



ORDINANCE O-102-2023

ANNUAL APPROPRIATION ORDINANCE

AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF NEW ALBANY, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2024

WHEREAS, Ohio Revised Code §5705.38(A) requires the taxing authority of each political subdivision to pass an annual appropriation measure on or about the first day of each year; and

WHEREAS, Council for the City of New Albany, State of Ohio, wishes to provide for funding for current expenses and other expenditures of the city during fiscal year 2024.

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. To provide for the current expenses and other expenditures within the 2024 Annual Budget Program of the City of New Albany during the fiscal year ending December 31, 2024, the annual sums as follows are hereby set aside and appropriated:

Fund	Department	Category	Amount
General	Police	Personal Services	8,441,688
General	Police	Operating and Contractual Services	367,050
General	Community Development	Personal Services	3,024,770
General	Community Development	Operating and Contractual Services	2,294,200
General	Public Service	Personal Services	4,433,673
General	Public Service	Operating and Contractual Services	2,405,850
General	Land & Building Maintenance	Personal Services	1,069,704
General	Land & Building Maintenance	Operating and Contractual Services	2,166,950
General	Council	Personal Services	385,511
General	Council	Operating and Contractual Services	41,750
General	Administrative Services	Personal Services	2,768,828
General	Administrative Services	Operating and Contractual Services	2,855,931
General	Finance	Personal Services	1,069,505
General	Finance	Operating and Contractual Services	1,064,500
General	Legal	Personal Services	500
General	Legal	Operating and Contractual Services	384,500

Fund	Department	Category	Amount
General	General Administration	Personal Services	249,217
General	General Administration	Operating and Contractual Services	953,000
General	N/A	Transfers & Other Financing Uses	8,644,482
		Total General Fund	42,621,610

Fund	Department	Category	Amount
Severance Liability	General Administration	Personal Services	220,000
Street Construction, Maintenance & Repair	Public Service	Operating and Contractual Services	155,000
Street Construction, Maintenance & Repair	N/A	Capital	300,000
State Highway	Public Service	Operating and Contractual Services	20,000
State Highway	N/A	Capital	20,000
Permissive Tax	Public Service	Operating and Contractual Services	155,000
Permissive Tax	N/A	Capital	30,000
Alcohol Education	Police	Operating and Contractual Services	1,000
Drug Use Prevention Program Grant	Police	Personal Services	20,000
Drug Use Prevention Program Grant	Police	Operating and Contractual Services	20,000
Law Enforcement & Education	Police	Operating and Contractual Services	2,250
OneOhio Opioid	Police	Operating and Contractual Services	2,000
K-9 Patrol	Police	Personal Services	17,500
K-9 Patrol	Police	Operating and Contractual Services	3,000
Safety Town	Police	Operating and Contractual Services	42,200
DUI Grant	Police	Personal Services	10,000
DUI Grant	Police	Operating and Contractual Services	14,700
Law Enforcement Assistance	Police	Personal Services	1,200
Economic Development (NACA)	Community Development	Operating and Contractual Services	2,905,000
Economic Development (NACA)	Public Service	Operating and Contractual Services	535,000
Economic Development (NACA)	N/A	Transfers & Other Financing Uses	30,200
Economic Development (NAECA)	N/A	Transfers & Other Financing Uses	2,149,378
Local Fiscal Recovery	N/A	Capital	40,000,000
Hotel Excise Tax	Community Development	Operating and Contractual Services	170,000
Healthy New Albany Facilities	General Administration	Operating and Contractual Services	93,000
Healthy New Albany Facilities	Land & Building Maintenance	Operating and Contractual Services	875,000
Healthy New Albany Facilities	N/A	Transfers & Other Financing Uses	439,325
Hinson Amphitheater Fund	General Administration	Operating and Contractual Services	60,000
Alcohol Indigent	Administrative Services	Operating and Contractual Services	1,000

Fund	Department	Category	Amount
Court Special Projects	Administrative Services	Operating and Contractual Services	1,000
Clerk's Office Computer	Administrative Services	Operating and Contractual Services	1,000
Subdivision Development	Community Development	Operating and Contractual Services	1,000,000
Builder's Escrow	Community Development	Operating and Contractual Services	600,000
Oak Grove EOZ	Community Development	Operating and Contractual Services	4,458,169
Central College EOZ	Community Development	Operating and Contractual Services	2,888,909
Oak Grove II EOZ	Community Development	Operating and Contractual Services	3,547,069
Blacklick EOZ	Community Development	Operating and Contractual Services	4,132,371
Windsor TIF	General Administration	Operating and Contractual Services	855,000
Windsor TIF	N/A	Transfers & Other Financing Uses	726,556
Wentworth Crossing TIF	General Administration	Operating and Contractual Services	158,000
Wentworth Crossing TIF	N/A	Transfers & Other Financing Uses	160,000
Hawksmoor TIF	General Administration	Operating and Contractual Services	90,000
Hawksmoor TIF	N/A	Transfers & Other Financing Uses	102,101
Enclave TIF	General Administration	Operating and Contractual Services	29,000
Enclave TIF	N/A	Transfers & Other Financing Uses	60,000
Saunton TIF	General Administration	Operating and Contractual Services	72,000
Saunton TIF	N/A	Transfers & Other Financing Uses	120,000
Richmond Square TIF	General Administration	Operating and Contractual Services	90,000
Richmond Square TIF	N/A	Transfers & Other Financing Uses	105,283
Tidewater I TIF	General Administration	Operating and Contractual Services	171,000
Tidewater I TIF	N/A	Transfers & Other Financing Uses	300,000
Ealy Crossing TIF	General Administration	Operating and Contractual Services	172,000
Ealy Crossing TIF	N/A	Transfers & Other Financing Uses	300,000
Upper Clarendon TIF	General Administration	Operating and Contractual Services	262,000
Upper Clarendon TIF	N/A	Transfers & Other Financing Uses	235,225
Balfour Green TIF	General Administration	Operating and Contractual Services	14,000
Balfour Green TIF	N/A	Transfers & Other Financing Uses	17,130
Straits Farm TIF	General Administration	Operating and Contractual Services	376,000
Oxford TIF	General Administration	Operating and Contractual Services	27,000
Oxford TIF	N/A	Transfers & Other Financing Uses	67,000
Schleppi (Residential) TIF	General Administration	Operating and Contractual Services	98,000
Schleppi (Residential) TIF	N/A	Transfers & Other Financing Uses	66,476
Blacklick TIF	General Administration	Operating and Contractual Services	1,765,000
Blacklick TIF	N/A	Transfers & Other Financing Uses	195,144
Blacklick II TIF	General Administration	Operating and Contractual Services	100,700
Village Center TIF	General Administration	Operating and Contractual Services	715,000
Village Center TIF	N/A	Transfers & Other Financing Uses	420,000
Research & Technology District TIF	General Administration	Operating and Contractual Services	5,000
Oak Grove II TIF	General Administration	Operating and Contractual Services	527,500
Village Center II TIF	General Administration	Operating and Contractual Services	487,500
		Total Special Revenue Funds	73,809,886

Fund	Department	Category	Amount
Debt Service	N/A	Debt Service	5,804,036
		Total Debt Service Funds	5,804,036

Fund	Department	Category	Amount
Capital Improvement	N/A	Capital	9,500,000
Capital Improvement	Finance	Operating and Contractual Services	100,000
Park Improvement	N/A	Capital	2,600,000
Park Improvement	Finance	Operating and Contractual Services	30,000
Bond Improvement	N/A	Capital	47,000,000
Bond Improvement	N/A	Transfers & Other Financing Uses	3,037,827
Infrastructure Replacement	Finance	Operating and Contractual Services	50,000
Capital Equipment Replacement	N/A	Capital	2,814,900
Oak Grove II Infrastructure	Finance	Operating and Contractual Services	80,000
Economic Development Capital	N/A	Capital	40,000,000
		Total Capital Projects Funds	105,212,727
		Total All Funds	227,448,259

Section 2. To affect the purposes of the foregoing appropriations, the city manager is authorized to enter into agreements on such terms determined in the city manager's discretion, consistent with all other ordinances and resolutions in effect and enacted from time to time.

Section 3. The director of finance is authorized to allocate the appropriations for a department within activities. Except as provided in Section 4 and Section 5, the director of finance is authorized to approve transfers between activities, provided that funds may not be transferred between appropriation line items.

Section 4. The director of finance is authorized to transfer up to \$10,000 between appropriation line items, provided that such transfers are within the same fund and department, where applicable.

Section 5. The director of finance is authorized to transfer appropriations between the General fund and various special revenue funds which include the police department, provided that such transfers are for an expense meeting the restrictions of said fund or funds, where applicable.

Section 6. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

Section 7. Pursuant to Article VI, Section 6.07(A) 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: 11/01/2023
Introduced: 11/07/2023
Revised:
Adopted:
Effective:



ORDINANCE O-103-2023

AN ORDINANCE TO APPROVE THE PHASE 1 FINAL PLAT AND ACCEPT RIGHT-OF-WAY DEDICATION FOR BRISCOE PARKWAY AS REQUESTED BY THE CITY OF NEW ALBANY

WHEREAS, an application to approve the phase 1 final plat for Briscoe Parkway has been submitted by the city of New Albany; and

WHEREAS, the city will be the recipient (grantee) of the right of way dedication of approximately 4.152+/- acres connecting Horizon Court and Harrison Road; and

WHEREAS, the New Albany Planning Commission, after review in a public meeting on October 16, 2023, recommended approval of the phase 1 final plat; and

WHEREAS, the city engineer certifies that Briscoe Parkway meets all the requirements of Chapter 1187 of the codified ordinances, storm water 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 phase 1 final plat creating Briscoe Parkway is attached to this ordinance as Exhibit A and made a part herein is approved.

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: 10/23/2023

Introduced: 11/07/2023

Revised:

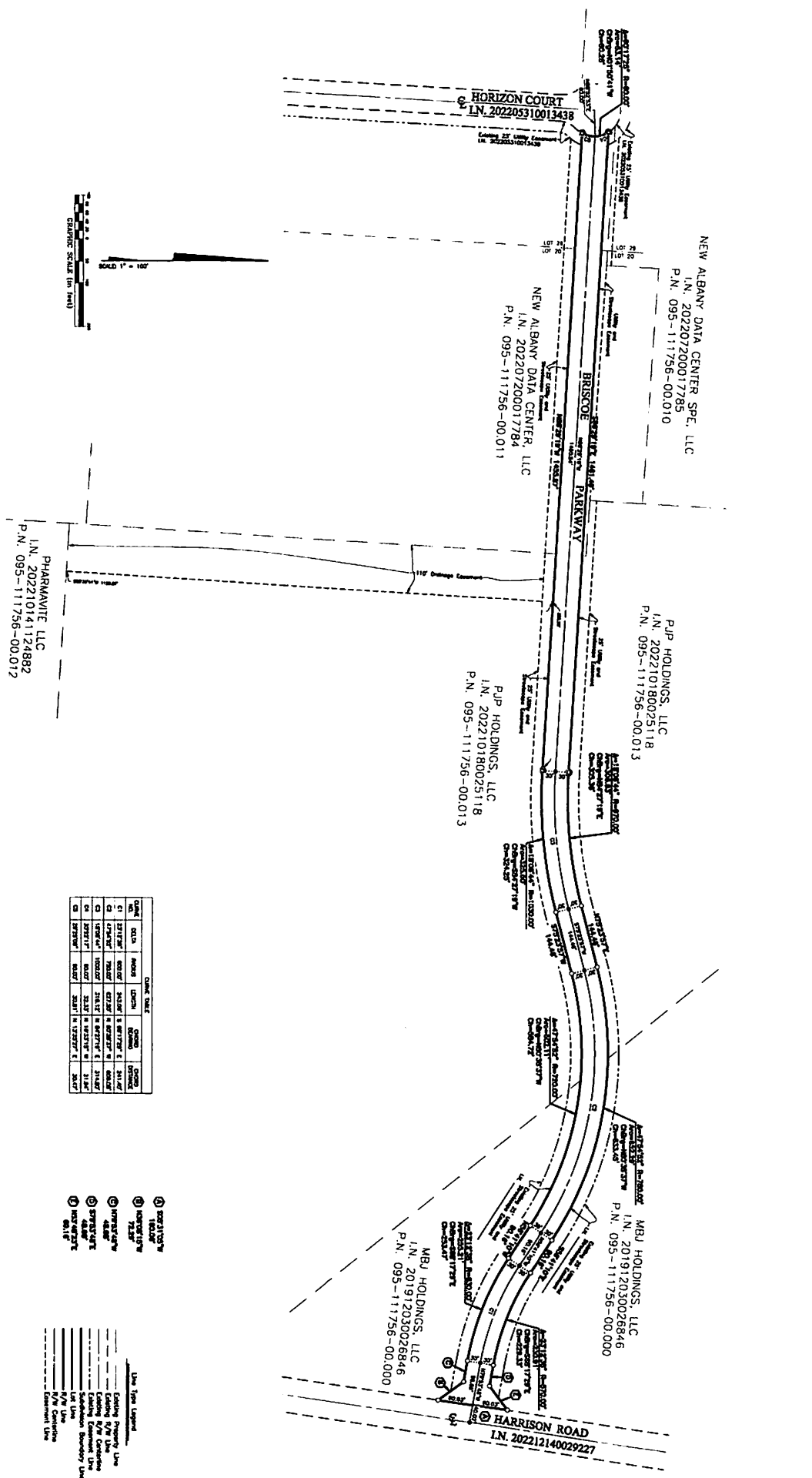
Adopted:

Effective:

PROPOSED

BRISCOE PARKWAY DEDICATION AND EASEMENTS PHASE 1

NOTE: "A" - AGRACE BEAUMONT, Briscoe Parkway
 Listing County Parcel Number is one of the following:
 Parcel Number 095-111756-0010
 Parcel Number 095-111756-0011
 Parcel Number 095-111756-0013
 1.304 Ac.
 1.370 Ac.
 1.628 Ac.



CHAIN TABLE	BEARING	DISTANCE	POINT
1	S 89° 15' 00" E	100.00	1
2	S 89° 15' 00" E	100.00	2
3	S 89° 15' 00" E	100.00	3
4	S 89° 15' 00" E	100.00	4
5	S 89° 15' 00" E	100.00	5
6	S 89° 15' 00" E	100.00	6
7	S 89° 15' 00" E	100.00	7
8	S 89° 15' 00" E	100.00	8
9	S 89° 15' 00" E	100.00	9
10	S 89° 15' 00" E	100.00	10
11	S 89° 15' 00" E	100.00	11
12	S 89° 15' 00" E	100.00	12
13	S 89° 15' 00" E	100.00	13
14	S 89° 15' 00" E	100.00	14
15	S 89° 15' 00" E	100.00	15
16	S 89° 15' 00" E	100.00	16
17	S 89° 15' 00" E	100.00	17
18	S 89° 15' 00" E	100.00	18
19	S 89° 15' 00" E	100.00	19
20	S 89° 15' 00" E	100.00	20

- 1) BRISCOE PARKWAY
- 2) HARRISON ROAD
- 3) EASEMENT
- 4) PROPERTY LINE
- 5) RIGHT-OF-WAY
- 6) EASEMENT
- 7) PROPERTY LINE
- 8) RIGHT-OF-WAY
- 9) EASEMENT
- 10) PROPERTY LINE
- 11) RIGHT-OF-WAY
- 12) EASEMENT
- 13) PROPERTY LINE
- 14) RIGHT-OF-WAY
- 15) EASEMENT
- 16) PROPERTY LINE
- 17) RIGHT-OF-WAY
- 18) EASEMENT
- 19) PROPERTY LINE
- 20) RIGHT-OF-WAY



ORDINANCE O-104-2023

AN ORDINANCE TO APPROVE THE PHASE 2 FINAL PLAT AND ACCEPT RIGHT-OF-WAY DEDICATION FOR BRISCOE PARKWAY AS REQUESTED BY THE CITY OF NEW ALBANY

WHEREAS, an application to approve the phase 2 final plat for Briscoe Parkway has been submitted by the city of New Albany; and

WHEREAS, the city will be the recipient (grantee) of the right of way dedication of approximately 4.259+/- acres connecting Harrison Road and Clover Valley Road; and

WHEREAS, the New Albany Planning Commission, after review in a public meeting on October 16, 2023, recommended approval of the phase 2 final plat; and

WHEREAS, the city engineer certifies that Briscoe Parkway meets all the requirements of Chapter 1187 of the codified ordinances, storm water 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 phase 2 final plat creating Briscoe Parkway is attached to this ordinance as Exhibit A and made a part herein is approved.

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: 10/23/2023

Introduced: 11/07/2023

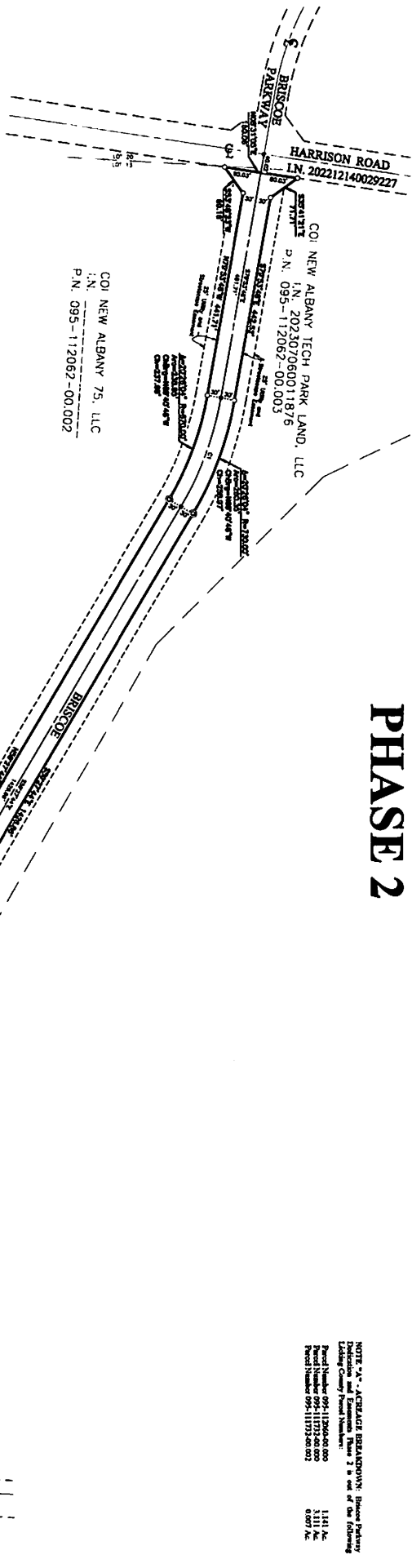
Revised:

Adopted:

Effective:

PROPOSED

BRISCOE PARKWAY DEDICATION AND EASEMENTS PHASE 2



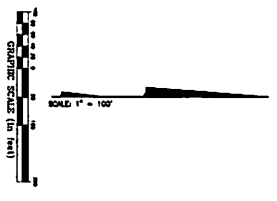
COI NEW ALBANY 75, LLC
I.N. 202307060011876
P.N. 095-112062-00.003

COI NEW ALBANY 75, LLC
I.N. 202305080008020
P.N. 095-112062-00.002

MBU HOLDINGS, LLC
I.N. 202205180012410
P.N. 095-111732-00.002

OWNER	PARCEL	AREA	DATE	STATUS
COI NEW ALBANY 75, LLC	202307060011876	0.003	07/06/2023	PLANNED
COI NEW ALBANY 75, LLC	202305080008020	0.002	05/08/2023	PLANNED
MBU HOLDINGS, LLC	202205180012410	0.002	05/18/2022	PLANNED

- ① MBU HOLDINGS, LLC
I.N. 202305080008020
P.N. 095-112062-00.000
- ② THE CITY OF NEW ALBANY, OHIO
PARCEL C5-WD
I.N. 202305080008020
- ③ THE CITY OF NEW ALBANY, OHIO
PARCEL C4-WD
I.N. 202305080008020



- Line Type Legend
- Existing Property Line
 - Existing Easement Line
 - Existing Right-of-Way Line
 - Existing Boundary Line
 - Lot Line
 - Right-of-Way Line
 - Easement Line

NOTE: ALL AREAS BEYOND BRISCOE PARKWAY
SHOWN ON THIS PLAN ARE NOT PART OF THIS
DEDICATION AND EASEMENTS PHASE 2. SEE
THE FOLLOWING PARCEL IDENTIFICATION
NUMBERS FOR MORE INFORMATION:
Parcel Number 095-112062-00.000
Parcel Number 095-111732-00.002
Parcel Number 095-111732-00.003
Parcel Number 095-111732-00.002



RESOLUTION R-49-2023

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE A REAL ESTATE PURCHASE AGREEMENT AND ALL ASSOCIATED SUPPORTING DOCUMENTS NECESSARY FOR THE PURCHASE OF APPROXIMATELY 0.12 +/- ACRES, COMMONLY KNOWN AS A PORTION OF FRANKLIN COUNTY PARCEL NUMBER 222-000058 FROM INNOVATIVE MORTGAGE REAL ESTATE, LLC

WHEREAS, a portion of the real estate parcel identified as 222-000058 comprised of approximately 0.12 acres; and said property is located within the New Albany Village Center where future public roadway expansions are intended to be located; and

WHEREAS, it has been the city's ongoing desire to acquire additional land from willing sellers, to create a street grid system in the Historic Village Center in order to increase pedestrian and vehicular connectivity as well as promote a roadway framework complimentary to the traditional town center style of development; and

WHEREAS, Innovative Mortgage Real Estate LLC has expressed interest in the sale of the subject property to the City of New Albany for a purchase price not to exceed \$125,000.

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

Section 1: The city manager is hereby authorized to execute a real estate purchase agreement and all associated supporting documents necessary for the purchase of approximately 0.12 +/- acres identified as a portion of Franklin County Auditor's Parcel Number 222-000058 for a Purchase Price not to exceed \$125,000.

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

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

CERTIFIED AS ADOPTED this _____ 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:	11/09/2023
Introduced:	11/21/2023
Revised:	
Adopted:	
Effective:	



RESOLUTION R-50-2023

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A COMMUNITY REINVESTMENT AREA AGREEMENT AND A MEMORANDUM OF UNDERSTANDING WITH QTS NAL TX II, LLC FOR ITS SITE NO. 3, AND MAKING RELATED AUTHORIZATIONS

WHEREAS, the Council for the City of New Albany, Ohio (the "City") by its Resolution No. R-29-98 adopted July 7, 1998 (the "Original CRA Legislation"), created the Oak Grove Community Reinvestment Area (the "Original Area"), and by its Resolutions No. R-28-99 adopted May 18, 1999, Ordinance No. O-22-2005 adopted September 20, 2005, No. O-24-2006 adopted June 20, 2006, No. O-39-2006 adopted October 3, 2006, No. R-46-2016 adopted November 1, 2016, and No. R-34-2023 adopted August 15, 2023 (collectively, the "CRA Expansion Legislation" and together with the Original CRA Legislation, collectively the "CRA Legislation"), amended the designation of the Original Area to include certain other parcels within the City (collectively, with the Original Area, the "Area"), and designated that entire Area the Oak Grove Community Reinvestment Area; and

WHEREAS, the Directors of the Department of Development of the State of Ohio and the Ohio Development Services Agency (successor and predecessor to one another) have determined and certified that the aforementioned Area contains the characteristics set forth in Ohio Revised Code Section 3735.66 and confirmed that Area as a "Community Reinvestment Area" pursuant to that Section 3735.66; and

WHEREAS, QTS NAL TX II, LLC (the "Company") has submitted to the City the application attached to the Community Reinvestment Area Agreement for its Site No. 3 (the "CRA Agreement") referred to in Section 1 of this Resolution (the "Agreement Application"), together with the fee referred to in Section 6 of that CRA Agreement; and

WHEREAS, the Housing Officer of the City designated under Ohio Revised Code Section 3735.65 has reviewed the Application and has recommended the same to this Council on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities in the CRA and to improve the economic climate of the City; and

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

WHEREAS, the Board of Education of the New Albany-Plain Local School District has waived their rights to receive notice under Section 5709.83; and

WHEREAS, the City has provided timely notice of this Agreement to the Eastland – Fairfield Career and Technical School District under Ohio Revised Code Section 5709.83; and

WHEREAS, the Company requires an adequate supply of water and sewer services and road access for the development and operation of the Project and the City and Company desire to enter into a Memorandum of Understanding (the “MOU”) addressing the availability and supply of water and sewer services and road access for the development and operation of the Project.

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

Section 1. Community Reinvestment Area Agreement. The CRA Agreement for the Project (Site No. 3), by and between the City and the Company, in the form presently on file with the Clerk of the Council which provides for a 100% CRA exemption for 15-years for the proposed Project is hereby approved and authorized with any changes therein and amendments thereto not inconsistent with this Resolution and not substantially adverse to this City which shall be approved by the city manager. The city manager, for and in the name of this City, is hereby authorized to execute that CRA Agreement and approve the character of any changes or amendments thereto as not inconsistent with this Resolution and not substantially adverse to this City that are approved by the city manager, which approval shall be conclusively evidenced by the city manager's execution of that CRA Agreement.

Section 2. Water, Sewer Services, and Road Access Memorandum of Understanding. The Memorandum of Understanding by and between the City and the Company, in the form presently on file with the Clerk of the Council which addresses the availability and supply of water and sewer services and road access for the development and operation of the Project, is hereby approved and authorized with any changes therein and amendments thereto not inconsistent with this Resolution and not substantially adverse to this City which shall be approved by the city manager. The city manager, for and in the name of this City, is hereby authorized to execute that MOU and approve the character of any changes or amendments thereto as not inconsistent with this Resolution and not substantially adverse to this City that are approved by the city manager, which approval shall be conclusively evidenced by the city manager's execution of that MOU.

Section 3. Further Authorizations. This Council hereby further authorizes and directs the city manager, the director of law, the director of finance, the community development director, the clerk of council, or any such other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions (including by not limited to making application and preliminary arrangements for financing that is then subject to formal approval by this Council) as may be appropriate to implement this Resolution and the transactions referenced or contemplated in this Resolution and the Community Reinvestment Area Agreement authorized and approved in this Resolution.

Section 4. Compliance with the Law. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and any of its committees that resulted in those formal actions were in

meetings open to the public, all in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5. Effective Date. Pursuant to Article 6.07(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:	11/09/2023
Introduced:	11/21/2023
Revised:	
Adopted:	
Effective:	



RESOLUTION R-51-2023

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A COMMUNITY REINVESTMENT AREA AGREEMENT AND A MEMORANDUM OF UNDERSTANDING WITH QTS NAL TX II, LLC FOR ITS SITE NO. 4, AND MAKING RELATED AUTHORIZATIONS

WHEREAS, the Council for the City of New Albany, Ohio (the "City") by its Resolution No. R- 17- 09 adopted March 3, 2009 (the "Original CRA Legislation"), created the Oak Grove II Community Reinvestment Area (the "Original Area"), and by its Resolutions No. R-41-10 adopted July 6, 2010, No. R-72-10 adopted November 16, 2010, No. R-53-2012 adopted October 2, 2012, No. R-26-2013 adopted August 6, 2013, No. R-72-2014 adopted September 16, 2014, and R-49- 2015 adopted November 17, 2015, No. R-45-2016 adopted November 1, 2016, No. R-02-17 adopted February 7, 2017, No. R-17-18 adopted July 17, 2018, No. R-41-18 adopted November 6, 2018, No. R-05-2019 adopted February 19, 2019, No. R-37-2019 adopted August 6, 2019, No. R-15- 2021 adopted April 6, 2021, No. R-46-21 adopted September 21, 2021, No. R-09-2022 adopted February 1, 2022, No. R-18- 2022 adopted May 3, 2022, No. R-38-2022 adopted November 15, 2022, No. R-21-2023 adopted April 18, 2023, and No. R-46-2-23 adopted November 7, 2023 (together the "CRA Expansion Legislation" and collectively with the Original CRA Legislation the "CRA Legislation"), amended the designation of the Original Area to include the area known as the "Johnstown Monroe Area", "Johnstown Monroe Annex", "Licking Heights Annex", "Cobbs Road Annex", "Harrison Road Area", "Innovation Campus Area" "Innovation Campus Way Extension" "Beech Road South", "Babbitt Road", "Central College Road Area", "Jug Street North", "Jug Street South", "Innovation District East", "Innovation District East Expansion", "Mink Street and Green Chapel Road Expansion", "Beech Rd. & US 62 District", "Northeast Business Park District", and "Jug and Harrison District", respectively, and certain other parcels within the City (collectively, with the Original Area, the "Area"), and designated that entire Area the Oak Grove II Community Reinvestment Area; and

WHEREAS, the Directors of the Department of Development of the State of Ohio and the Ohio Development Services Agency (successor and predecessor to one another) have determined and certified that the aforementioned Area contains the characteristics set forth in Ohio Revised Code Section 3735.66 and confirmed that Area as a "Community Reinvestment Area" pursuant to that Section 3735.66; and

WHEREAS, QTS NAL TX II, LLC (the "Company") has submitted to the City the application attached to the Community Reinvestment Area Agreement for its Site No. 4 (the "CRA Agreement") referred to in Section 1 of this Resolution (the "Agreement Application"), together with the fee referred to in Section 6 of that CRA Agreement; and

WHEREAS, the Housing Officer of the City designated under Ohio Revised Code Section 3735.65 has reviewed the Application and has recommended the same to this Council on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities in the CRA and to improve the economic climate of the City; and

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

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

WHEREAS, the Company requires an adequate supply of water and sewer services for the development and operation of the Project and the City and Company desire to enter into a Memorandum of Understanding (the "MOU") addressing the availability and supply of water and sewer services for the development and operation of the Project.

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

Section 1. Community Reinvestment Area Agreement. The CRA Agreement for the Project (Site No. 4), by and between the City and the Company, in the form presently on file with the Clerk of the Council which provides for a 100% CRA exemption for 15-years for the proposed Project is hereby approved and authorized with any changes therein and amendments thereto not inconsistent with this Resolution and not substantially adverse to this City which shall be approved by the city manager. The city manager, for and in the name of this City, is hereby authorized to execute that CRA Agreement and approve the character of any changes or amendments thereto as not inconsistent with this Resolution and not substantially adverse to this City that are approved by the city manager, which approval shall be conclusively evidenced by the city manager's execution of that CRA Agreement.

Section 2. Water and Sewer Services Memorandum of Understanding. The Memorandum of Understanding by and between the City and the Company, in the form presently on file with the Clerk of the Council which addresses the availability and supply of water and sewer services for the development and operation of the Project, is hereby approved and authorized with any changes therein and amendments thereto not inconsistent with this Resolution and not substantially adverse to this City which shall be approved by the city manager. The city manager, for and in the name of this City, is hereby authorized to execute that MOU and approve the character of any changes or amendments thereto as not inconsistent with this Resolution and not substantially adverse to this City that are approved by the city manager, which approval shall be conclusively evidenced by the city manager's execution of that MOU.

Section 3. Further Authorizations. This Council hereby further authorizes and directs the city manager, the director of law, the director of finance, the community development director, the clerk of council, or any such other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions (including by not limited to making application and preliminary arrangements for financing that is then subject to formal approval by this Council) as may be appropriate to implement this Resolution and the transactions referenced or contemplated in this Resolution and the Community Reinvestment Area Agreement authorized and approved in this Resolution.

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

Section 5. Effective Date. Pursuant to Article 6.07(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: 11/09/2023
Introduced: 11/21/2023
Revised:
Adopted:
Effective:



RESOLUTION R-52-2023

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A COMMUNITY REINVESTMENT AREA AGREEMENT AND A MEMORANDUM OF UNDERSTANDING WITH EDGED COLUMBUS LLC, AND MAKING RELATED AUTHORIZATIONS

WHEREAS, the Council for the City of New Albany, Ohio (the "City") by its Resolution No. R-20-96 adopted September 10, 1996 (the "Original CRA Legislation"); created the Central College Community Reinvestment Area (the "Original Area"); and by its Resolution No. R-28-98, adopted July 7, 1998, and by Ordinance No. O-42-2008, adopted October 21, 2008, (together the "CRA Expansion Legislation" and collectively with the Original CRA Legislation the "CRA Legislation"), amended the designation of the Original Area to include certain other parcels within the City (collectively, with the Original Area, the "Area"), and designated that entire Area the Central College Community Reinvestment Area; and

WHEREAS, the Directors of the Department of Development of the State of Ohio and the Ohio Development Services Agency (successor and predecessor to one another) have determined and certified that the aforementioned Area contains the characteristics set forth in Ohio Revised Code Section 3735.66 and confirmed that Area as a "Community Reinvestment Area" pursuant to that Section 3735.66; and

WHEREAS, EDGED COLUMBUS LLC (the "Company") has submitted to the City the application attached to the Community Reinvestment Area Agreement (the "CRA Agreement") referred to in Section 1 of this Resolution (the "Agreement Application"), together with the fee referred to in Section 6 of that CRA Agreement; and

WHEREAS, the Company has (i) subjected the Project Site identified in the CRA Agreement to the Declaration of Covenants and Restrictions for the New Albany East Community Authority (the "Declaration") by virtue of the filing of a supplement to that Declaration on that Project Site, and (ii) has irrevocably agreed to the inclusion of the Project Site in the Authority's new community district by amendment pursuant to Chapter 349 of the Revised Code to the petition creating the Authority; and

WHEREAS, the Housing Officer of the City designated under Ohio Revised Code Section 3735.65 has reviewed the Application and has recommended the same to this Council on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities in the CRA and to improve the economic climate of the City; and

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

WHEREAS, the Board of Education of the New Albany-Plain Local School District has waived their rights to receive notice under Section 5709.83; and

WHEREAS, the City has provided timely notice of this Agreement to the Eastland – Fairfield Career and Technical School District under Ohio Revised Code Section 5709.83; and

WHEREAS, the Company requires an adequate supply of water and sewer services for the development and operation of the Project and the City and Company desire to enter into a Memorandum of Understanding (the “MOU”) addressing the availability and supply of water and sewer services for the development and operation of the Project.

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

Section 1. Community Reinvestment Area Agreement. The CRA Agreement for the Project, by and between the City and the Company, in the form presently on file with the Clerk of the Council which provides for a 100% CRA exemption for 15-years for the proposed Project is hereby approved and authorized with any changes therein and amendments thereto not inconsistent with this Resolution and not substantially adverse to this City which shall be approved by the city manager. The city manager, for and in the name of this City, is hereby authorized to execute that CRA Agreement and approve the character of any changes or amendments thereto as not inconsistent with this Resolution and not substantially adverse to this City that are approved by the city manager, which approval shall be conclusively evidenced by the city manager's execution of that CRA Agreement, and which execution shall not occur without the city manager confirming the Company has (i) subjected the Project Site identified in the CRA Agreement to the Declaration for the New Albany East Community Authority (the “Declaration”) by virtue of the filing of a supplement to that Declaration on that Project Site, and (ii) has irrevocably agreed to the inclusion of the Project Site in the Authority’s new community district by amendment pursuant to Chapter 349 of the Revised Code to the petition creating that Authority.

Section 2. Water and Sewer Services Memorandum of Understanding. The Memorandum of Understanding by and between the City and the Company, in the form presently on file with the Clerk of the Council which addresses the availability and supply of water and sewer services for the development and operation of the Project, is hereby approved and authorized with any changes therein and amendments thereto not inconsistent with this Resolution and not substantially adverse to this City which shall be approved by the city manager. The city manager, for and in the name of this City, is hereby authorized to execute that MOU and approve the character of any changes or amendments thereto as not inconsistent with this Resolution and not substantially adverse to this City that are approved by the city manager, which approval shall be conclusively evidenced by the city manager's execution of that MOU.

Section 3. Further Authorizations. This Council hereby further authorizes and directs the city manager, the director of law, the director of finance, the community development director, the clerk of council, or any such other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions (including by not limited to making application and preliminary arrangements for financing that is then subject to formal approval by this Council) as may be appropriate to implement this Resolution and the transactions referenced or contemplated in this Resolution and the Community Reinvestment Area Agreement authorized and approved in this Resolution.

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

Section 5. Effective Date. Pursuant to Article 6.07(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: 11/09/2023

Introduced: 11/21/2023

Revised:

Adopted:

Effective: