lee Howell and Pamela Sue Howell by deed of record in Official Record 532, Page 258, (all references refer to the records of the Recorder's Office, Licking County, Ohio), and more particularly bounded and described as follows:

BEGINNING at the centerline intersection of Mink Street (County Road 41) with Beaver Road;

Thence South 29° 32' 02" West, with the centerline of said Mink Street, a distance of 200.50 feet to the northeasterly corner of that 11.620 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201603300006016, in the existing City of New Albany corporation line, as established by Ordinance Number O-13-2016, of record in Instrument Number 201608100016925;

Thence North 86° 19' 43" West, with the northerly line of said 11.620 acre tract and said corporation line, a distance of 651.97 feet to a point in the easterly line of that 42.286 acre tract conveyed to COI New Albany 525, LLC by deed of record in Instrument Number 202112290039574;

Thence North 32° 40' 17" East, with said easterly line and said corporation line, a distance of 480.47 feet to the southwesterly corner of that 31.726 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202105060013587, in the existing City of New Albany corporation line, as established by Ordinance Number O-33-2021, of record in Instrument Number 202110260032776;

Thence South 86° 19' 43" East, with the southerly line of said 31.726 acre tract and said corporation line, a distance of 622.75 feet to a point in the centerline of said Mink Street;

Thence South 29° 32' 02" West, with said centerline, a distance of 266.50 feet to the POINT OF BEGINNING, containing 6.15 acres of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk

14 SEP 22

Matthew A. Kirk
Professional Surveyor No. 7865

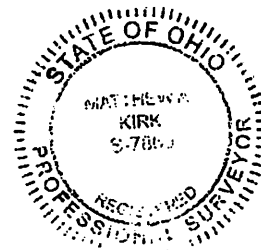


EXHIBIT "A"
PROPOSED ANNEXATION OF
6.15± ACRES

FROM: JERSEY TOWNSHIP

TO: CITY OF NEW ALBANY

Situated in the State of Ohio, County of Licking, Township of Jersey, in Lot 1, Quarter Township 2, and Section 13, Quarter Township 3, Township 2, Range 15, United States Military Lands, being comprised of all of that 1.944 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202208010018731, all of that 1.973 acre tract conveyed to Pamela S. Howell by deed of record in Instrument Number 200906180013304, and all of that 2.231 acre tract conveyed to Ronald Lee Howell and Pamela Sue Howell by deed of record in Official Record 532, Page 258, (all references refer to the records of the Recorder's Office, Licking County, Ohio), and more particularly bounded and described as follows:

BEGINNING at the centerline intersection of Mink Street (County Road 41) with Beaver Road;

Thence South 29° 32' 02" West, with the centerline of said Mink Street, a distance of 200.50 feet to the northeasterly corner of that 11.620 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201603300006016, in the existing City of New Albany corporation line, as established by Ordinance Number O-13-2016, of record in Instrument Number 201608100016925;

Thence North 86° 19' 43" West, with the northerly line of said 11.620 acre tract and said corporation line, a distance of 651.97 feet to a point in the easterly line of that 42.286 acre tract conveyed to COI New Albany 525, LLC by deed of record in Instrument Number 202112290039574;

Thence North 32° 40' 17" East, with said easterly line and said corporation line, a distance of 480.47 feet to the southwesterly corner of that 31.726 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202105060013587, in the existing City of New Albany corporation line, as established by Ordinance Number O-33-2021, of record in Instrument Number 202110260032776;

Thence South 86° 19' 43" East, with the southerly line of said 31.726 acre tract and said corporation line, a distance of 622.75 feet to a point in the centerline of said Mink Street;

Thence South 29° 32' 02" West, with said centerline, a distance of 266.50 feet to the **POINT OF BEGINNING**, containing 6.15 acres of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk
Professional Surveyor No. 7865

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED	CONDITIONAL
<input checked="checked" type="checkbox"/>	<input type="checkbox"/>
APPROVED BY:	<i>MAK</i>
DATE:	9/7/22

U.S. Census Bureau, Washington, D.C. / 2020 Census - 10-Enroll-Form-03



ORDINANCE O-03-2023

AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1 ANNEXATION OF 13.874+/- ACRES FROM JERSEY TOWNSHIP, LICKING COUNTY TO THE CITY OF NEW ALBANY

WHEREAS, pursuant to the petition filed by Underhill & Hodge, LLC, agents for petitioner, with the Licking County Development and Planning Department, on October 6, 2022, and

WHEREAS, the foregoing Resolution #116-60 of the Licking County Commissioners granting the petition was delivered to the City of New Albany on October 31, 2022, and more than sixty (60) days have lapsed since the foregoing resolution and transcript was transmitted to the City of New Albany, and

WHEREAS, pursuant to Resolution R-03-2022 of the City of New Albany adopted January 4, 2022, the New Albany City Manager was authorized to enter into any necessary Roadway Maintenance Agreements with the Licking County Board of Commissioners and/or Jersey Township Trustees for the maintenance of sections of roadways impacted by this annexation, 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, the real estate is located in Licking County and is subject to the "New Albany East Community Authority" and 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 Licking County requesting the annexation of 13.874+/- 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 Licking 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 13.874+/- acre tract, situated in Jersey Township, Licking 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 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 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 _____ day of _____, 2023.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 12/15/2022
Introduced: 01/03/2023
Revised:
Adopted:
Effective:

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

I certify that copies of Ordinance **O-03-2023** were posted in accordance with Article VI, Section 6.12 of the Charter of the City of New Albany, for 30 days starting on _____, 2023.

Jennifer Mason, Clerk of Council

Date

EXHIBIT "A"
PROPOSED ANNEXATION OF
13.87± ACRES

FROM: JERSEY TOWNSHIP

TO: CITY OF NEW ALBANY

Situated in the State of Ohio, County of Licking, Township of Jersey, in Lot 11, Quarter Township 2, Township 2, Range 15, United States Military Lands, being comprised of all of that 4.846 acre tract conveyed to Michael F. Reilly and Erin M. Reilly by deed of record in Instrument Number 202007280018692, all of that 4.794 acre tract conveyed to Helen L. Campbell, Trustee of the Helen L. Campbell Trust by deed of record in Instrument Number 201507080013979, and all of that 4.309 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 202209190022766, (all references refer to the records of the Recorder's Office, Licking County, Ohio), and more particularly bounded and described as follows:

Beginning, for reference, at the centerline intersection of Miller Road with Clover Valley Road;

Thence North 86° 29' 18" West, with the centerline of said Miller Road, a distance of 1449.96 feet to a northwesterly corner of that 116.861 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 202206130014670, the existing City of New Albany corporation line, as established by Ordinance Number O-11-2022, of record in Instrument Number 202205120011951, the TRUE POINT OF BEGINNING for this description;

Thence with the boundary of said 116.861 acre tract and said corporation line, the following courses and distances:

South 01° 01' 05" West, a distance of 688.52 feet to a point;

North 87° 29' 49" West, a distance of 882.12 feet to a point; and

North 03° 38' 13" East, a distance of 706.71 feet to a point in the centerline of said Miller Road;

Thence South 86° 15' 55" East, with said centerline and said existing City of New Albany corporation line, a distance of 850.49 feet to the TRUE POINT OF BEGINNING, containing 13.87 acres of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk

22 SEP 22

Matthew A. Kirk
Professional Surveyor No. 7865



EXHIBIT "B"

ANNEXATION OF 13.87± ACRES

TO THE CITY OF NEW ALBANY FROM THE TOWNSHIP OF JERSEY

LOT 11, QUARTER TOWNSHIP 2, TOWNSHIP 2, RANGE 15

UNITED STATES MILITARY LANDS

TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO

Proposed Annexation
of 13.87 acres 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.

[Signature]
Agent for Petitioners

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.

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 _____
Licking County Auditor

Received for Record _____, 20____, at _____ (AM-PM) and recorded
20____, in plat ordinance, petition, etc. in Plat Book Volume _____, Page _____.

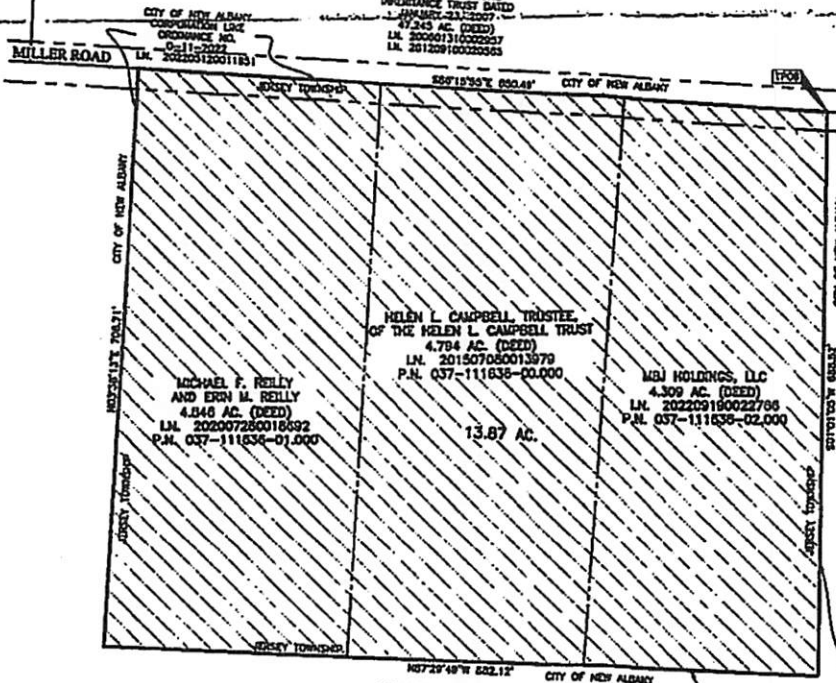
Plat Fee _____
Ordinance, etc. Fee _____
Licking County Recorder

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 _____
Clk., City of New Albany

DEVILY JEAN BUSH
CHERYL ANN BUSH
SHARON LYNN BUSH
LORE ELLEN BUSH
CHERYL A. BUSH, TRUSTEE OF
THE BUSH KEYSTONE
DESCENDANCE TRUST DATED
JANUARY 23, 2007
47,243 AC. (DEED)
L.N. 200601310002207
L.N. 201228180000005

MSJ HOLDINGS, LLC
25.484 AC. (DEED)
L.N. 202207100017548



MSJ HOLDINGS, LLC
PARCEL B
116,521 AC. (DEED)
L.N. 202208130014670

CITY OF NEW ALBANY
CORPORATION LDC
ORDINANCE NO.
O-11-2022
L.N. 202205120011951

AREA TO BE ANNEXED

PROPOSED CITY OF NEW ALBANY CORPORATION LINE

EXISTING CITY OF NEW ALBANY CORPORATION LINE

Contiguity Note:
Total perimeter of annexation area is 2127.84 feet, all of
which is contiguous with the City of New Albany,
giving 100% perimeter contiguity.

EMHIT

Date: September 22, 2022

Scale: 1" = 100'

Job No: 20220885

Sheet: 1 of 1

REVISIONS

NO.	DATE	DESCRIPTION



By *[Signature]* 22 SEP 22
Matthew A. Kik
Professional Surveyor No. 7865
mkik@emhit.com



ORDINANCE O-04-2023

**AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1
ANNEXATION OF 312.86+/- ACRES FROM JERSEY TOWNSHIP,
LICKING COUNTY TO THE CITY OF NEW ALBANY**

WHEREAS, pursuant to the petition filed by Underhill & Hodge, LLC, agents for petitioner, with the Licking County Development and Planning Department, on October 6, 2022, and

WHEREAS, the foregoing Resolution #116-59 of the Licking County Commissioners granting the petition was delivered to the City of New Albany on October 31, 2022, and more than sixty (60) days have lapsed since the foregoing resolution and transcript was transmitted to the City of New Albany, and

WHEREAS, pursuant to Resolution R-03-2022 of the City of New Albany adopted January 4, 2022, the New Albany City Manager was authorized to enter into any necessary Roadway Maintenance Agreements with the Licking County Board of Commissioners and/or Jersey Township Trustees for the maintenance of sections of roadways impacted by this annexation, 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, the real estate is located in Licking County and is subject to the "New Albany East Community Authority" and 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 Licking County requesting the annexation of 312.86+/- 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 Licking 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 312.86+/- acre tract, situated in Jersey Township, Licking 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 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 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 _____ day of _____, 2023.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared:	12/15/2022
Introduced:	01/03/2023
Revised:	
Adopted:	
Effective:	

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

I certify that copies of Ordinance **O-04-2023** were posted in accordance with Article VI, Section 6.12 of the Charter of the City of New Albany, for 30 days starting on _____, 2023.

Jennifer Mason, Clerk of Council

Date

EXHIBIT "A"
PROPOSED ANNEXATION OF
312.86± ACRES

FROM: JERSEY TOWNSHIP

TO: CITY OF NEW ALBANY

Situated in the State of Ohio, County of Licking, Township of Jersey, in Lots 21 - 24, Quarter Township 2, Township 2, Range 15, United States Military Lands, being comprised of all of the following tracts of land. That 53.97 acre tract conveyed to Miller Road Homestead, LLC by deed of record in Instrument Number 201906130011623, that 46.80 acre tract conveyed to HS & JA, LLC by deed of record in Instrument Number 201906130011619, that 5.07 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 202204210009982, that 2.001 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 202205180012411, that 5.010 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 202207070016647, that 5.01 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 202207070016648, that 5.01 acre tract conveyed to Arthur J. Bull and Amy Louise Bull by deed of record in Instrument Number 201806290013268, that 2.75 acre tract conveyed to Kevin M. Crawford and Shannon H. Crawford by deed of record in Instrument Number 201209280022440, that 30.05 acre tract conveyed to Robert E. Haycock by deed of record in Official Record 429, Page 382, that 5.01 acre tract conveyed to Sherri L. Mullins, Trustee of the Sherri L. Mullins Trust by deed of record in Instrument Number 200902200003325, that 11.000 acre tract conveyed to Matthew W. Gibson, Trustee of the Schoeff Legacy Trust by deed of record in Instrument Number 202209150022489, that 41.666 acre tract conveyed to Hendren Farms Partnership by deed of record in Instrument Number 201105100008721, that 24.4384 acre tract conveyed to Keith G. Mainzer and Stacia G. Mainzer by deed of record in Official Record 768, Page 536, that 44.4384 acre tract conveyed to Dennis Dotson and Jackie Dotson by deed of record in Official Record 683, Page 921, and that 50.0 acre tract conveyed to Daniel D. Potter, Trustee of the Daniel D. Potter Trust by deed of record in Instrument Number 202203160006679, (all references refer to the records of the Recorder's Office, Licking County, Ohio), and more particularly bounded and described as follows:

BEGINNING, at the southwesterly corner of the subdivision entitled "Wagoner Farms Section 2", of record in Plat Book 16, Page 146, in the northerly line of that 476.757 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 201912030026846, in the existing City of New Albany corporation line, as established by Ordinance Number O-12-2019, of record in Instrument Number 201906210012317,

Thence North 86° 32' 09" West, with said northerly line, said corporation line, and the northerly line of that 61.832 acre tract conveyed to New Albany Data Center SPE, LLC by deed of record in Instrument Number 202207200017785, a distance of 1357.18 feet to a northeasterly corner of said 61.832 acre tract;

Thence North 03° 26' 29" East, with the easterly line of said 61.832 acre tract, said corporation line, the easterly line of that 50 acre tract conveyed as Tract Three, First Parcel to Hendren One LLC by deed of record in Instrument Number 201304180009917, the easterly line of that 47.365 acre tract conveyed as Tract Three, Second Parcel to Hendren One LLC by deed of record in Instrument Number 201304180009917, and the easterly line of that 50 acre tract conveyed to Charles A. Wilson and Daniel E. Wilson, Co-Trustees by deed of record in Instrument Number 201105190009421, a distance of 3483.17 feet to a point in the centerline of Miller Road;

Thence North 03° 26' 40" East, with the easterly line of that 100 acre tract conveyed as Tract One to Hendren One LLC by deed of record in Instrument Number 201304180009917, a distance of 1674.62 feet to the southeasterly corner of that 91.173 acre tract conveyed to Deborah Tripp and Sharon Smart, Co-Trustees by deed of record in Instrument Number 201104140007147;

**PROPOSED ANNEXATION OF
312.86± ACRES**

-2-

Thence North 03° 35' 59" East, with the easterly line of said 91.173 acre tract, a distance of 886.70 feet to the southwesterly corner of that 10.003 acre tract conveyed to Robert A. Parsons and Beth A. Parsons, Trustees of the Parsons Trust by deed of record in Instrument Number 201703210005737;

Thence South 86° 54' 22" East, with the southerly line of said 10.003 acre tract, a distance of 526.18 feet to the southeasterly corner of said 10.003 acre tract;

Thence North 03° 02' 45" East, with the easterly line of said 10.003 acre tract, a distance of 833.79 feet to a point in the centerline of Green Chapel Road;

Thence South 86° 54' 44" East, with said centerline, a distance of 2228.03 feet to the northwesterly corner of that 47.874 acre tract conveyed to Cheryl A. Bush, Trustee of the Bush Keystone Inheritance Trust by deed of record in Instrument Number 201209100020565, and to Beverly Jean Bush, Cheryl Ann Bush, Sharon Lynn Bush, and Lori Ellen Bush by deed of record in Instrument Number 200601310002957, in the existing City of New Albany corporation line, as established by Ordinance Number O-11-2022, of record in Instrument Number 202205120011951;

Thence South 03° 47' 39" West, with the westerly line of said 47.874 acre tract, said corporation line, and the westerly line of that 47.245 acre tract conveyed to Cheryl A. Bush, Trustee of the Bush Keystone Inheritance Trust by deed of record in Instrument Number 201209100020565, and to Beverly Jean Bush, Cheryl Ann Bush, Sharon Lynn Bush, and Lori Ellen Bush by deed of record in Instrument Number 200601310002957, a distance of 3413.94 feet to a point in the centerline of said Miller Road;

Thence North 86° 27' 47" West, with said centerline, a distance of 1365.69 feet to the northwesterly corner of that 4.591 acre tract conveyed as Parcel Two to Henry J. Cook and Steven P. Ripple by deed of record in Instrument Number 200112140045310;

Thence South 03° 33' 26" West, with the westerly line of said 4.591 acre tract, the westerly line of the subdivision entitled "Wagoner Farms Section 4 Phase 3", of record in Plat Book 17, Page 219, the westerly line of the subdivision entitled "Wagoner Farms Section 4 Phase 1", of record in Plat Book 16, Page 298, the westerly line of the subdivision entitled "Wagoner Farms Section 3", of record in Plat Book 16, Page 178, the westerly line of said "Wagoner Farms Section 2", a distance of 3484.15 feet to the POINT OF BEGINNING, containing 312.86 acres of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk

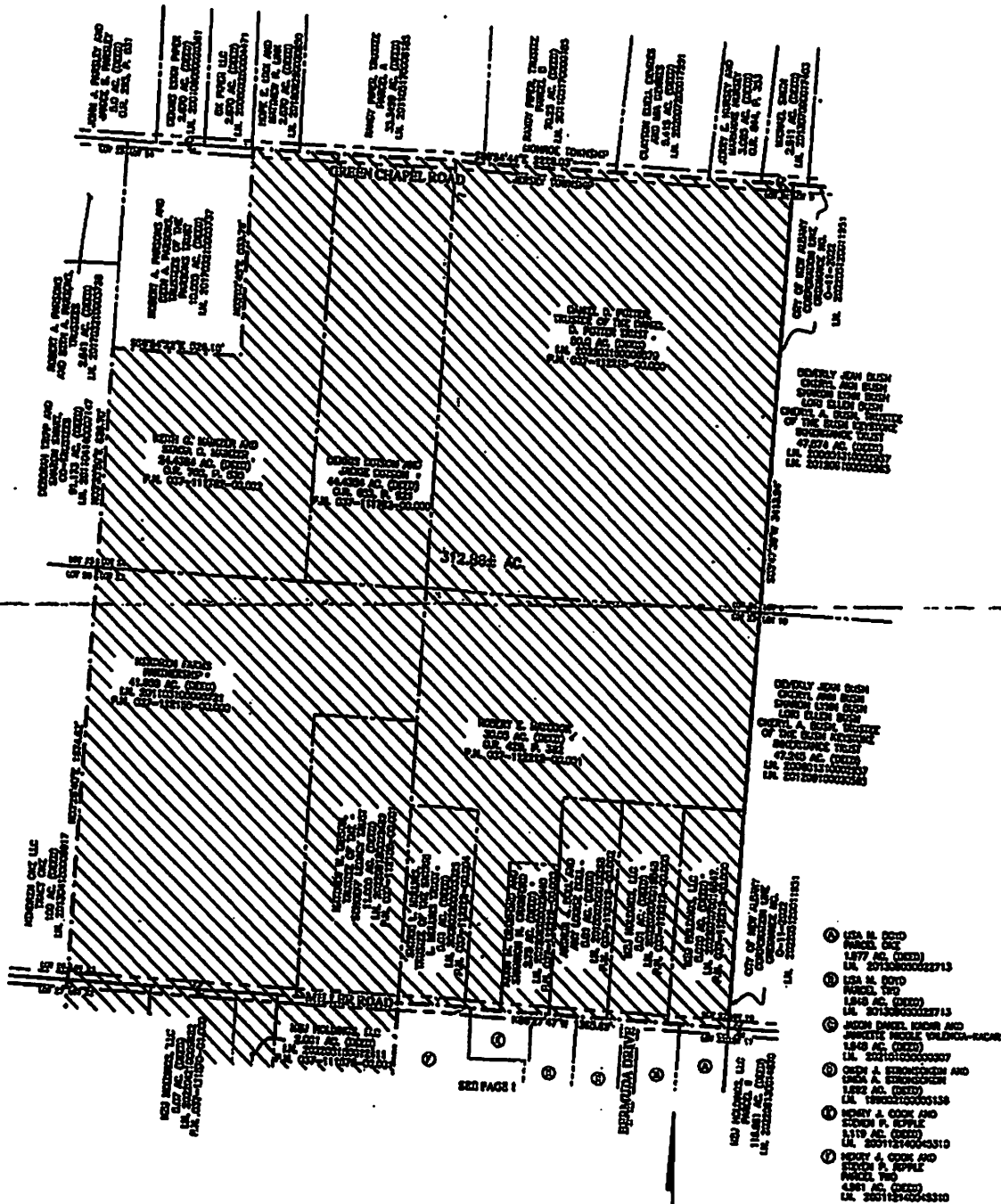
20 SEP 22

Matthew A. Kirk

Professional Surveyor No. 7865



**ANNEXATION OF 312.86± ACRES
TO THE CITY OF NEW ALBANY FROM THE TOWNSHIP OF JERSEY
LOTS 21, 22, 23 & 24, QUARTER TOWNSHIP 2, TOWNSHIP 2, RANGE 15
UNITED STATES MILITARY LANDS
TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO**

[illegible]



ORDINANCE O-05-2023

AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1 ANNEXATION OF 15.03+/- ACRES FROM JERSEY TOWNSHIP, LICKING COUNTY TO THE CITY OF NEW ALBANY

WHEREAS, pursuant to the petition filed by Underhill & Hodge, LLC, agents for petitioner, with the Licking County Development and Planning Department, on October 6, 2022, and

WHEREAS, the foregoing Resolution #116-58 of the Licking County Commissioners granting the petition was delivered to the City of New Albany on October 31, 2022, and more than sixty (60) days have lapsed since the foregoing resolution and transcript was transmitted to the City of New Albany, and

WHEREAS, pursuant to Resolution R-37-2021 of the City of New Albany adopted on August 03, 2021, the New Albany City Manager was authorized to enter into a Roadway Maintenance Agreement with the Licking County Board of Commissioners for the maintenance of sections of roadways impacted by this annexation, 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, the real estate is located in Licking County and is subject to the "New Albany East Community Authority" and 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 Licking County requesting the annexation of 15.03+/- 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 Licking 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 15.03+/-acre tract, situated in Jersey Township, Licking 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 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 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 _____ day of _____, 2023.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 12/15/2022
Introduced: 01/03/2023
Revised:
Adopted:
Effective:

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

I certify that copies of Ordinance **O-05-2023** were posted in accordance with Article VI, Section 6.12 of the Charter of the City of New Albany, for 30 days starting on _____, 2023.

Jennifer Mason, Clerk of Council

Date

Exhibit A - O-05-2023

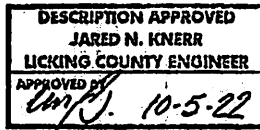


EXHIBIT "A"
PROPOSED ANNEXATION OF
15.03± ACRES

FROM: JERSEY TOWNSHIP

TO: CITY OF NEW ALBANY

Situated in the State of Ohio, County of Licking, Township of Jersey, in Lot 14, Quarter Township 2, Township 2, Range 15, United States Military Lands, being comprised of that 5.004 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202208120019793, that 5.004 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202208160020043, and that 5.004 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202209300023824 (all references refer to the records of the Recorder's Office, Licking County, Ohio), and more particularly bounded and described as follows:

Beginning, for reference, at the centerline intersection of Jug Street Road and Harrison Road;

Thence South 86° 41' 20" East, with the centerline of said Jug Street Road, a distance of 537.95 feet to the southeasterly corner of that 31.878 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202206060014020, in the existing City of New Albany corporation line, as established by Ordinance Number O-11-2022, of record in Instrument Number 202205120011951, the TRUE POINT OF BEGINNING for this description;

Thence North 04° 02' 15" East, with the easterly line of said 31.878 acre tract and said corporation line, a distance of 872.48 feet to a point;

Thence South 86° 12' 17" East, with a southerly line of said 31.878 acre tract and said corporation line, a distance of 750.78 feet to a point in the westerly line of that 62.547 acre tract conveyed to Robert A. Carr and Deborah B. Carr by deed of record in Instrument Number 201909180019849;

Thence South 03° 51' 20" West, with said westerly line and said corporation line, a distance of 868.46 feet to a point in the centerline of said Jug Street Road, in the existing City of New Albany corporation line, as established by Ordinance Number O-31-2015, of record in Instrument Number 201601070000270;

Thence North 86° 30' 36" West, with said centerline and said corporation line, a distance of 753.56 feet to the TRUE POINT OF BEGINNING, containing 15.03 acres of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

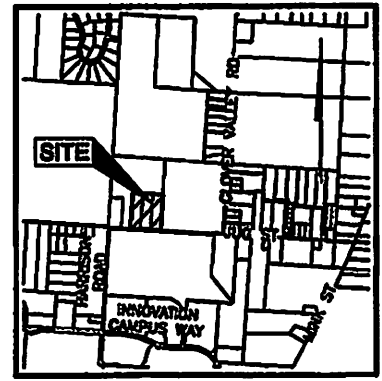
Matthew A. Kirk

3 OCT 22

Matthew A. Kirk
Professional Surveyor No. 7865



EXHIBIT "B" **ANNEXATION OF 15.03± ACRES** **TO THE CITY OF NEW ALBANY FROM THE TOWNSHIP OF JERSEY** **LOT 14, QUARTER TOWNSHIP 2, TOWNSHIP 2, RANGE 15** **UNITED STATES MILITARY LANDS** **TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO**



LOCATION MAP AND BACKGROUND DRAWING
NOT TO SCALE

Proposed Annexation
of 15.03 acres 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 referred to as an accurate map of the territory in said petition described under the requirements of said Chapter 709 of the Ohio Revised Code.

[Signature]
Agent for Petitioners

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.

Board of Licking County Commissioners

Publics Received _____, 20____, _____
Commissioner

Publics Approved _____, 20____, _____
Commissioner

Commissioner

Transferred this _____ day of _____, 20____, upon the expiration of this office.

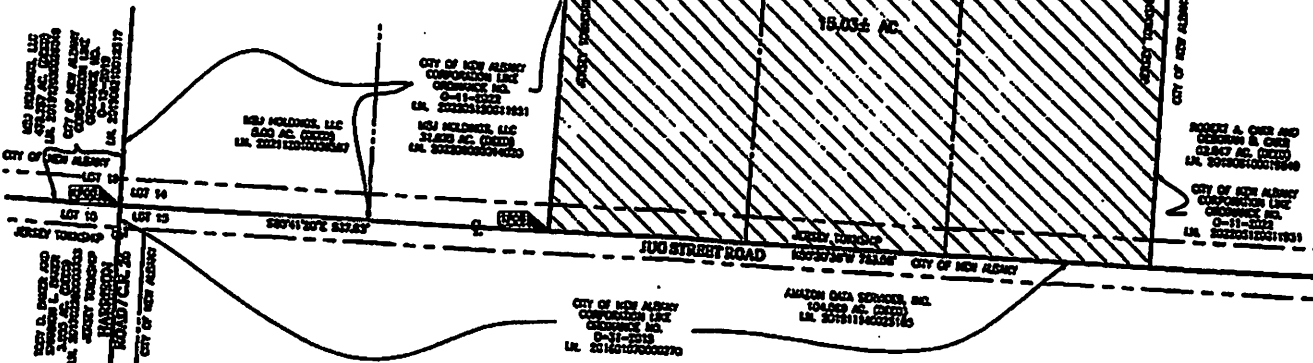
Commissioner _____
Transfer Fee _____
Licking County Auditor

Recorded for Record _____, 20____, (AM-PM) and recorded
20____, in plat entrance, petition, etc. in Plat Book Volume _____, Page _____

Plat Fee _____
Commissioner, etc. For _____
Licking County Recorder

Consent 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



GRAPHIC SCALE (in feet)

AREA TO BE ANNEXED

PROPOSED CITY OF NEW ALBANY CORPORATION LINE

EXISTING CITY OF NEW ALBANY CORPORATION LINE

Contiguity Note:
Total perimeter of annexation area is 3241.28 feet, all of which is contiguous with the City of New Albany, giving 100% perimeter contiguity.



By *[Signature]* 2 OCT 2023
Matthew A. Eitz
Professional Engineer No. 94388
eatz@eatz.com

EMH-T		Date: October 3, 2022
Scale: 1" = 100'		
Job No: 20220385		
Sheet: 1 of 1		
REVISIONS		
NO.	DATE	DESCRIPTION



ORDINANCE O-06-2023

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 403+/- ACRES OF LAND GENERALLY LOCATED SOUTH OF GREEN CHAPEL ROAD, WEST OF MINK STREET, EAST OF BEECH ROAD AND NORTH OF JUG STREET FROM AGRICULTURAL (AG) TO TECHNOLOGY MANUFACTURING DISTRICT (TMD) AS REQUESTED BY MBJ HOLDINGS LLC, C/O AARON UNDERHILL

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

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

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

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

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

- A. 403+/- acres generally located south of Green Chapel Road, west of Mink Street, east of Beech Road and north of Jug Street from its current zoning of Agricultural (AG) to Technology Manufacturing District (TMD).
- B. The zoning district's boundary map is hereby attached and marked Exhibit A.

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

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

CERTIFIED AS ADOPTED this _____ day of _____, 2023.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

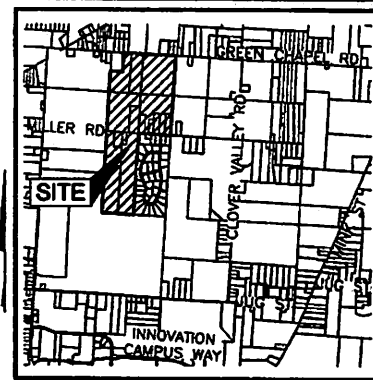
Prepared: 12/15/2022

Introduced: 01/03/2023

Revised:

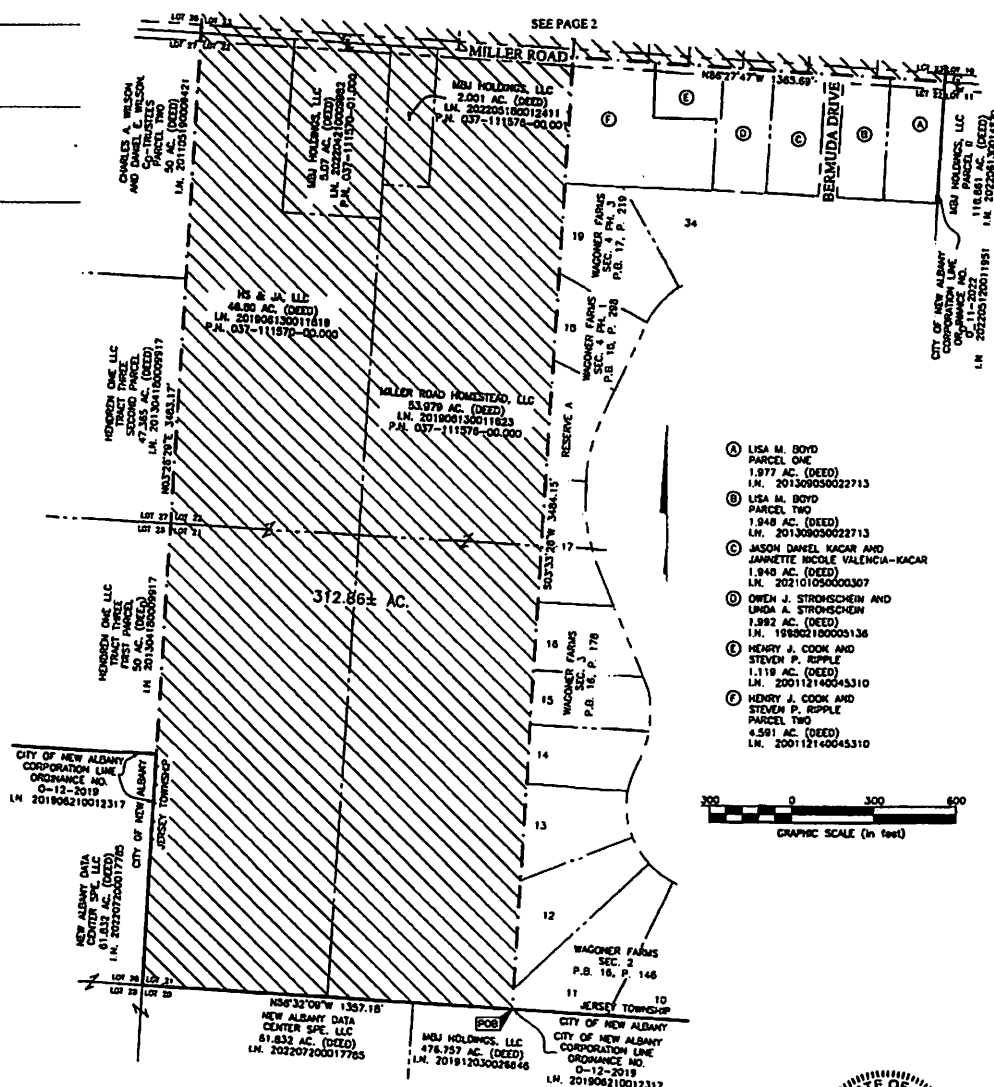
Adopted:


Effective:



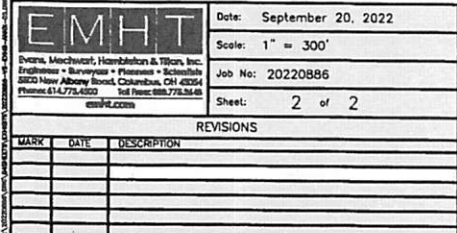
LOCATION MAP AND BACKGROUND DRAWING

Not to Scale

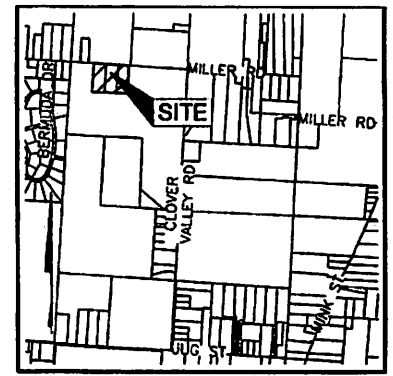


 <p> Evans, Macchiarini, Macchiarini & Tiboni, Inc. Engineers • Surveyors • Planners • Scientists 5300 New Albany Road, Columbus, OH 43244 Phone: 614.779.4300 Fax: 614.779.3444 emml.com </p>	Date: September 20, 2022																																	
	Scale: 1" = 300'																																	
	Job No: 20220885																																	
	Sheet: 1 of 2																																	
REVISIONS																																		
<table border="1"> <thead> <tr> <th>MARK</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	MARK	DATE	DESCRIPTION																															
MARK	DATE	DESCRIPTION																																

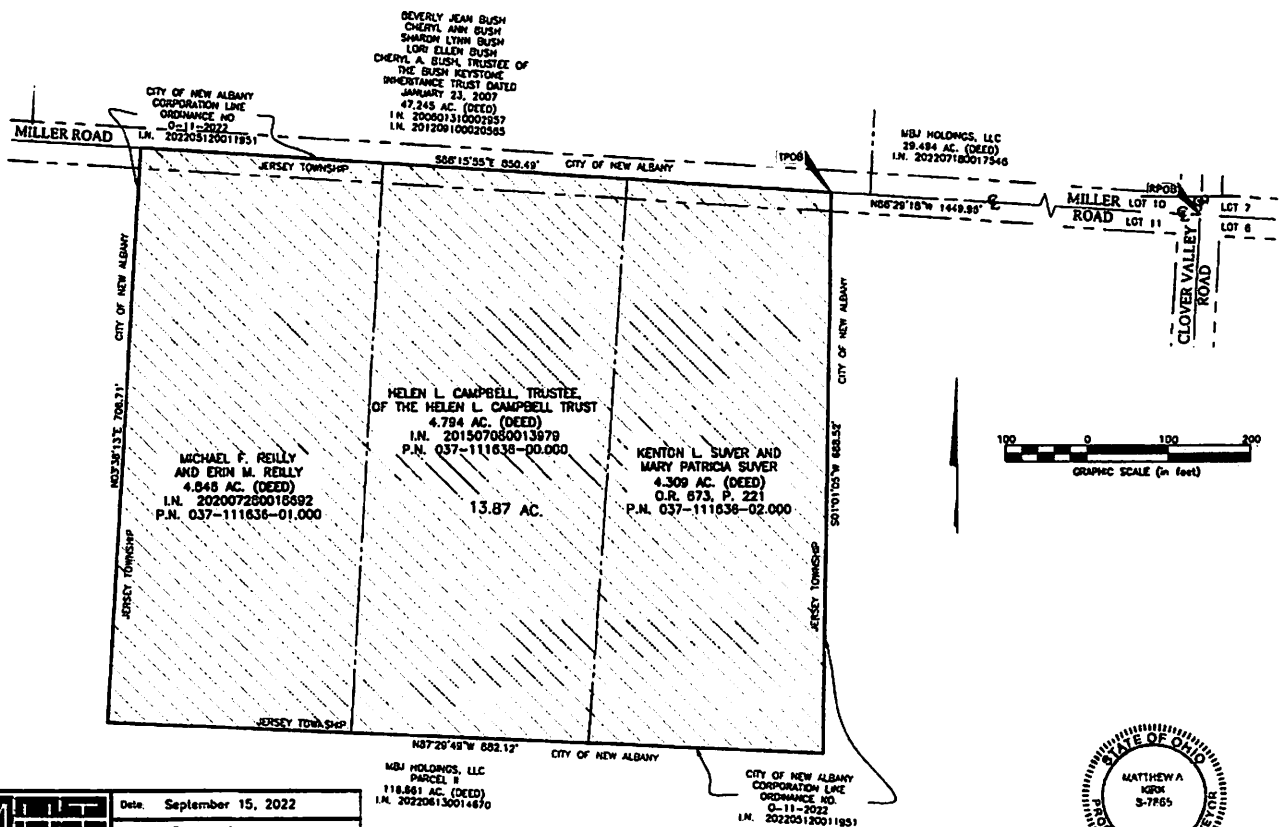
By Matthew A. Kirk 20 58 23
Matthew A. Kirk Date
Professional Surveyor No. 7853
mkirk@cmtb.com



REZONING OF 13.87± ACRES



LOCATION MAP AND BACKGROUND DRAWING
NOT TO SCALE




EMH		Date: September 15, 2022
Byrne, Meacham, Worthington & Tilton, Inc. Engineers • Surveyors • Planners • Scientists 3350 New Albany Road, Columbus, OH 43224 Phone: 614.775.4320 Toll Free: 800.775.3448 emh.com		Scale: 1" = 100'
Job No: 20220885		Sheet: 1 of 1
REVISIONS		
MARK	DATE	DESCRIPTION

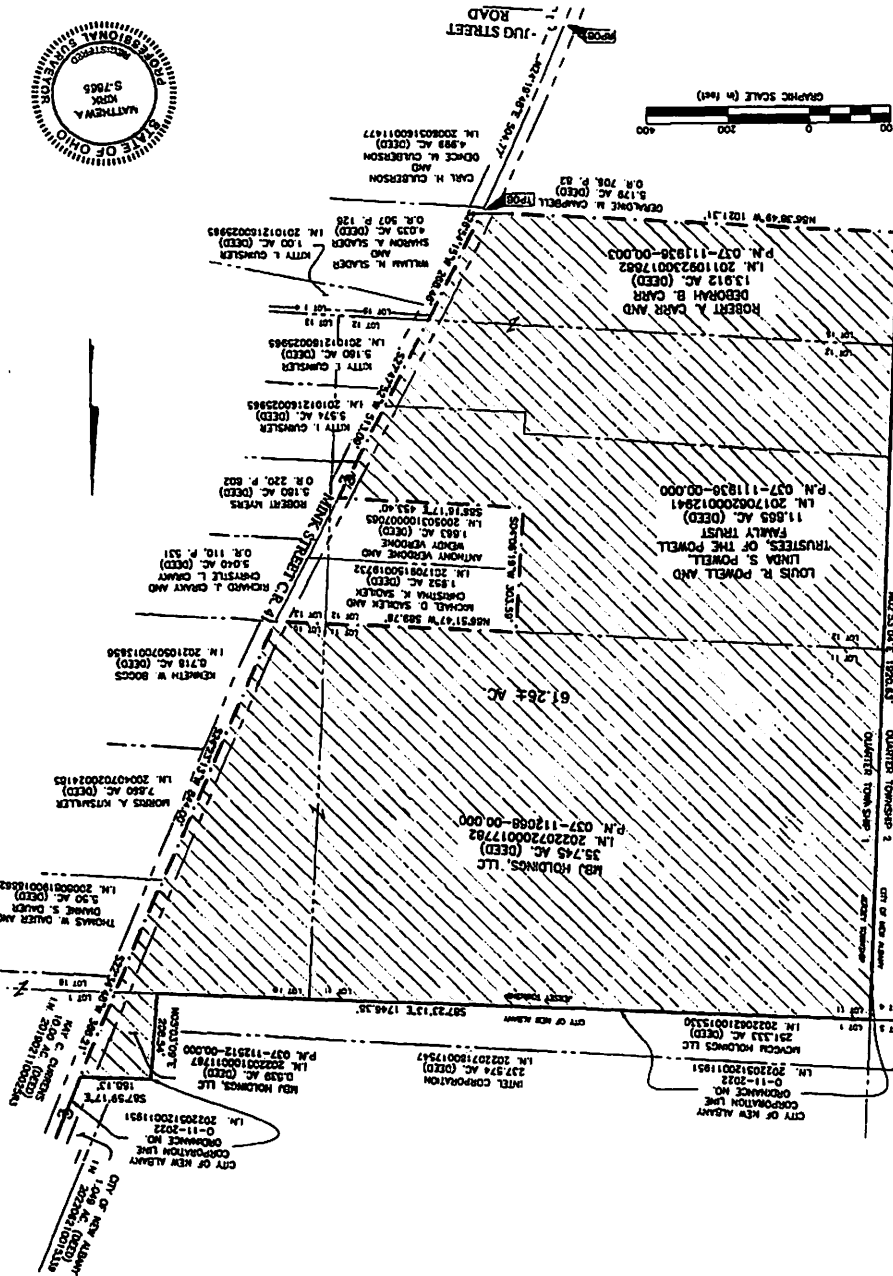
By Matthew A. Kirk 15 SEP 22
Matthew A. Kirk
Professional Surveyor No. 7865
mkirk@emh.com Date



By Matthew A. Kirk 5/27/22
Matthew A. Kirk Date
Professional Surveyor No. 7865
mkirk@cmti.com

	Date: September 15, 2022
	Scale: 1" = 100'
	Job No: 20220886
	Sheet 1 of 1
	REVISIONS
Patrick Macchiaroli, Hovaville & Tolan, Inc. Engineers & Surveyors & Planners & Scientists 1800 New Albany Road, Columbus, OH 43204 Phone: 614-773-6922 Fax: 614-773-3649 emht.com	

A circular professional seal for a surveyor in the State of Ohio. The outer ring contains the text "STATE OF OHIO" at the top and "PROFESSIONAL SURVEYOR" at the bottom. Inside the ring, the name "MATTHEW A. KNOX" is written in a larger font, and the license number "S-7665" is written below it. The word "REGISTERED" is written in a smaller font along the inner edge of the seal.



MARY ALICE POSTER
 ALICE M. ANDERSON
 SUSAN R. GRAYSON
 HARRY W. LEONARDSON
 THOMAS M. POSTER
 JOHNNY C. POSTER
 JACOB W. POSTER
 O.B. 577, P. 821
 O.R. 207, P. 216
 11143 A.C. (DECE)
 COLLECTOR'S ANDERSON
 AND
 CHAS & ANDERSON
 LOT 2
 2020201200411911
 CITY OF NEW ALBANY
 CORPORATION FILE
 CONCORDANCE NO.
 0-11-31-3
 LN 2020201200411911
 LN 201803120008477

REZONING OF 61.26± ACRES

159.01 - PREAMBLE.

The A commission/board is shall be established in accordance with the authority of the New Albany Charter and/or ordinances passed by the New Albany City~~Village~~ Council. No provision or section of these rules which conflicts with, or restricts those rights provided by the Constitution of the United States, the Ohio Constitution or the New Albany Charter shall have any force or effect.

These rules and regulations shall control the conduct of all New Albany commission/board meetings unless otherwise specified. The latest revised edition of Robert's Rules of Order shall control where no provision is made in these rules and regulations. Technical violations of these rules or of an applicable provision of the latest revised edition of Robert's Rules of Order ~~parliamentary procedure~~ shall not invalidate board/commission actions.

These rules and regulations may be temporarily suspended in whole or in part at any meeting of the commission/board by a two-thirds (2/3) vote of those members in attendance, provided a quorum exists.

159.02 - MEETINGS.

(a) Organizational Meeting/Officers. An organizational meeting shall be held annually between the months of January and June ~~in March~~ for the purpose of taking the following actions:

- (1) Swearing in all members;
- (2) Electing from its current membership a chairperson, vice-chairperson and secretary;
- (3) To establish the date, time and place of a regular meeting; and
- (4) To review the attendance policy
- (5) To conduct such other business as shall come before the commission/board.

Should the office of chairperson, vice-chairperson or secretary become vacant, the commission/board shall elect a successor from its membership within the next two (2) regular meetings when all commission/board members are present. The commission/board may elect an interim officer, if necessary.

(b) Regular and Special Meetings. The commission/board shall hold regular meetings as established by subsection (a) hereof. Special meetings, informal reviews, and work sessions may be called as needed by the chairperson, provided written notice is given to all members at least seventy-two (72) hours prior thereto, which notice shall set forth the time, place, and purpose of the meeting.

The regular meeting schedule of the commission/board shall be provided to the ~~Village~~ council clerk or applicable department designee immediately after the organizational meeting. The regular meeting schedule, in accordance with ORC Ch. 121.22(F), shall be posted on the city's website and on bulletin boards kept at the Village Hall, and the Public Service Complex. Notice of the time, place and purpose of any special meeting, shall be provided (written or personal contact), at least twenty-four (24) hours in advance to each member of the commission/board.

Pursuant to Section 10.01 of the New Albany ~~Village~~ Charter and ORC Ch. 121.22, except as otherwise authorized by the laws of the State of Ohio, all meetings of the commission/board shall be open to the public.

- (c) Quorum. A majority of the members of the commission/board shall constitute a quorum for the transaction of business.
- (d) Attendance of Members. Attendance is defined as in-person presence during the hearing and consideration of all applications without a conflict of interest before that commission/board at that meeting. Attendance of all current serving members of the commission/board is encouraged, and three (3) consecutive absences by any member or four (4) absences in any 12-month period year shall be considered a forfeiture of the membership to the commission/board. The forfeiture would occur regardless of the reason for the absences. ~~Attendance would be defined as presence during the hearing and consideration of all applications without a conflict of interest before that commission/board at that meeting.~~ The applicable department designee would then notify the clerk of council so that ~~she~~they can inform council that a new appointment needs to be made.
- (e) Attendance of Staff. The city manager Village Administrator or designee shall determine, in conjunction with the chairperson, whether city Village Sstaff representatives or employees are necessary to provide support and guidance to the commission/board at the meetings. The appointed staff representative or employee shall provide professional and clerical assistance as needed and shall prepare a report prior to hearing as required by the commission/board.

The law director Village Attorney may attend meetings upon a request of the chairperson to the city manager Village Administrator or designee, or as deemed necessary solely by the city manager Administrator, for purposes of providing guidance and advice on legal issues which may arise.
- (f) Attendance of Applicant. The applicant, or person empowered to act on behalf of the applicant with authority to bind the applicant to conditions, shall be notified and invited to attend meetings at which the applicant's case is to be heard or discussed. The commission/board may table, dismiss without a hearing, or take other appropriate table action on an application before it at which the applicant or applicant's representative is not present at the time the matter is called pursuant to the agenda and order of business.

159.03 - POWER AND DUTIES OF CHAIRPERSON, VICE- CHAIRPERSON, AND SECRETARY.

Nothing in these rules shall deprive the chairperson, vice-chairperson or secretary of their duties and obligations as a voting member of the commission/board.

- (a) Chairperson. The chairperson shall preside over the commission/board and control the conduct and order of meetings, and sign on behalf of the commission/board all recommendations, approvals and other official actions arising from matters coming before the commission/board.
- (b) Vice-Chairperson. The vice-chairperson shall preside over the commission/board and carry out the duties of the chairperson in the absence of the chairperson.

- (c) Secretary. The secretary, or when a staff/consultant clerk is not provided, shall prepare the minutes of each meeting/work session of the commission/board. Minutes shall contain sufficient facts and information of the meeting to properly inform the public of matters discussed and action taken, which may include a complete restatement of all motions and recording of votes, complete statement of the conditions or recommendations made on any action, and recording of attendance. ~~All~~ Communications, actions, and resolutions may ~~shall~~ be attached to the minutes. The official records for each meeting/work session shall be filed in the clerk of council's office or in the applicable liaison department promptly after each meeting/work session. The "liaison department" shall be the department and staff designated by the city manager ~~Village Administrator~~ to facilitate the commission/board's activities.

159.04 - ORDER AND CONDUCT OF MEETINGS.

- (a) Agenda. Staff shall prepare and distribute an agenda to each member for each meeting ~~and shall be available to each member for pick-up at the Village Hall during business hours,~~ at least forty-eight (48) hours prior to each regular meeting of the commission/board, or five (5) days for the Board of Zoning Appeals, and twenty-four (24) hours prior to any special meeting.

The agenda for all meetings shall contain:

- (1) A listing, by descriptive words and case number, if any, of each public hearing to be considered.
 - (2) A listing, by descriptive words and case number, if any, of each appeal to be considered.
 - (3) A listing of any other item of known business.
- (b) Order of Business. The presiding officer shall conduct commission/board meetings in the order outlined in the agenda, which order shall be substantially similar to theas followings:
- (1) Call meeting to order.
 - (2) Roll call.
 - (3) Approve minutes of prior meeting.
 - (4) Additions or corrections to agenda.
 - (5) Hearing of visitors.
 - (6) Acceptance of staff reports and related documents into the record.
 - (7) Public hearings, including presentation of staff report and recommendations.
 - (8) Other business.
 - (9) Poll members for comment.
 - (10) Adjournment.

159.05 - PROCEDURE FOR PUBLIC HEARINGS.

- (a) Hearings Informal. All hearings conducted by the commission/board, with the exception of the Board of Zoning Appeals, ~~Board of Construction Appeals~~, and the Personnel Appeals Board are intended to be informal. ~~Strict rules of evidence shall not apply and p~~ Procedures may vary as necessary to help ensure the applicant a fair hearing. The purpose of a hearing is to bring out sufficient information to permit the commission/board to arrive at a just decision.
- (b) Procedures for Public Hearings. All hearings shall be conducted in the following manner:
- (1) The presiding officer shall call each case set for hearing separately.
 - (2) The presiding officer, or a designated commission/board member or ~~city~~Village staff representative or employee, shall briefly describe the background of the item(s) under consideration pursuant to the application and the particular relief sought by the applicant.
 - (3) At hearings before the Board of Zoning Appeals, Personnel Appeals Board, or at any other board or commission where such board or commission is acting in a quasi-judicial capacity, any person who intends to testify and/or present evidence in favor of or against the matter under consideration shall be administered the following oath by the presiding officer:

"Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth?"
 - (4) The applicant shall make an initial presentation, not to exceed fifteen (15) minutes, of evidence which may include oral testimony, affidavits, maps, drawings or photographs, and any other documents or material relevant to the purpose of the hearing. Applicants shall be expected to present evidence sufficient for the commission/board to grant the particular relief requested.
 - (5) Other persons in attendance may offer similar counter-testimony if it is relevant to the issue at hand. All persons presenting evidence or speaking against the application shall identify themselves by name and address. The chairperson may set time limitations for speakers, which collectively shall not exceed twenty (20) minutes.
 - (6) The applicant shall be given five (5) minutes to rebut evidence offered in opposition to the applicant's case and to give a final presentation to the commission/board.
 - (7) After the presentation of evidence and opinions by the applicant and others in attendance, the commission/board may ask questions of any person in attendance that may assist them.
 - (8) In all instances where the commission/board seeks to impose reasonable conditions and/or restrictions upon an application and such conditions/restrictions are permitted by law, the presiding officer shall inquire of the applicant or their designee as to whether or not said conditions and/or restrictions are acceptable. Should the condition and/or restriction not be acceptable by the applicant, or their designee, the application, as originally submitted, shall be voted upon by the commission/board.

159.06 - ACTIONS.

- (a) Form. All decisions, findings, or recommendations by the commission/board shall be in written entry form.
- (b) Consideration of Application by Commission/Board. After receiving the application, staff report and any additional information and testimony at the meeting, the commission/board shall make its findings, which action shall be final except as provided in subsection (c) hereof. The commission/board may table an application if there is insufficient time in which to review new information, or with the consent of the applicant or its designee.
- (c) Reconsideration of Commission/Board Action. The commission/board may reconsider any action it has taken upon its own motion for good cause shown.

Any action denying or disapproving an application, other than one involving an incomplete application, may be reconsidered no later than the second regular meeting after the original action from which reconsideration is being requested was taken, only if the applicant or its designee clearly demonstrates one of the following:

- (1) Circumstances affecting the subject property or item under consideration have substantially changed; or
- (2) New information is available that could not with reasonable diligence have been presented at a previous hearing.

159.07 - VOTING.

A simple majority vote of a quorum of the commission/board is required to take action on any issue. Voting shall ordinarily be by voice vote, provided however that a roll call vote shall be required if requested by any voting member present. A member voting "no" shall indicate their reasons for dissent.

159.08 - APPLICATIONS.

Submittal requirements and fees are as outlined in the zoning code, the codified ordinances of the city~~Village~~, and policies set by the administration. Applications not deemed to be complete in accordance with the zoning code, ~~Village or the~~ codified ordinances of the city, or the and administrative policies of the city, or for which all fees have not been paid in full shall not be considered.

An applicant may, in writing or during a meeting, withdraw an application at any time or may request to table or postpone further action. A ~~Such~~ requests to table shall require approval by a majority of the commission/board members in attendance at the meeting. ~~If the request is made verbally during a meeting, the applicant shall submit the request in writing to the liaison department within seven (7) days.~~

159.09 - CONFLICT OF INTEREST AND ETHICS.

Unless otherwise provided in the New Albany Charter or by council, the laws of the State of Ohio, pertaining to conflicts of interest, criminal ~~misbehavior,~~ and ethics shall apply to all commission/board members. Any member of a commission/board who feels that they have a conflict of interest on any matter that is on the agenda shall voluntarily excuse himself or herself and refrain from discussion on that matter.

159.10 EX PARTE CONTACT.

Commission and board members should avoid *ex-parte* contact with the applicant or representative. However, if the ~~city manager~~Village Administrator or his designee deems that such contacts are reasonable and necessary, any such contacts and communications shall take place with a staff member present. If the applicant persists in offering *ex-parte* contact except in the circumstances under which the ~~city manager~~Village Administrator has authorized such contact, the member should report these contacts.



ORDINANCE O-08-2023

AN ORDINANCE TO RENEW THE APPROVAL OF THE FINAL PLAT FOR 60 SINGLE FAMILY LOTS ON 38.09+/- ACRES AND ACCEPT RESERVES "A", "B", "C" AND "D" FOR THE WOODHAVEN SUBDIVISION LOCATED AT 7555 BEVELHYMER ROAD AND 7325 WALNUT STREET AS REQUESTED BY BOB WEBB GROUP C/O BRANDON BELL

WHEREAS, an application to approve the Woodhaven 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 September 20, 2021, recommended approval of this final plat; and

WHEREAS, the Woodhaven final plat includes approximately 38.09+/- acres of land to be subdivided into 60 residential lots in addition to the public streets; and

WHEREAS, the 35.7+/- acre Woodhaven final plat includes approximately 14.52+/- acres of parkland and open space; and

WHEREAS, the Woodhaven final plat includes the commitment to dedicate reserves A, B, C and D; 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 Woodhaven 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 said Woodhaven final plat is attached to this ordinance as Exhibit A and made a part herein is approved.

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

Section 4. Pursuant to Article 6.07(B) of the New Albany Charter, this ordinance shall become effective thirty (30) days after adoption.

CERTIFIED AS ADOPTED this _____ day of _____, 2023.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 12/16/2022

Introduced: 01/03/2023

Revised:

Adopted:

Effective:

By _____ Professional Surveyor No. 7665 Date _____

- = Iron Pin (See Survey Data)
- = MAG Nail to be set
- ⊙ = Permanent Marker (See Survey Data)
- = FCGS Monument found

By _____ Professional Surveyor No. 7665 Date _____

WEDNESDAY 20210409



LOCATION MAP AND BACKGROUND DRAWING

NOT TO SCALE

SURVEY DATA:

BASIS OF BEARINGS: The bearings shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986). Control for bearings was from coordinates of monuments FCGS 8824 and FCGS 8825, having a bearing of North 86° 29' 28" East between said monuments, as established by the Franklin County Engineering Department using Global Positioning System procedures and equipment.

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-sixteenths inch inside diameter, thirty inches long with a plastic plug placed in the top end bearing the initials EMFIT INC.

PERMANENT MARKERS: Permanent markers, where indicated herein, are to be one-inch diameter, thirty-inch long, solid iron pins, are to be set to monitor the position of the existing and proposed structures and the surface of the ground and then capped with an aluminum cap stamped EMIT INC. Once installed, the top of the cap shall be marked (punched) to record the actual location of the point. These markers shall be set following the completion of the construction installation of the street pavement and utilities and prior to the City of New Albany, Ohio's acceptance of these infrastructure improvements. The New Albany, Ohio, Municipal Engineer shall be notified in writing when the

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)
- = MAG Nail to be set
- ⊙ = Permanent Marker (See Survey Data)
- = FCGS Monument found

By _____ Professional Surveyor No. 7665 Date _____

NOTE "L": No determination has been made by the City of New Albany, Ohio as to whether the area proposed to be planned contains areas that could be classified as wetlands by the Army Corps of Engineers. It is the developer's responsibility to determine whether wetlands exist on the area hereby planned. The City of New Albany, Ohio approval of this plat of "Woodchuck" does not imply any approval of the site as it may pertain to wetlands.

[illegible][illegible]

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

Total savings: 18,091 Ac.
Savings in rights-of-way: 8,196 Ac.
Average in Accesses: 14,129 Ac.
Average in remaining lots: 15,377 Ac.

NOTE "F" - ACREAGE BREAKDOWN: Woodhaves is comprised of all of the following Franklin County Parcel numbers:

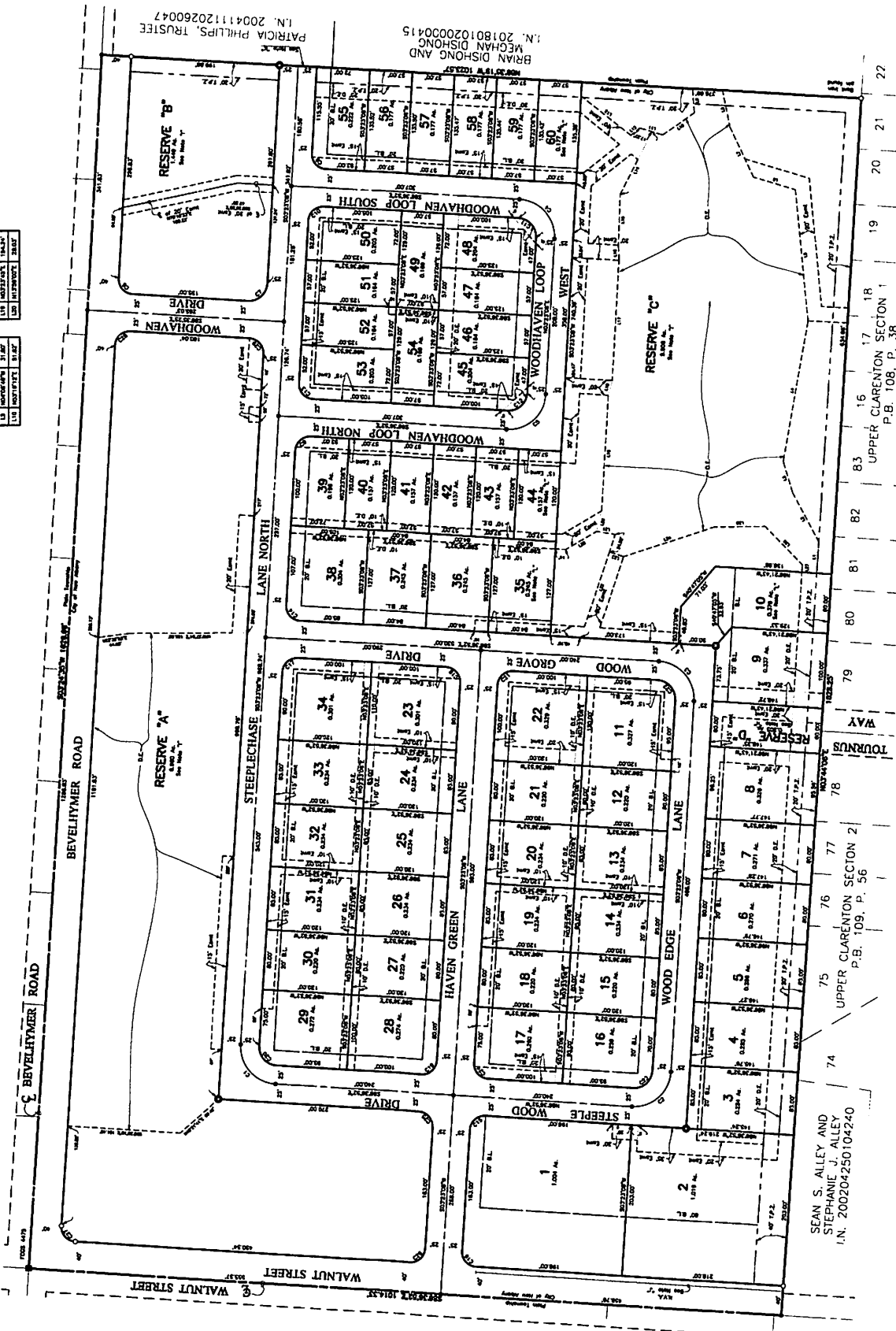
222-009167 16.537 AL. Depressed
222-009168 16.053 AL. Depressed
222-009169 5.498 AL. Depressed

[illegible]

RESERVE "D" : Reserve "D", as designated herein, shall be owned by the City of New Haven and maintained by an association comprised of the fee simple titles to the lots in the Woodlawn section of the City of New Haven. The fee simple title in perpetuity shall be constructed and reserved to the City as public right-of-way.

1. "T" and "C," as designated and delineated herein, shall be the property of the City of New Albany and maintained by an authorized person or persons, and shall be the responsibility of the jurisdiction comprised of the owners of the five sample signs to be installed in the Woodbury subdivision in perpetuity for the loss in the Woodbury subdivision in perpetuity for the purpose of open space and/or increase tree retention.

the public street right-of-way is extended and dedicated by
or deed.



WOODHAKEN 202108



ORDINANCE O-09-2023

AN ORDINANCE TO DETERMINE THE ANNUAL COMPENSATION OF THE MAYOR, COUNCIL MEMBERS, AND ADDITIONAL SALARY FOR THE MAYOR, PRESIDENT PRO TEM, OR DESIGNATED COUNCIL MEMBER PRESIDING OVER MAYOR'S COURT

WHEREAS, Section 4.04 of the New Albany Charter authorizes council, by ordinance, to annually determine its compensation and benefits; 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-02-2022; and

WHEREAS, as the city grows, so does the work for council, and a cost of living increase of 5% for city staff was approved as part of the 2023 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. Annual salaries shall be adjusted as set forth below.

A. SALARY OF THE MAYOR.

The annual salary of the Mayor shall be Twenty-Seven Thousand Four Hundred and Five dollars and Thirty-Six cents (\$27,405.36) paid bi-weekly.

B. SALARY FOR MEMBERS OF COUNCIL.

The annual salary of each Council Member shall be Twelve Thousand Five Hundred Fifty-Eight dollars and Ninety-Nine cents (\$12,558.99) paid bi-weekly. The annual salary of the President *Pro Tem* shall be the same as Council Members, unless said President *Pro Tem* is serving on Mayor's Court, in which case they shall receive additional salary as set forth below.

C. 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 Six Thousand Two Hundred Eighty-Five dollars and Sixty-Three cents (\$6,285.63) paid bi-weekly.

Section 2. The salary changes shall be effective as of January 1, 2023.

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 121.22 of the Ohio Revised Code.

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 thirty (30) days after adoption.

CERTIFIED AS ADOPTED this _____ day of _____, 2023.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 12/20/2022

Introduced: 01/03/2023

Revised:

Adopted:

Effective:



ORDINANCE O-09-2023

AN ORDINANCE TO DETERMINE THE ANNUAL COMPENSATION OF THE MAYOR, COUNCIL MEMBERS, AND ADDITIONAL SALARY FOR THE MAYOR, PRESIDENT PRO TEM, OR DESIGNATED COUNCIL MEMBER PRESIDING OVER MAYOR'S COURT

WHEREAS, Section 4.04 of the New Albany Charter authorizes council, by ordinance, to annually determine its compensation and benefits; 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-02-2022; and

WHEREAS, as the city grows, so does the work for council, and a cost of living increase of 5% for city staff was approved as part of the 2023 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. Annual salaries shall be adjusted as set forth below.

A. SALARY OF THE MAYOR

The annual salary of the Mayor shall be Twenty-Seven Thousand Four Hundred and Five dollars and Thirty-Six cents (\$27,405.36) paid bi-weekly.

B. SALARY FOR MEMBERS OF COUNCIL

The annual salary of each Council Member shall be Twelve Thousand Five Hundred Fifty-Eight dollars and Ninety-Nine cents (\$12,558.99) paid bi-weekly. The annual salary of the President Pro Tem shall be the same as Council Members, unless said President Pro Tem is serving on Mayor's Court, in which case they shall receive additional salary as set forth below.

C. 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 Six Thousand Two Hundred Eighty-Five dollars and Sixty-Three cents (\$6,285.63) paid bi-weekly.

Section 2. The salary changes shall be effective as of January 1, 2023.

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 121.22 of the Ohio Revised Code.

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 thirty (30) days after adoption.

CERTIFIED AS ADOPTED this _____ day of _____, 2023.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 12/20/2022

Introduced: 01/03/2023

Revised:

Adopted:

Effective:



RESOLUTION R-01-2023

A RESOLUTION APPROVING AN APPLICATION TO PLACE FARMLAND LOCATED IN THE CITY OF NEW ALBANY, JERSEY TOWNSHIP, AND LICKING COUNTY IN AN AGRICULTURAL DISTRICT FOR REAL ESTATE TAXATION PURPOSES PURSUANT TO OHIO REVISED CODE 929

WHEREAS, the city has received an application from MBJ Holdings LLC to place 461.20 acres of farmland property in located in the City of New Albany, Licking County, Jersey Township, Ohio, into an Agricultural District; and

WHEREAS, this property consists of three (3) real estate parcels, 095-111732-00.000 (128.85 acres), 094-107388-00.000 (8.89 acres), 94-106404-00.000 (48.63 acres), totaling approximately 186.37 acres, which land is presently being taxed at an agricultural use valuation pursuant to Ohio Revised Code 5713.31; and

WHEREAS, due to the fact that these parcels are located in the city, legislation is required to approve, modify, or reject such an application.

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 finds that, since the subject property is currently devoted exclusively to agriculture use or devoted to and qualified for payments or other compensation under a land retirement or conservation program under an agreement with an agency of the federal government, that this application is well taken and hereby approved.

Section 2. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this resolution 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. Pursuant to Article 6.07(A) of the New Albany Charter, this resolution shall take effect upon adoption.

CERTIFIED AS ADOPTED this _____ day of _____, 2023.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 12/02/2022

Introduced: 01/03/2023

Revised:

Adopted:

Effective:



RESOLUTION R-02-2023

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

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

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

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

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

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

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

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

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

CERTIFIED AS ADOPTED this _____ day of _____, 2023.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 12/21/2022
Introduced: 01/03/2023
Revised:
Adopted:
Effective:

RESOLUTION R-02-2023

EXHIBIT A

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



RESOLUTION R-03-2023

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

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

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

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

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

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

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

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

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

CERTIFIED AS ADOPTED this _____ day of _____, 2023.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 12/21/2022
Introduced: 01/03/2023
Revised:
Adopted:
Effective:

RESOLUTION R-03-2023

EXHIBIT A

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



RESOLUTION R-04-2023

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

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

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

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

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

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

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

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

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

CERTIFIED AS ADOPTED this _____ day of _____, 2023.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 12/21/2022
Introduced: 01/04/2023
Revised:
Adopted:
Effective:

RESOLUTION R-04-2023

EXHIBIT A

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



RESOLUTION R-05-2023

A RESOLUTION TO CLARIFY CERTAIN SECTIONS OF THE CITY OF NEW ALBANY'S PERSONNEL POLICIES TO DEFINE EARNABLE AND NON-EARNABLE SALARY AS REQUESTED BY THE OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM

WHEREAS, the Ohio Public Employees Retirement System (OPERS) has requested annual clarification of the city's Codified Ordinance Sections 155.08, 155.09, 155.10, and 155.11 to determine pensionable earnable salary eligibility; and

WHEREAS, the Ohio Public Employees Retirement System (OPERS) has also requested that the city confirm its definition of salary, which is not pensionable; 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. Pursuant to ORC Section 145.01 and the OAC 145.1-26, the City of New Albany has executed a plan for the conversions of sick and vacation leave to cash for leave that is accrued, but not used, during the calendar year, defined as January 1 to December 31, as part of an annual conversion plan. These earnings are earnable salary on which employee and employer contributions shall be remitted to OPERS.

Section 2. Sick and vacation leaves shall be converted on a last in, first out (LIFO) basis. The leave to be considered earnable salary is the leave accrued to date in the current calendar year, less any leave used to date in the same calendar year.

Section 3. Retiring employees' sick and vacation leave conversion payments must occur according to the plan and either prior to or during the month of their termination date for this earnable salary to be included in the calculation of Final Average Salary.

Section 4. The following payments made to employees shall not have retirement contributions withheld as the payments do not meet the definition of earnable salary for OPERS purposes:

- Leave in excess of the annual amount of leave accrued from January 1 to December 31 less leave used January 1 to time of payment
- Leave earned in previous calendar years (other than payments made in January for leave accrued but not used during the previous calendar year)
- Conversion of leave to employees separating employment

- Conversion of leave to retiring employees outside the regular payment schedule

Section 5. The city's accrual policy for Sick, Vacation, and Personal Leave is summarized in the attached Exhibit A.

Section 6. 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 7. Pursuant to the Article VI of the charter of the City of New Albany, this resolution shall take effect upon passage, and shall be retroactive to January 1, 2023.

CERTIFIED AS ADOPTED this _____ day of _____, 2023.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Ben Albrecht
Law Director

Legislation dates:

Prepared: 12/15/2022

Introduced: 01/03/2023

Revised:

Adopted:

Effective:

155.08 PERSONAL LEAVE.

(a) In addition to the observed holidays set forth in C.O. 155.07(a), all full-time employees shall be authorized to observe sixteen (16) hours designated as "personal leave". Such time shall be scheduled as far in advance as possible and approved by the supervisor, except that no reasonable request shall be denied. Wages shall be computed on the basis of the employee's existing rate of compensation at the time the leave is taken. Any unused personal leave remaining after the last pay period of the same year or when an employee terminates his/her employment shall be forfeited.

(b) New employees hired before June 30 will be authorized to observe sixteen (16) hours of personal leave. New employees hired between July 1 and November 30 will be authorized to observe eight (8) hours of personal leave. New employees hired December 1 or after will not be eligible for any personal leave that year.

155.09 VACATION.

(a) Full-time, non-exempt employees shall accrue vacation on the following schedule:

- (1) At employment up to the completion of the 4th year of employment - 3.077 hours per pay period
- (2) Upon completion of the 4th year of employment up to the completion of the 9th year of employment - 4.615 hours per pay period
- (3) Upon completion of the 9th year of employment up to the completion of the 14th year of employment - 6.154 hours per pay period
- (4) Upon completion of the 14th year of employment and beyond - 7.70 hours per pay period

(b) The annual vacation schedule for full-time, exempt employees shall be as follows:

(1) At appointment - three weeks. Employees who move from a non-exempt position to an exempt position will be provided three weeks upon appointment to the exempt position and continue to accrue at the rate otherwise qualified for based on length of continuous service with the City.

- (2) Upon completion of the 1st year of employment up to the completion of the 4th year of employment – 4.615 hours per pay period
- (3) Upon completion of the 4th year of employment up to the completion of the 7th year of employment – 6.154 hours per pay period
- (4) Upon completion of the 7th year of employment and beyond - 7.70 hours per pay period.

(c) Vacations shall be at full pay at the current salary rate.

(d) Each full-time employee and official shall be permitted an annual standard maximum carryover of three (3) times the annual vacation accrual rate. Any accrued vacation leave in excess of the maximum carryover limits standing to the credit of the employee on December 1 shall become void on December 31. Employees with leave in excess of 480 hours as of December 1 may have up to 80 hours paid out upon request. Such payout shall occur in January.

(e) No advance of vacation is permitted. Only requests for vacation less than or equal to the accrued balance will be approved.

(f) Leave is accrued on the basis of an 80 hour pay period such that any time not in a paid status, i.e. unpaid time off, during a pay period will result in a reduced, pro-rated accrual for that pay period.

(g) In order to recruit and retain qualified persons, employees shall accrue vacation leave as provided in (a) or (b), above, except that accrual rates above the minimum may be authorized if the Department Head and the Human Resources Officer submit adequate reasons in writing and the action is approved by the City Manager. Approval will be based upon the exceptional qualification of the applicant or the inability to employ adequately qualified personnel. In awarding a higher accrual rate, consideration shall be given to the applicant's qualifications, work experience, the level of responsibility required in the position and the availability of qualified applicants or other relevant market factors. Employees granted higher accrual rates shall move to the next accrual rate upon completion of four (4) years of employment with the City.

(h) Compensation for vacation leave in lieu of time off shall not be granted except as provided in (d), above.

(i) Vacation leave shall be scheduled as far in advance as possible and at the discretion of the supervisor. In the event of conflicting requests, the Department Head shall resolve the conflict based on the operating needs of the department/division.

(j) Where an employee becomes deceased while in paid status in municipal employment, any accrued vacation leave to his/her credit shall be paid in a lump sum first to the surviving spouse, then to the deceased's estate.

(k) Upon retirement or termination, unused accrued vacation leave will be cashed out in the form of a lump sum monetary payment.

155.10 SICK LEAVE.

(a) All full-time employees and officials shall be credited sick leave at the rate of 4.615 hours for each pay period. Leave is accrued on the basis of an 80 hour pay period such that any hours not in a paid status, i.e. unpaid time off, during a pay period will result in a reduced pro-rated accrual for that pay period.

(b) Sick leave may be accumulated without limit.

(c) When used, sick leave shall be deducted from the cumulative total on a quarter-hour basis.

(d) Employees may use leave for absence due to illness, pregnancy, non-work related injury, exposure of contagious disease which could be communicated to other employees, quarantine of the employee, and for illness or injury of the employee's spouse, child, mother, father, or other relative residing in the employee's household. Sick leave may also be used for medical, vision or dental related examination and care.

(e) Employees may be required to furnish proof of illness by furnishing a doctor's statement if the duration of the illness exceeds three (3) consecutive working days.

(f) Absence due to sickness in the immediate family not residing in the employee's household, and requiring the continuing presence of the employee to make arrangements for hospitalization or other care shall not exceed three consecutive workdays without approval from the Department Head.

(g) Excessive use, abuse of, or misuse of sick leave may be cause for disciplinary action or dismissal.

(h) Employees for whom a replacement must be found and who are unable to report to work for any reason listed herein must report their anticipated absence to their supervisor at least one hour prior to the start of their shift on the first day of their absence. Other employees must report their anticipated absence before the expiration of the first half-hour of the start of their shift. All employees shall report accordingly on each succeeding day of their absence unless other arrangements are authorized.

(i) Sick leave may be transferable between employees due to exigent circumstances, with the approval of the City Manager.

(j) For family medical incidents, an employee may use up to four (4) days for each discrete incident.

(k) Following the fourth (4th) occurrence of sick leave absence of one day or more in a twelve month period of time, the employee may be required to secure and present a certificate from a doctor giving information as to the circumstances involved or nature of the illness to receive pay for each subsequent absence involving sick leave in the remainder of that twelve month period. The documentation shall be sent to the Human Resources Officer to be placed in the individual's personnel file.

(l) Sick leave accumulated during former employment with the City or with another public agency may be credited to the employee upon his/her re-employment or hire with the City provided such re-employment/employment takes place within ten (10) years of the former termination date.

a. Up to 1,920 hours of previously accumulated sick leave from another public agency may be transferred to the employee's credit at a rate of two (2) to one (1) for each hour accrued as an employee of the City of New Albany.

b. Rate of accrual shall be in conformance with C.O. 155.10(a).

(m) Upon retirement or separation in good standing, full-time employees may convert unused accrued sick leave to a lump sum monetary payment on the following conditions:

(1) For the first 120 hours (15 days) of sick leave accrued, payment shall be hour for hour. Accumulated sick leave above 120 hours shall be paid at the rate of eight (8) hours pay for every 24 hours accumulated.

(2) Payment will be at the hourly rate in effect at the time of retirement or termination.

(3) Employees terminated for cause or who fail to give two weeks' written notice of intent to terminate are not eligible for the sick leave conversion benefit.

155.11 SICK LEAVE RECIPROCITY

(a) During January, each permanent full-time non-union employee may receive payment in cash for a portion of unused accrued sick leave hours at the end of the preceding fiscal year, provided such employee was entitled to sick leave benefits during all of the twenty-six (26) pay periods of the previous year. Additionally, in order to participate, an employee must have at least 480 hours of sick leave after cash benefit hours are taken. Those who are eligible may cash in up to eighty (80) hours of sick leave. Eligible employees must elect, no later than September 1 of each year, to convert up to eighty (80) hours of sick leave for payment in the first full pay period in January of

the next calendar year (payable at the employees base rate of pay as of December 31 of the year of the election).

(b) The number of reciprocity hours paid each employee will be subtracted from the total accrued unused sick leave. The balance of unused sick leave will be carried forward each year as the current sick leave account.