



ORDINANCE O-01-2021

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

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

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

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

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

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

- A. A 3.35 ± acre area of land located at 4093 Reynoldsburg New Albany Road (PID: 222-000630) and 6 Hawksmoor Drive (PID: 222-004874) from its current zoning of Residential Estate District (R-1) and Infill Planned Unit Development (I-PUD) to Infill Planned Unit Development (I-PUD).
- B. The zoning district's preliminary development plan and text are hereby attached and marked Exhibit A.

Section 2. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with Section 121 of the Ohio Revised Code, and further pursuant to Ohio General Assembly 133 – House Bill 404 effective November 22, 2020.

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

CERTIFIED AS ADOPTED this _____ day of _____, 2021.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchevsky
Law Director

Legislation dates:

Prepared: 12/22/2020

Introduced: 01/05/2021

Revised:

Adopted:

Effective:

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

December 3, 2020

I. Introduction and Summary:

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

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

II. Permitted Uses:

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

III. Development Standards:

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

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

B. Setbacks and Lot Commitments:

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

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

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

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

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

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

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

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

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

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

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

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

C. Access, Parking and Traffic-Related Commitments:

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

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

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

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

D. Architectural Standards:

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

2. Exterior Materials:

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

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

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

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

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

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

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

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

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

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

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

3. Vehicular and Pedestrian Standards:

a. Garages:

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

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

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

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

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

6. Swimming Pools/Spas:

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

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

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

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

7. Storage:

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

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

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

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

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

3. Fencing and Walls:

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

b. Temporary Fencing: Standard tree preservation practices will be in place to preserve and protect trees during all phases of construction, including the

installation of snow fencing at the drip line. All temporary fences must be removed prior to the issuance of a certificate of occupancy.

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

F. Miscellaneous Commitments:

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

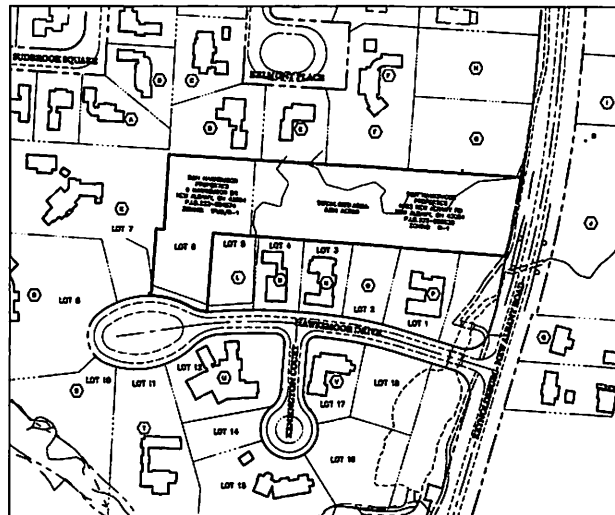
G. Variances and Appeals:

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

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

OWNER INFORMATION

- [illegible]

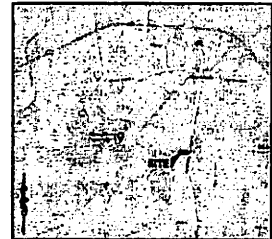


GRAPHIC SCALE



0 100 Feet

VICINITY MAP
SCALE: 1"=100'



LOCATION MAP
SCALE: NTS

INDEX OF DRAWINGS	
SHEET TITLE	SHEET NUMBER
WILE SHEET	1
CHIEF'S CONDITIONS	2
SEE PLAN	3

ENGINEER

ADVANCED CIVIL DESIGN, INC.
781 SODICE BLVD, SUITE 100
CANANDA, OHIO 43320
ATTN: THOMAS M. WARNER, P.E.
PHONE (314) 428-7730
FAX (314) 428-7725
www.thomasmwarnersdesign.com

LANDSCAPE ARCHITECT

LANDSCAPE ARCHITECTURE
FARNS PLANNING & DESIGN
 243 N. 6TH STREET, SUITE 401
 COLUMBUS, OHIO 43215
 ATTN: TODD FARNS
 PHONE (614) 467-1984
www.farnsdesign.com

ARCHITECT

ARCHITECT
THE JONES STUDIO
803 CITY PARK AVE.
COLLINGSWOOD, OHIO 43213
ATTN: TOM POPOFF
PHONE (614) 338-3721
lev@the-jonesstudio.com

ATTORNEY

ATTORNEY
UNDERHILL & MOORE
8020 WALTON PKWY, SUITE 300
NEW ALBANY, OHIO 43034
ATTN: AARON UNDERHILL
PHONE (614) 333-8320
aaron@uhlawfirm.com

OWNER

D&H KAWKMOOR PROPERTIES LTD.
230 WEST STREET, SUITE 300
COLUMBUS, OHIO 43215
ATTN: SCOTT GRIFFIN
PHONE (614) 230-8836
egri@briarclay.com



ORDINANCE O-06-2021

AN ORDINANCE TO APPROVE THE FINAL PLAT AND ACCEPT RIGHT-OF-WAY DEDICATION FOR THE BEECH ROAD AND GANTON PARKWAY WEST PHASE 1 PROJECT, AS REQUESTED BY THE CITY OF NEW ALBANY

WHEREAS, an application to approve the Final Plat for Beech Road and Ganton Parkway West Phase 1 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 5.6 acres; and

WHEREAS, the New Albany Planning Commission, after review in a public meeting on February 17, 2021, recommended approval of the Final Plat; and

WHEREAS, the city engineer certifies that the extension of Beech Road and Ganton Parkway West Phase 1 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 RESOLVED by Council for the City of New Albany, Counties of Franklin and Licking, State of Ohio, that:

Section 1: The final plat to create the Beech Road and Ganton Parkway West Phase 1 extension 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 council concerning and relating to the adoption of this legislation were adopted in an open meeting of council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with Section 121 of the Ohio Revised Code, and further pursuant to Ohio General Assembly 133 – House Bill 404 effective November 22, 2020.

Section 3: Pursuant to Article VI, Section 6.07(B) of the City of New Albany Charter, this ordinance shall take effect on and after the earliest period allowed by law.

CERTIFIED AS ADOPTED this _____ day of _____, 2021.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

Legislation dates:

Prepared: 02/19/2021

Introduced: 03/02/2021

Revised:

Adopted:

Effective:

BEECH ROAD AND GANTON PARKWAY DEDICATION PHASE 1

Exhibit A - O-06-2021

Submitted to the Board of Lucas County, Ohio, by the Lucas County Board of Lucas County, Ohio, and as Section 16, of the Lucas County, Ohio, Ordinance No. 2021-06-06-2021, which was adopted on June 16, 2021, and is hereby being submitted to the Lucas County Board of Lucas County, Ohio, for their consideration and approval.

The undersigned, MICHAEL J. BROWN, a duly sworn and duly qualified Surveyor in the State of Ohio, do hereby certify that the above and foregoing is a true and correct copy of the Lucas County, Ohio, Ordinance No. 2021-06-06-2021, as such, all of which are hereby submitted to the Lucas County Board of Lucas County, Ohio, for their consideration and approval.

In Witness Whereof, MICHAEL J. BROWN, Surveyor of Lucas County, Ohio, has hereunto set his hand and seal of office this 16th day of June, 2021.

Signed and acknowledged
In the presence of:

By MICHAEL J. BROWN,
Surveyor

STATE OF OHIO
COUNTY OF FRANKLIN, ss.

Before me, a Notary Public in and for said State, personally appeared MICHAEL J. BROWN, Surveyor of Lucas County, Ohio, who acknowledged the signing of the Lucas County, Ohio, Ordinance No. 2021-06-06-2021, as such, all of which are hereby submitted to the Lucas County Board of Lucas County, Ohio, for their consideration and approval.

In Witness Whereof, I have hereunto set my hand and official seal this 16th day of June, 2021.

My commission expires _____ State of Ohio

Approved this _____ Day of _____, 20____

Approved this _____ Day of _____, 20____

Approved this _____ Day of _____, 20____

Approved this _____ Day of _____, 20____

Approved this _____ Day of _____, 20____

Approved this _____ Day of _____, 20____

Approved this _____ Day of _____, 20____

Approved this _____ Day of _____, 20____

Approved this _____ Day of _____, 20____

Approved this _____ Day of _____, 20____

Approved this _____ Day of _____, 20____

Approved this _____ Day of _____, 20____

Approved this _____ Day of _____, 20____

Approved this _____ Day of _____, 20____

Approved this _____ Day of _____, 20____

Approved this _____ Day of _____, 20____

Approved this _____ Day of _____, 20____

Approved this _____ Day of _____, 20____

Approved this _____ Day of _____, 20____

Approved this _____ Day of _____, 20____

Approved this _____ Day of _____, 20____

Approved this _____ Day of _____, 20____



LOCATION MAP AND BACKGROUND DRAWING
NOT TO SCALE

SURVEY DATA

BASED ON RECORDS: The location of the project area is based on the Lucas County, Ohio, Ordinance No. 2021-06-06-2021, which was adopted on June 16, 2021, and is hereby being submitted to the Lucas County Board of Lucas County, Ohio, for their consideration and approval.

IRON PINS: Iron pins, where indicated herein, unless otherwise noted, are to be set and are iron pins, approximately 1/2 inch in diameter, 18 inches long, and are to be set in the top of the ground surface.

PERMANENT MARKERS: Permanent markers, where indicated herein, are to be one-inch diameter, thirty-inch high, and are to be set in the top of the ground surface. These markers shall be set following the completion of the project and prior to the City of New Albany, Ohio's acceptance of the project.

SURVEY & PLATTED

BY



We do hereby certify that the above and foregoing is a true and correct copy of the Lucas County, Ohio, Ordinance No. 2021-06-06-2021, as such, all of which are hereby submitted to the Lucas County Board of Lucas County, Ohio, for their consideration and approval.

By _____ Professional Surveyor No. 7845 _____ Date _____

MBJ HOLDINGS, LLC
242.648 AC. (DEED)
I.N. 201811280025126
P.N. 09410640400000

MBJ HOLDINGS, LLC
3.348 AC. (DEED)
I.N. 202009030022765
P.N. 09410640400003

THE CITY OF NEW ALBANY,
10.505 AC. (DEED)
I.N. 201801240001484

NOTE: "A" - AGENCY DEADLINE: Once Road
Map is received, please allow 10 business days for
Order Pick-up/Delivery. Please 1 is out of the following
Licking County Parcel Number:

Parcel Number 004-108191-00-000	0.197 A/c.
Parcel Number 004-108194-00-000	3.809 A/c.
Parcel Number 004-108440-00-000	1.623 A/c.

NOTE: "B" - No vehicular access to be in effect until such
time as the public street right-of-way is extended and dedicated
in part or whole.

Line Type Legend

_____ Existing Property Line

_____ Existing R/W Line

_____ Existing R/W Centerline

_____ Existing Easement Line

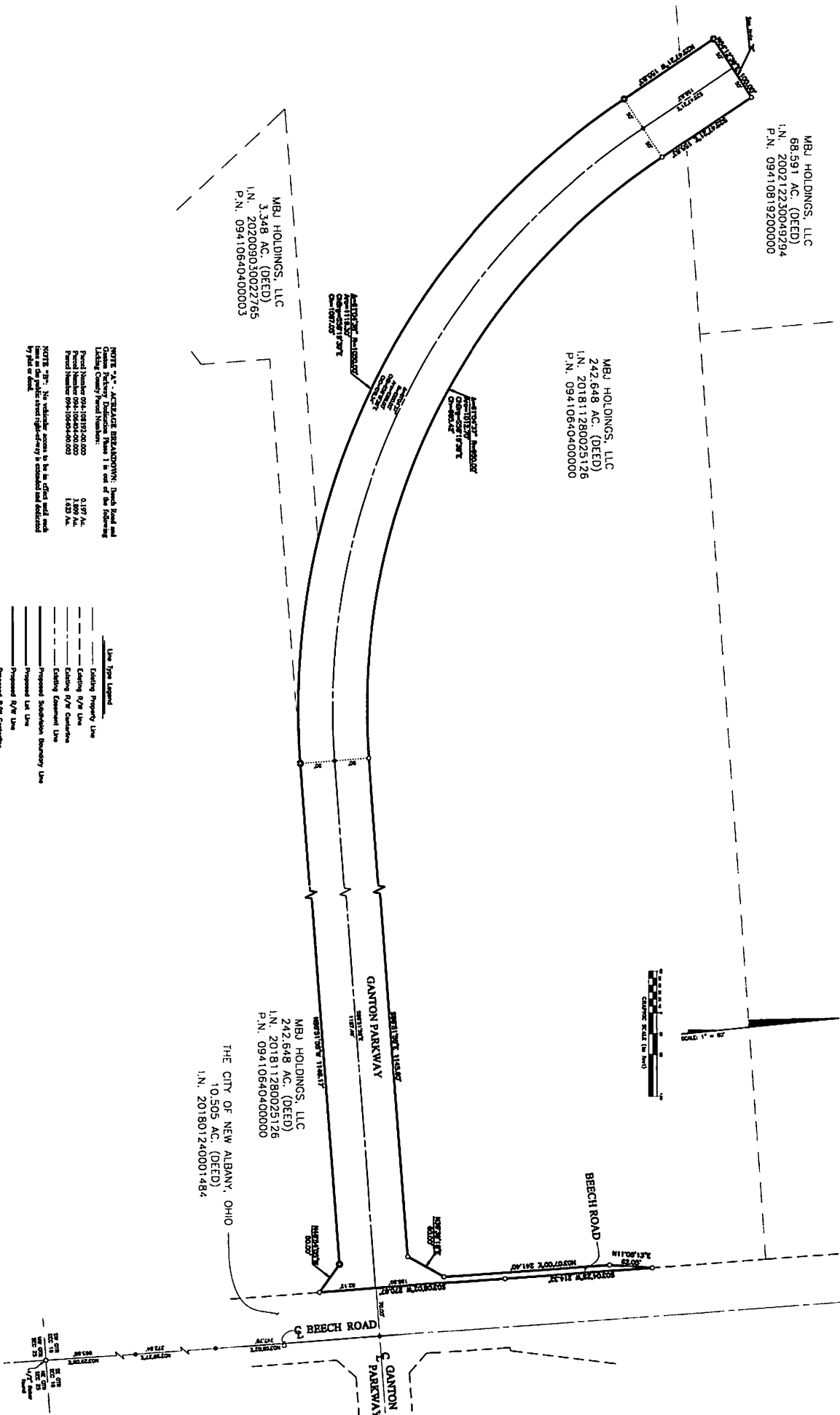
_____ Proposed Subdivision Boundary Line

_____ Proposed Lot Line

_____ Proposed R/W Line

_____ Proposed R/W Centerline

_____ Proposed Easement Line





ORDINANCE O-07-2021

**AN ORDINANCE TO ACCEPT A RIGHT OF WAY DEDICATION OF
0.193 ACRES AT 6895 BEVELHYMER ROAD AS REQUESTED BY THE
CHRISTIAN MEETING ROOM, INC.**

WHEREAS, the land parcel currently extends to the centerline of Bevelhymer Road and has historically been served by a highway easement. The property owner requests to dedicate the highway easement area to the city as public right-of-way; and

WHEREAS, the city will be the recipient (grantee) of the right of way dedication of 0.193 acres; and

WHEREAS, the city engineer has reviewed the right of way dedication and has commented this dedication is appropriate; and

WHEREAS, the city will benefit from this dedication of right of way.

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 accept a right of way dedication of 0.193 acres as depicted on Exhibit A.

Section 2. It is hereby found and determined that all formal actions of council concerning and relating to the adoption of this legislation were adopted in an open meeting of council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with Section 121 of the Ohio Revised Code, and further pursuant to Ohio General Assembly 133 – House Bill 404 effective November 22, 2020.

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

CERTIFIED AS ADOPTED this _____ day of _____, 2021.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

Legislation dates:

Prepared: 02/19/2021

Introduced: 03/02/2021

Revised:

Adopted:

Effective:

PROPOSED

Portion above reserved for State of Ohio Auditor, Engineer and Recorder's Offices use

PERMANENT RIGHT-OF-WAY EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS THAT **CHRISTIAN MEETING ROOM, INC.** ("GRANTOR"), an Ohio non-profit corporation, whose tax mailing address is 326 James Road, Gahanna, Ohio 43230, for good and valuable consideration, which receipt and sufficiency are acknowledged, given by the **CITY OF NEW ALBANY, OHIO** ("GRANTEE"), an Ohio municipal corporation, whose tax mailing address is 99 West Main Street, New Albany, Ohio 43054, does forever grant a permanent right-of-way easement, to Grantee, and Grantee's successors and assigns, the following described real property:

0.193 Acre Right-of-Way Easement

(SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A", DEPICTION
ATTACHED AS EXHIBIT "B", AND MADE A PART OF THIS INSTRUMENT)

FRANKLIN COUNTY PARCEL No.: 222-004750.00

INSTRUMENT REFERENCES: 201506100076671; RECORDER'S OFFICE;
FRANKLIN COUNTY, OHIO

**THE REAL PROPERTY LEGALLY DESCRIBED ON EXHIBIT "A" AND
"EXHIBIT B" IS INTENDED BY GRANTEE TO BE HELD FOR USE AS
PUBLIC RIGHT-OF-WAY.**

IN WITNESS WHEREOF, Grantor, Christian Meeting Room, LLC. voluntarily caused this
instrument's execution on December 14, 2020.

GRANTOR



Christian Meeting Room, LLC., by

President

Its

{SIGNATURE AND ACKNOWLEDGEMENT ON THE FOLLOWING PAGE}

STATE OF OHIO
COUNTY OF FRANKLIN

)
) SS:

BE IT REMEMBER that on this 14th day of December, 2020, before me, the subscriber, a Notary Public in and for said County, personally came the above named James Reed, in his/her capacity as President on behalf of the Christian Meeting Room, LLC. in the foregoing Permanent Right-of-Way Easement, and acknowledged the signing of the same to be his voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, on the day and year last aforesaid.

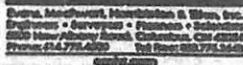


(seal)

Debra R Keen-Cooper
Notary Public, State of Ohio
My Commission Expires 09-04-24

Debra R. Keen-Cooper
Notary Public

This Instrument Prepared By:
Mitchell H. Banchevsky
New Albany City Law Director
99 West Main Street
New Albany, OH 43054



Date: April 10, 2017

Job No: 2015-1646

Scale: 1" = 60'



The Bearings shown hereon are based on the Ohio State Plane Coordinate System as per NAD83 South Zone (1986 Adjustment). Control for bearings was from coordinates of monuments FRANK 78 and FRANK 178, having a bearing of North 57° 24' 57" East, established by the Franklin County Engineering Department, using Global Positioning System procedures and equipment.

This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey performed March, 2015.

- = MON. FND.
 ● = I.P. FND.
 ○ = I.P. SET
 ● = MAG. NAIL FND.
 ○ = MAG. NAIL SET

I.P. Set are 13/16" I.D. iron pipes
30" long with cap inscribed EMHT INC.



0.193 AC. GROSS
- 0.072 AC. P.R.O.

0.121 AC. NET

THOMAS A. SHOCKEY AND SUSAN S. SHOCKEY, TRUSTEES
6.036 AC.
I.N. 201606230079913

By

Heather L. King
Professional Surveyor No. 8307

Date _____

HA-201516461005049HEW5/BCL00056/20181046-15-ENCLY-REAY-Q1.D00 plotted by KNO3, HEATHER on 4/19/2017 11:32:24 AM last saved by HEINO on 4/19/2017 11:31:50 AM
 File: 20181046-15-ENCLY-REAY-Q1.D00 & 20000049HEW.D00

0.193 ACRE

Situated in the State of Ohio, County of Franklin, City of New Albany, lying in Section 12, Quarter Township 1, Township 2, Range 16, United States Military Lands and being part of that 5.663 acre tract conveyed to Christian Meeting Room, Inc. by deed of record in Instrument Numbers 201506100076671, (all references are to the records of the Recorder's Office, Franklin County, Ohio), being more particularly described as follows:

Beginning, for reference, at Franklin County Geodetic Survey Monument Number 2206 found at the centerline intersection of Central College Road (variable width) and Bevelhymmer Road (60 feet wide), being South $86^{\circ} 00' 34''$ East, a distance of 2719.95 feet from Franklin County Geodetic Survey Monument Number 5213 found in the centerline of said Central College Road;

Thence South $03^{\circ} 24' 36''$ West, with said centerline of said Bevelhymmer Road, partially with the easterly line of that 1.420 acre tract conveyed to Aaron M. Yorde and Sarah M. Yorde by deed of record in Instrument Number 201508130112392, a distance of 260.01 feet to a magnetic nail set in said centerline at the easterly common corner of said 5.663 and 1.420 acre tracts, the TRUE POINT OF BEGINNING;

Thence South $03^{\circ} 24' 36''$ West, continuing with said centerline and the easterly line of said 5.663 acre tract, a distance of 209.73 feet to a magnetic nail set in said centerline, being a northeast corner of that 6.036 acre tract conveyed to Thomas A. Shockey and Susan S. Shockey, Trustees by deed of record in Instrument Number 201606230079913, a southeasterly corner of said 5.663 acre tract;

Thence North $86^{\circ} 07' 53''$ West, with the line common to said 5.663 and 6.036 acre tract, a distance of 40.00 feet to an iron pin set;

Thence North $03^{\circ} 24' 36''$ East, across said 5.663 acre tract, a distance of 209.81 feet to an iron pin set in the line common to said 5.663 and 1.420 acre tracts;

Thence South $86^{\circ} 00' 34''$ East, with said common line and passing a 5/8 inch rebar at 10.46 feet, a total distance of 40.00 feet to the TRUE POINT OF BEGINNING, containing 0.193 acre, more or less. Of said 0.193 acre tract, 0.072 acre is within the current right-of-way of said Bevelhymmer Road.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings herein are based on the Ohio State Plane Coordinate System as per NAD83 South Zone (1986 Adjustment). Control for bearings was from coordinates of monuments FRANK 78 and FRANK 178, having a bearing of North $57^{\circ} 24' 57''$ East, established by the Franklin County Engineering Department, using Global Positioning System procedures and equipment.

This description is based on a field survey performed by or under the direct supervision of Heather L. King, Professional Surveyor No. 8307 in March, 2015.



MLK:jmn
0.193 ac 20151646

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Heather L. King
Heather L. King
Professional Surveyor No. 8307

4/19/17
Date



ORDINANCE O-08-2021

**AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1
ANNEXATION OF 6.7+/- ACRES FROM JERSEY TOWNSHIP,
LICKING COUNTY TO THE CITY OF NEW ALBANY**

WHEREAS, pursuant to the petition filed by Aaron Underhill, Esq., David Hodge, Esq. and Eric Zartman, Esq., agents for petitioner, with the Licking County Development and Planning Department, on December 29, 2020, and

WHEREAS, the foregoing Resolution #107-263 of the Licking County Commissioners granting the petition was delivered to the City of New Albany on January 12, 2021, and more than sixty (60) days have lapsed since the Resolution of the Board of County Commissioners was transmitted to the City of New Albany, and

WHEREAS, pursuant to Resolution R-104-2014 of the City of New Albany, 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.

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 6.7+/- 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 6.7+/-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 of the Ohio Revised Code, and further pursuant to Ohio General Assembly 133 – House Bill 404 effective November 22, 2020.

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 _____, 2021.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchevsky
Law Director

Legislation dates:

Prepared: 03/05/2021
Introduced: 03/16/2021
Revised:
Adopted:
Effective:

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

I certify that copies of Ordinance **O-08-2021** were posted in accordance with Section 6.12 of the Charter, for 30 days starting on _____, 2021.

Jennifer Mason, Clerk of Council

Date

Exhibit A - O-08-2021

PROPOSED ANNEXATION
6.7± ACRES

TO: CITY OF NEW ALBANY

FROM: JERSEY TOWNSHIP

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY: <i>[Signature]</i>	
DATE: <i>11-5-20</i>	

Situated in the State of Ohio, County of Licking, Township of Jersey, in Section 16, Quarter Township 3, Township 2, Range 15, United States Military District, being comprised of all of those tracts of land conveyed to MBI Holdings, LLC by deeds of record in Instrument Numbers 202009280025352 and 202010270028724, (all references are 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 that 7.838 acre tract conveyed to MBI Holdings, LLC by deed of record in Instrument Number 200107180025705, the southeasterly corner of that 2.128 acre tract conveyed as Parcel No. 7-WDV2 to Board of Commissioners of Licking County, Ohio by deed of record in Instrument Number 200510280034302, the northeasterly corner of that 0.853 acre tract conveyed as Parcel 30-WDV to Licking County by deed of record in Instrument Number 200511150036423, in the easterly right of way line of Beech Road, in the existing City of New Albany corporation line (as established by Ordinance Number O-30-2002, of record in Instrument Number 200210280040677);

Thence South 86° 28' 10" East, with said City of New Albany corporation line and the southerly line of said 7.838 acre tract, a distance of 382.77 feet to a point in the westerly line of that 22.10 acre tract conveyed to MBI Holdings, LLC by deed of record in Instrument Number 200002110004512;

Thence with said corporation line and the boundary of said 22.10 acre tract the following courses and distances:

South 03° 06' 50" West, a distance of 557.90 feet to a point;

North 87° 01' 58" West, a distance of 183.70 feet to a point;

South 03° 24' 34" West, a distance of 312.07 feet to a point; and

North 86° 57' 08" West, a distance of 219.84 feet to a point in the easterly right-of-way line of said Beech Road, at the southeasterly corner of that 0.445 acre tract conveyed as Parcel No. 29-WDV to Board of Licking County Commissioners by deed of record in Instrument Number 200712120011620, the northeasterly corner of that 0.169 acre tract conveyed as Parcel No. 7-WDV1 to Board of Commissioners of Licking County, Ohio by deed of record in Instrument Number 200510280034302, in the existing City of New Albany corporation line as (as established by Ordinance Number O-25-2016, of record in Instrument Number 201612050026920);

Thence with said corporation line and said easterly right of way line the following courses and distances:

North 02° 12' 30" East, a distance of 319.06 feet to a point;

North 04° 19' 40" East, a distance of 244.19 feet to a point; and

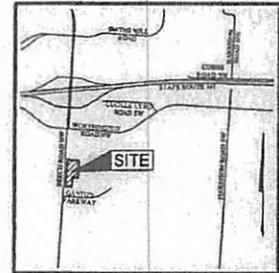
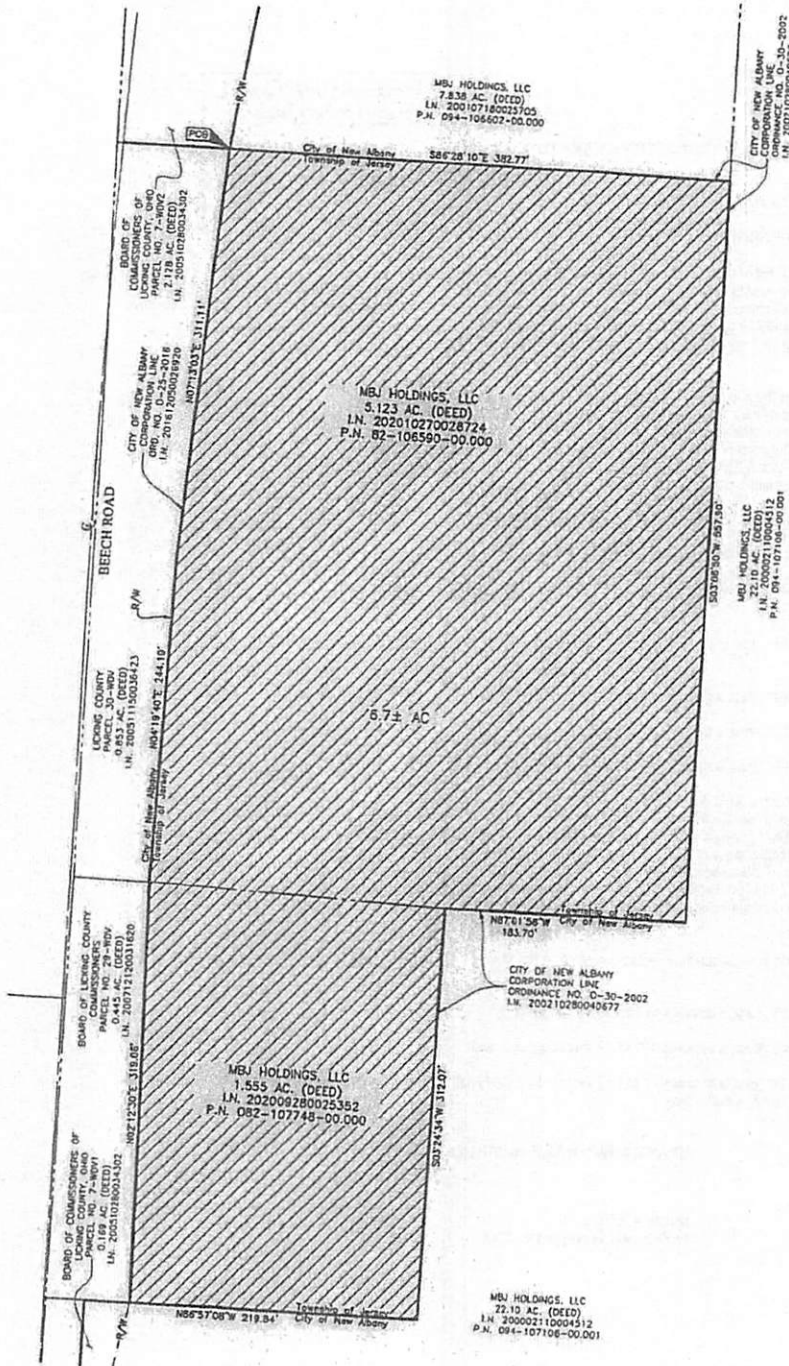
North 07° 13' 03" East, a distance of 311.11 feet to the POINT OF BEGINNING, containing 6.7 acres of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Mathew A. Kirk
Professional Surveyor No. 7865

Date

PROPOSED ANNEXATION OF 6.7± ACRES TO THE CITY OF NEW ALBANY FROM JERSEY TOWNSHIP SECTION 16, QUARTER TOWNSHIP 3, TOWNSHIP 2, RANGE 15 UNITED STATES MILITARY DISTRICT TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO



LOCATION MAP AND BACKGROUND DRAWING
NOT TO SCALE

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 2530.65 feet, of which
2530.65 feet is contiguous with the existing City of New Albany
corporation line, giving 100% perimeter contiguity.

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

Proposed Annexation
of 6.7± 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.

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

Clerk, City of New Albany

EMHT		Date: November 3, 2020
Bryan, Macchewitz, Handwerker & Tilton, Inc. Engineers • Surveyors • Planners & Scientists 8000 New Albany Road, Columbus, OH 43204 Phone: 614-775-0800 Fax: 614-775-7100 emht.com		Scale: 1" = 60'
		Job No: 2020-0702
		Sheet: 1 of 1
REVISIONS		
MARK	DATE	DESCRIPTION

By
Matthew A. Kirk
Professional Surveyor No. 7865
mkirk@emht.com

Date



ORDINANCE O-09-2021

**AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1
ANNEXATION OF 25.8+/- ACRES FROM JERSEY TOWNSHIP,
LICKING COUNTY TO THE CITY OF NEW ALBANY**

WHEREAS, pursuant to the petition filed by Aaron Underhill, Esq., David Hodge, Esq. and Eric Zartman, Esq., agents for petitioner, with the Licking County Development and Planning Department, on December 29, 2020, and

WHEREAS, the foregoing Resolution #107-264 of the Licking County Commissioners granting the petition was delivered to the City of New Albany on January 12, 2021, and more than sixty (60) days have lapsed since the Resolution of the Board of County Commissioners was transmitted to the City of New Albany, and

WHEREAS, pursuant to Resolution R-04-2018 of the City of New Albany, 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.

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 25.8+/- 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 25.8+/-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 of the Ohio Revised Code, and further pursuant to Ohio General Assembly 133 – House Bill 404 effective November 22, 2020.

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 _____, 2021.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchevsky
Law Director

Legislation dates:

Prepared: 03/05/2021
Introduced: 03/16/2021
Revised:
Adopted:
Effective:

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

I certify that copies of Ordinance **O-09-2021** were posted in accordance with Section 6.12 of the Charter, for 30 days starting on _____, 2021.

Jennifer Mason, Clerk of Council

Date

Exhibit A - O-09-2021

PROPOSED ANNEXATION
25.8± ACRES

TO: CITY OF NEW ALBANY

FROM: JERSEY TOWNSHIP

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input checked="" type="checkbox"/>
APPROVED BY: <i>[Signature]</i>	
DATE:	12-18-20

Situate in the State of Ohio, County of Licking, Township of Jersey, lying Farm Lots 18 and 31, Quarter Township 2, Township 2, Range 15, United States Military District, being all of that 5.954 acre tract conveyed to Maria A. Herman, Trustee, by deed of record in Official Record 606, Page 938, and that 20.005 acre tract conveyed to Maria A. Herman, Trustee, by deed of record in Official Record 466, Page 877, (all references refer to the records of the Recorder's Office, Licking County, Ohio) being more particularly described as follows:

Beginning, for reference, at the centerline intersection of Beech Road with Jug Street Road, being in the easterly line of Farm Lot 34, Quarter Township 2, Township 2, Range 15, at the common corner of said Farm Lot 31 and Farm Lot 30, Quarter Township 2, Township 2, Range 15, being in the westerly Corporation line of said City of New Albany, at the common corner of said Corporation line as established by Ordinance O-33-2010, of record in Instrument Number 201011040022449, and by Ordinance O-12-2019, of record in Instrument Number 201906210012317;

Thence South 86° 29' 19" East, with the centerline of said Jug Street Road, partially with the northerly line of said Ordinance O-33-2010 and with the southerly line of said Ordinance O-12-2019, a distance of 2758.49 feet to the common corner of that 5.0268 acre tract conveyed to John K. Wagner and Joyce L. Wagner by deed of record in Official Record 671, Page 65, and said 5.954 acre tract, the TRUE POINT OF BEGINNING;

Thence South 86° 21' 46" East, with the centerline of said Jug Street Road, the northerly line of said 5.954 acre and 20.005 acre tracts, with said Corporation line (O-12-2019), a distance of 666.89 feet to the northerly common corner of said 20.005 acre tract and that 12.397 acre tract conveyed to Jatinder Singh Sethi and Preet Mohinder Singh Longia by deed of record in Instrument Number 201803070004271;

Thence South 03° 20' 02" West, with the line common to said 20.005 acre and 12.397 acre tracts, a distance of 1689.99 feet to a point in the northerly line of that 11.495 acre tract conveyed to Smith Mill Road, LLC by deed of record in Instrument Number 201502250003370, being in the Village of New Albany Corporation line established by O-30-2002, of record in Instrument Number 200210280040677;

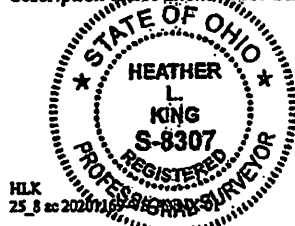
Thence North 86° 17' 29" West, with the southerly line of said 20.005 acre tract, the northerly line of said 11.495 acre tract and a remainder of that 124.591 acre tract conveyed to MBI Holdings, LLC by deed of record in Instrument Number 200010300034307, with said Corporation line (O-30-2002), a distance of 672.33 feet to a point in the easterly line of that tract 5.906 acre tract conveyed to The Miller Jones Group, Ltd., by deed of record in Instrument Number 201302250005083, in said Corporation line (O-33-2010);

Thence North 04° 04' 36" East, with the line common to said 20.005 acre and 5.906 acre tracts, with said Corporation line (O-33-2010), a distance of 603.31 feet to the southeasterly corner of that 4.859 acre tract conveyed to John K. Wagner and Joyce L. Wagner by deed of record in Instrument Number 199907230030772;

Thence North 04° 04' 36" East, with the westerly line of said 20.005 and 5.954 acre tract, the easterly line of said 4.859 acre tract, a distance of 485.96 feet to the southeasterly corner of said 5.0268 acre tract;

Thence North 02° 30' 14" East, with the line common to said 5.954 and 5.0268 acre tracts, a distance of 600.00 feet to the TRUE POINT OF BEGINNING, containing 25.8 acres, more or less.

The above description and corresponding map were prepared from documents of record and said description is not intended for transfer.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

[Signature] 12/15/20
Heather L. King
Professional Surveyor No. 8307

Exhibit B - O-09-2021

[illegible]



ORDINANCE O-10-2021

**AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1
ANNEXATION OF 13.193+/- ACRES FROM JERSEY TOWNSHIP,
LICKING COUNTY TO THE CITY OF NEW ALBANY**

WHEREAS, pursuant to the petition filed by Aaron Underhill, Esq., David Hodge, Esq., and Eric Zartman, Esq., agents for petitioner, with the Licking County Development and Planning Department, on December 29, 2020, and

WHEREAS, the foregoing Resolution #107-265 of the Licking County Commissioners granting the petition was delivered to the City of New Albany on January 12, 2021, and more than sixty (60) days have lapsed since the Resolution of the Board of County Commissioners was transmitted to the City of New Albany, and

WHEREAS, pursuant to Resolution R-42-2020 of the City of New Albany, 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.

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 13.193+/- 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 13.193+/- 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 of the Ohio Revised Code, and further pursuant to Ohio General Assembly 133 – House Bill 404 effective November 22, 2020.

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 _____, 2021.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchevsky
Law Director

Legislation dates:

Prepared: 03/05/2021
Introduced: 03/16/2021
Revised:
Adopted:
Effective:

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

I certify that copies of Ordinance **O-10-2021** were posted in accordance with Section 6.12 of the Charter, for 30 days starting on _____, 2021.

Jennifer Mason, Clerk of Council

Date

Exhibit A - O-10-2021

PROPOSED ANNEXATION 13.193 ACRES

TO: CITY OF NEW ALBANY

FROM: JERSEY TOWNSHIP

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED	CONVENTIONAL
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
APPROVED BY:	<i>[Signature]</i>
DATE:	11-13-21

Situated in the State of Ohio, County of Licking, Township of Jersey, in Section 14, Quarter Township 3, Township 2, Range 15, United States Military Lands, being part of that 14.510 acre tract of land conveyed to Edward L. Bright and Debbi S. Bright by deed of record in Official Record 318, Page 627, (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 State Route 161 and Mink Street (County Road 41);

Thence North 88° 33' 16" West, with the centerline of said State Route 161, a distance of 1245.01 feet to the southeasterly corner of that 0.337 acre tract conveyed as Parcel 70-WL to the State of Ohio by deed of record in Instrument Number 200703150006591, the southwesterly corner of that 1.488 acre tract conveyed as Parcel 73-W1 to the State of Ohio by deed of record in Instrument Number 200803160011426;

Thence North 03° 26' 31" East, with the common line of said 0.337 acre and 1.488 acre tracts, and with the common line of that 0.160 acre tract conveyed as Parcel 70-WDV to Licking County by deed of record in Instrument Number 200703150006591 and that 0.585 acre tract conveyed as Parcel 73-WDV to Licking County by deed of record in Instrument Number 200803160011426, partly with the existing City of New Albany corporation line (as established by Ordinance Number O-13-2016, of record in Instrument Number 201608100016925), a distance of 231.14 feet to a ¼ inch rebar found at the northeasterly corner of said 0.160 acre tract, in the westerly line of that 6.255 acre tract conveyed to Mink Corner Holdings LLC by deed of record in Instrument Number 201406090010252, in the northerly limited access right of way line of Cobbs Road, the TRUE POINT OF BEGINNING for this description.

Thence North 83° 38' 47" West, with said limited access right of way line, a distance of 50.49 feet to a ¼ inch iron pipe found at the northeasterly corner of that 0.627 acre tract conveyed as Parcel 69-WDV to Licking County by deed of record in Instrument Number 200608010022414;

Thence North 86° 33' 33" West, with said limited access right of way line, a distance of 189.99 feet to a ¼ inch iron pipe found at the northwesterly corner of said 0.627 acre tract, in the easterly line of that 5.039 acre tract conveyed to Robert L. Lucas and Sandra M. Lucas, Trustees by deed of record in Instrument Number 201207130015618;

Thence North 03° 28' 28" East, with said easterly line, a distance of 209.84 feet to a ¼ inch iron pipe found at the northeasterly corner of said 5.039 acre tract;

Thence North 66° 33' 03" West, with the northerly line of said 5.039 acre tract, a distance of 100.00 feet to a bent ¼ inch iron pipe found at the southeasterly corner of that 15.894 acre tract conveyed to Mark L. Mayville, Gerildine Y. Mayville, Richard A. Needles and Theresa L. Love by deeds of record in Official Record 417, Page 537, Official Record 417, Page 535, Official Record 416, Page 209, and Deed Book 790, Page 643;

Thence North 03° 28' 41" East, with the easterly line of said 15.894 acre tract, a distance of 1696.67 feet to a ¼ inch iron pipe found in the southerly line of that 162.114 acre tract conveyed to MBI Holdings, LLC by deed of record in Instrument Number 201508210017779, in the existing City of New Albany corporation line (as established by Ordinance Number O-31-2015, of record in Instrument Number 201601070000270);

13.193 ACRES

-2-

Thence South $86^{\circ} 37' 29''$ East, with said southerly line and said corporation line, a distance of 296.14 feet to a $\frac{1}{4}$ inch iron pipe found at the northwesterly corner of that 16.944 acre tract conveyed to MBI Holdings, LLC by deed of record in Instrument Number 201511050024177;

Thence South $02^{\circ} 58' 27''$ West, with the westerly line of said 16.944 acre, the westerly line of that 37.498 acre tract conveyed to MBI Holdings, LLC by deed of record in Instrument Number 201603300006016, and said corporation line (passing $\frac{3}{4}$ inch iron pipe found at 299.69 feet) a total distance of 1400.53 feet to an iron pin set at the southwest corner of said 37.498 acre tract;

Thence South $83^{\circ} 36' 23''$ East, with the southerly line of said 37.498 acre tract and said corporation line, a distance of 31.69 feet to a $\frac{1}{4}$ inch iron pipe found at the northwesterly corner of said 6.255 acre tract;

Thence South $03^{\circ} 26' 31''$ West, with the westerly line of said 6.255 acre tract and said corporation line, a distance of 507.32 feet to the TRUE POINT OF BEGINNING, containing 13.193 acres of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk
Professional Surveyor No. 7865

Date

LOCATION MAP AND BACKGROUND DRAWING
NOT TO SCALE

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N83°38'47"W	50.40'
L2	S83°36'23"E	31.89'

CITY OF NEW ALBANY CORPORATION LINE
ORD. NO. G-31-2013
I.N. 201801070000270

CITY OF NEW ALBANY
ADJOY TOWNSHIP

65°37'29"E, 235.14'

107°16', DARTMOUTH TOWNSHIP 2

SECTION 14

1889.87'

1400.33'

MSJ HOLDINGS, LLC
ORIGINAL 14.510 AC. (DEED)
I.N. 2015160000117

CITY OF NEW ALBANY CORPORATION LINE
ORD. NO. G-13-2018
I.N. 20160810001825

13.193 AC.

MSJ HOLDINGS, LLC
ORIGINAL 14.510 AC. (DEED)
I.N. 20150300000616

MSJ HOLDINGS, LLC
ORIGINAL 14.510 AC. (DEED)
I.N. 20150300000616

EDWARD L. BRIGHT AND DEBBIE S. BRIGHT
ORIGINAL 14.510 AC. (DEED)
O.R. 318, P. 627
P.N. 035-107400-09.000

MARK CORNELL HOLDINGS, LLC
ORIGINAL 14.510 AC. (DEED)
I.N. 20142600010232

ROBERT L. LUCAS AND SHONDRA J. LUCAS TRUSTEES
ORIGINAL 3.031 AC. (DEED)
I.N. 201207140015618

158°33'03"W, 100.00'

158°33'33"W, 109.90'

LICKING COUNTY PARCEL 88-WOV
0.827 AC. (DEED)
I.N. 200802010022414

LICKING COUNTY PARCEL 73-WOV
1.488 AC. (DEED)
I.N. 200805180011428

STATE OF OHIO PARCEL 70-WL
0.537 AC. (DEED)
I.N. 200703150006591

STATE OF OHIO PARCEL 73-WL
1.488 AC. (DEED)
I.N. 200805180011428

COBBS ROAD

STATE ROUTE 161 (WIDTH VARIES)

AREA TO BE ANNEXED
☒ 1 ☒ 2 ☒ 3 ☒ 4

PROPOSED CITY OF NEW ALBANY
CORPORATION LINE
EXISTING CITY OF NEW ALBANY
CORPORATION LINE

Contiguity Note:
Total perimeter of annexation area is 4482.67 feet, of which 2235.68 feet is contiguous with the existing City of New Albany corporation line, giving 49.87% perimeter contiguity.

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

**Proposed Annexation
of 13.193 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.

Agents 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.

Licking County Auditor

Received for Record . 20 . 81 (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 _____

shown herein for annexation to the City of New Albany, Ohio, a municipal corporation.

Arrest _____

Clerk, City of New Albany

Matthew A. Kirk Date

mkirk@cmts.com

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----

FORM NO. 10-108 (Rev. 11-1-60)

Drugs: Mochlyvist, Mochlyvist, & Wilson, Inc.

2020 New Albany Road, Columbus, OH 43204
Phone: 614.726.4922

Sheet: 1 of 1

REVISIONS		
MARK	DATE	DESCRIPTION

[illegible]

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----

1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388	2389	2390	2391	2392	2393	2394	2395	2396	2397	2398	2399	2400	2401	2402	2403	2404	2405</
------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	--------

Bright Property Surveying Services / 20201033-V5-A



ORDINANCE O-11-2021

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 25.8 +/- ACRES OF LAND LOCATED AT 13607 AND 13525 JUG STREET FOR AN AREA TO BE KNOWN AS THE "JUG STREET SOUTH ZONING DISTRICT" FROM ITS CURRENT ZONING OF AGRICULTURAL (AG) TO LIMITED GENERAL EMPLOYMENT (L-GE) AS REQUESTED BY MBJ HOLDINGS LLC., c/o AARON UNDERHILL, ESQ.

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

WHEREAS, the Planning Commission and 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.

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

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

- A. A 25.8 ± acre area of land located at 13607 and 13525 Jug Street (PIDs: 037-111498-00.000 and 037-111498-00.001) for an area to be known as the "The Jug Street South Zoning District" from its current zoning of Agricultural District (AG) to Limited General Employment District (L-GE).
- B. The zoning district's limitation text and boundary map are hereby attached and marked Exhibit A.

Section 2. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with Section 121 of the Ohio Revised Code, and further pursuant to Ohio General Assembly 133 – House Bill 404 effective November 22, 2020.

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

CERTIFIED AS ADOPTED this _____ day of _____, 2021.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchevsky
Law Director

Legislation dates:

Prepared: 03/03/2021

Introduced: 03/16/2021

Revised:

Adopted:

Effective:

JUG STREET SOUTH ZONING DISTRICT

LIMITATION (L-GE) TEXT

MARCH 2, 2021

The Jug Street South Zoning District (hereinafter, the “Zoning District”) consists of 25.8+/- acres located to the south of and adjacent to Jug Street and approximately midway between Beech Road on the west and Harrison Road on the east. This rezoning serves to extend the same or similar zoning and development standards to property being annexed to the City as currently apply to much of the developed and undeveloped land in its general vicinity.

I. Zoning Designation: L-GE, Limited General Employment District

II. Permitted Uses: The permitted and conditional uses contained and described in the Codified Ordinances of the City of New Albany, GE, General Employment District, Sections 1153.02 and 1153.03, provided that conditional uses are approved in accordance with Chapter 1115, Conditional Uses. The following uses from these code sections shall be prohibited:

- A. Industrial product sales (See Section 1153.03(a)(1));
- B. Industrial service (See Section 1153.03(a)(2));
- C. Mini-warehouses (See Section 1153.03(a)(4)(c)). For purposes of clarification, this prohibition only applies to such facilities that are made available for rental to the general public;
- D. Personal service (See Section 1153.03(b)(2)) and retail product sales and service (See Section 1153.03(b)(3)), except that such uses shall be allowed as accessory uses to a permitted use in this Zoning District;
- E. Vehicle services (See Section 1153.03(b)(4));
- F. Radio/television broadcast facilities (See Section 1153.03(c)(1));
- G. Sexually-oriented businesses (See Section 1153.03(c)(3)); and
- H. Off-premises signs (See Section 1153.03(c)(2)).

III. Lot and Setback Commitments:

A. Lot Coverage: There shall be a maximum lot coverage in this Zoning District of 75%.

B. Setbacks:

1. Jug Street: There shall be a minimum pavement setback of 50 feet and a minimum building setback of 100 feet from the Jug Street right-of-way.

2. Perimeter Boundaries: There shall be a minimum pavement and building setback of 25 feet from any perimeter boundary of this Zoning District that is not adjacent to a public right-of-way, except that the minimum pavement and building setback from perimeter boundaries of this Zoning District that are adjacent to property with a zoning classification that permits residential uses shall be 50 feet.

3. Elimination of Setbacks: In the event that a parcel located within this Zoning

District and an adjacent parcel located within or outside of this Zoning District (i) come under common ownership or control, (ii) are zoned to allow compatible non-residential uses, and (iii) are combined into a single parcel, then any minimum building, pavement, or landscaping setbacks set forth in this text as they apply to common property lines shall no longer apply with respect to these parcels.

IV. Architectural Standards:

A. Building Height: The maximum building height for structures in this Zoning District shall be 65 feet, subject to Section 1165.03 of the Codified Ordinances.

B. Service and Loading Areas: Service areas and loading areas shall be screened in accordance with the Codified Ordinances.

C. Building Design:

1. Building designs shall not mix architectural elements or ornamentation from different styles.
2. Buildings shall be required to employ a comparable use of materials on all elevations.
3. The number, location, spacing, and shapes of windows and door openings shall be carefully considered. Primary entrances to buildings shall be made sufficiently prominent that they can be easily identified from a distance.
4. For office buildings and complexes, achieving a human or pedestrian scale is of less concern. When achieving such a scale is desired, it may be achieved by careful attention to width of facades, size and spacing of window and door openings, and floor to floor heights on exterior walls.
5. All elevations of a building that are visible from a public right-of-way shall receive similar treatment in terms of style, materials, and design so that such elevations are not of a lesser visual character than any other.
6. Use of elements such as shutters, cupolas, dormers, and roof balustrades shall be avoided in building designs that are not based on traditional American architectural styles. Such elements may be employed only when they are common elements of a specific style, and this style shall be replicated in its entirety. When shutters are employed, even if they are non-operable, they must be sized and mounted in a way that gives the appearance of operability.
7. Elements such as meter boxes, utility conduits, roof and wall projections such as vent and exhaust pipes, basement window enclosures, and trash containers shall be designed, located, or screened so as to minimize their visibility and visual impact from off-site. Solar energy systems shall be excluded from the requirements of this section.
8. Accessory or ancillary buildings, whether attached or detached, shall be of similar design, materials and construction as the nearest primary structure.

Fenestration themes that employ windows, panels and piers that are consistent with the architectural vocabulary of the building are encouraged. Accessory structures, generators, storage tanks, trash receptacles or any other similar improvement must be located behind a building façade that does not front on a public right-of-way.

D. Building Form:

1. All building elevations shall be designed to be compatible with each other and to reflect a consistent design approach.
2. Gable or hip roofs shall be avoided unless a building design replicates a traditional American architectural style that employs such roof forms. In non-stylistic contemporary designs, low or flat roofs may be employed. Roof visibility shall be minimized.

E. Materials:

1. Exterior building materials shall be appropriate for contemporary suburban designs and shall avoid overly reflective surfaces. Traditional materials such as, but not limited to, wood, stone, brick, and concrete shall be permitted, and contemporary materials such as, but not limited to, aluminum, metal, glass, stucco, or cementitious fiberboard (e.g., hardiplank or equivalent) shall be permitted on buildings not employing traditional styles. Architectural precast concrete panels and/or poured-in-place concrete tilt-up panels shall be permitted. The use of reflective or mirrored glass shall be prohibited.
2. Prefabricated metal buildings and untreated masonry block structures are prohibited. Notwithstanding the foregoing, ancillary structures built and operated for the purpose of enclosing equipment and which are not occupied by tenants or persons on a regular basis may be constructed using pre-engineered metal.
3. Generally, the quantity of materials selected for a building shall be minimized.
4. Loading docks are not required to have the same degree of finish as a main entry unless they are visible from a public right-of-way.
5. Additional Standards for Uses Not Governed by DGRs: Buildings that are constructed to accommodate certain uses are not governed by the City's Design Guidelines and Requirements (DGRs). For example, buildings that are constructed for the operation of warehousing and/or distribution uses are not subject to the DGRs and can present challenges in meeting the community standard for architectural design. Such buildings are necessarily large and typically include long walls that together form a square or rectangular box. The goal for the development of buildings that are not subject to the DGRs is to balance the practical needs of these buildings with the desire to provide exterior designs that are attractive and complimentary to the architecture that will be found elsewhere in this Zoning District.

Architecture by its nature is a subjective medium, meaning that the adoption of strict objective standards in all instances may not provide the best means for achieving appropriate design. In recognition of this fact, the standards set forth herein provide guidelines and suggestions for designing buildings that are not subject to the DGRs in an effort to set expectations for the quality of architecture that will be expected for these structures. On the other hand, these standards are meant to allow for some flexibility to encourage innovative design provided that the spirit and intent of these provisions are met.

In conjunction with an application for a certificate of appropriateness for each building or structure in this Zoning District that is not subject to or governed by the DGRs, the applicant shall be required to submit to the City illustrations of the proposed exterior design of the building or structure for review and approval by the Design Review Committee contemplated in Section 1157.08(a)(1)(D) of the City Code. In designing such buildings, the user or applicant shall take into account the following, which are intended to set a level of expectation for the quality of design:

a. Architectural design for all portions of a building or structure that are visible from a public right-of-way (excluding public rights-of-way whose primary purpose is to accommodate truck traffic or service loading areas) shall meet the community standard in terms of quality while taking into account the unique nature of the use(s) that will be found therein.

b. Uninterrupted blank wall facades shall be prohibited to the extent that they are visible from a public right-of-way. Design variations on long exterior walls shall be employed in order to create visual interest. Examples of such design variations include, but are not limited to, the use of offsets, recesses and/or projections, banding, windows, and/or reveals; scoring of building facades; color changes; texture or material changes; and variety in building height.

c. The use of one or more architectural or design elements may be used to soften the aesthetics of the building, such as but not limited to canopies, porticos, overhangs, arches, outdoor patios, community spaces, or similar devices.

d. Contemporary exterior designs, while not required, shall be encouraged in order to create architecture that does not look aged or dated even many years after the facility is built.

e. Landscaping and/or the use of existing vegetation shall be utilized where appropriate to enhance the aesthetics of the building and to lessen its visual impact when viewed from public rights-of-way.

6. **Roof-Mounted Equipment:** Complete screening of all roof-mounted equipment shall be required on all four sides of buildings with materials that are consistent and harmonious with the building's façade and character. Such screening shall be provided in order to screen the equipment from off-site view and to buffer sound generated by such equipment.

V. Access, Parking, Site Circulation, and Traffic Commitments:

A. **Street Improvements:** The developer shall work with the City Manager or his designee to determine the appropriate timing and phasing of street improvements at entrances from Jug Street and, if any portion of this zoning district is combined with the intervening tract of real property between this zoning district and the right-of-way of Smith's Mill Road, at entrances from Smith's Mill Road.

B. **Access Points:** Subject to other provisions in this text, on public rights-of-way which exist on the date of this text the number, locations, and spacing of curbcuts shall be determined and approved by the City Manager or his designee in consultation with the developer at the time that a certificate of appropriateness is issued for a project in this Zoning District. Primary vehicular access to and from this Zoning District shall occur from Smith's Mill Road if property within this Zoning District is combined into a single parcel with adjacent property located to the south which has frontage on Smith's Mill Road. In this circumstance, secondary vehicular access to and from this Zoning District may occur from Jug Street. Should such a combination of properties not occur, then primary vehicular access to and from this Zoning District shall be from Jug Street.

C. **Parking and Loading:** Parking and loading spaces shall be provided for each use per Chapter 1167 of the Codified Ordinances of the City of New Albany.

D. **Right-of-Way:** The developer shall dedicate right-of-way for Jug Street to the City for a distance of 30 feet as measured from the centerline of Jug Street.

VI. Buffering, Landscaping, Open Space, and Screening: A landscaping plan shall be approved as part of the City's review of a certificate of appropriateness application for each portion of this Zoning District that is proposed for development. The following landscaping requirements shall apply to this Zoning District:

A. **Tree Preservation:** Standard tree preservation practices will be in place to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line.

B. **Landscaping Along Jug Street:** Within the required minimum pavement setback along Jug Street, the developer shall use reasonable efforts within the context of the site development plan to preserve existing trees to provide a buffer between the public street and development within this Zoning District. If reasonable efforts cannot be made to preserve trees within the buffer, an additional 1 tree per 25 feet of frontage are required to be installed in addition to the street trees required. Landscaping within the pavement setback shall be coordinated and consistent. Trees shall be randomly planted to create a naturalized appearance. Trees shall be of native species. Evergreen trees or shrubs shall not be permitted in the area between the buffer landscape and the edge of street pavement. For landscaping which is not used to meet zoning text, codified ordinance and street tree requirements, the minimum caliper of tree material may be reduced to 1" caliper to gain additional plant material.

C. A standard New Albany white four-board horse fence may (but shall not be required to) be provided within the public right-of-way.

D. **Stormwater Management:** Wet and dry stormwater basins shall conform to the standards set forth in Section 1171.08 of the Codified Ordinances of the City of New Albany.

E. Landscaping Required Adjacent to Residential Uses: Within the required pavement setbacks from the eastern and western perimeter boundary lines of this Zoning District, mounding or trees (or some combination thereof) shall be installed to provide an opacity of at least 75% on the date that is five (5) years after installation to a total height of ten (10) feet above ground when viewed from adjacent off-site property. Existing trees may be utilized to meet this opacity requirement.

F. Street Trees: A street tree row shall be established along Jug Street and shall contain one (1) tree for every thirty (30) feet of road frontage. Trees may be grouped or regularly spaced. Street trees shall be located within the right-of-way. Minimum street tree size at installation shall be three (3) caliper inches. This requirement may be waived in areas where existing vegetation occurs, subject to approval of the City Landscape Architect.

G. Parking Areas: Within this Zoning District, there shall be no less than one (1) tree planted for every ten (10) parking spaces located therein. At least five percent (5%) of the vehicular use area shall be landscaped or green space (or treed areas). Parking lots shall be designed to accommodate parking lot islands with tree(s) at the end of parking aisles.

Pedestrian Circulation: An 8-foot-wide asphalt leisure trail is required to be installed along the Jug Street frontage of the site.

H. Minimum On-Site Tree Sizes: Unless otherwise set forth herein, minimum tree size at installation shall be no less than two and one half (2 ½) inches in caliper for shade trees, six (6) feet in height for evergreen trees, two (2) inches in caliper for ornamental trees, and thirty (30) inches in height for shrubs. Caliper shall be measured six (6) inches above grade.

I. All street trees that are not installed prior to infrastructure acceptance shall be bonded to guarantee installation.

VII. Lighting:

A. All parking lot and private driveway lighting shall be cut-off type fixtures and down cast. Parking lot lighting shall be from a controlled source in order to minimize light spilling beyond the boundaries of the site.

B. All parking lot lighting shall be of the same light source type and style. Building, pedestrian, and landscape lighting may be incandescent or metal halide, or may be LED if the LED lighting temperature is at least 4,000 Kelvin and no more than 6,000 Kelvin to ensure that the lighting color is white.

C. All parking lot light poles shall be black or New Albany green and constructed of metal. Light poles shall not exceed 30 feet in height.

D. Lighting details shall be included in the landscape plan which is subject to review and approval by the City Landscape Architect.

E. No permanent colored lights or neon lights shall be used on the exterior of any building.

F. All other lighting on the site shall be in accordance with City Code.

G. Street lighting must meet the City standards and specifications.

VIII. Signage: All signage shall conform to the standards set forth in Chapter 1169 of the Codified Ordinances of the City of New Albany.

IX. Utilities: All new utilities installed solely to serve this Zoning District shall be installed underground.

Legal Description

25.8± ACRES

TO: CITY OF NEW ALBANY

FROM: JERSEY TOWNSHIP

Situate in the State of Ohio, County of Licking, Township of Jersey, lying Farm Lots 18 and 31, Quarter Township 2, Range 15, United States Military District, being all of that 5.954 acre tract conveyed to Maria A. Herman, Trustee, by deed of record in Official Record 606, Page 938, and that 20.005 acre tract conveyed to Maria A. Herman, Trustee, by deed of record in Official Record 466, Page 877, (all references refer to the records of the Recorder's Office, Licking County, Ohio) being more particularly described as follows:

Beginning, for reference, at the centerline intersection of Beech Road with Jug Street Road, being in the easterly line of Farm Lot 34, Quarter Township 2, Range 15, at the common corner of said Farm Lot 31 and Farm Lot 30, Quarter Township 2, Range 15, being in the westerly Corporation line of said City of New Albany, at the common corner of said Corporation line as established by Ordinance O-33-2010, of record in Instrument Number 201011040022449, and by Ordinance O-12-2019, of record in Instrument Number 201906210012317;

Thence South 86° 29' 19" East, with the centerline of said Jug Street Road, partially with the northerly line of said Ordinance O-33-2010 and with the southerly line of said Ordinance O-12-2019, a distance of 2758.49 feet to the common corner of that 5.0268 acre tract conveyed to John K. Wagner and Joyce L. Wagner by deed of record in Official Record 671, Page 65, and said 5.954 acre tract, the TRUE POINT OF BEGINNING;

Thence South 86° 21' 46" East, with the centerline of said Jug Street Road, the northerly line of said 5.954 acre and 20.005 acre tracts, with said Corporation line (O-12-2019), a distance of 666.89 feet to the northerly common corner of said 20.005 acre tract and that 12.397 acre tract conveyed to John Singh Sethi and Preet Mohinder Singh Longtia by deed of record in Instrument Number 201803070004271;

Thence South 03° 20' 02" West, with the line common to said 20.005 acre and 12.397 acre tracts, a distance of 1689.99 feet to a point in the northerly line of that 11.495 acre tract conveyed to Smith Mill Road, LLC by deed of record in Instrument Number 201502250003370, being in the Village of New Albany Corporation line established by O-30-2002, of record in Instrument Number 200210280040677;

Thence North 86° 17' 29" West, with the southerly line of said 20.005 acre tract, the northerly line of said 11.495 acre tract and a remainder of that 124.591 acre tract conveyed to MBI Holdings, LLC by deed of record in Instrument Number 200010300034307, with said Corporation line (O-30-2002), a distance of 672.33 feet to a point in the easterly line of that tract 5.906 acre tract conveyed to The Miller Jones Group, Ltd., by deed of record in Instrument Number 201302250005083, in said Corporation line (O-33-2010);

Thence North 04° 04' 36" East, with the line common to said 20.005 acre and 5.906 acre tracts, with said Corporation line (O-33-2010), a distance of 603.31 feet to the southeasterly corner of that 4.859 acre tract conveyed to John K. Wagner and Joyce L. Wagner by deed of record in Instrument Number 199907230030772;

Thence North 04° 04' 36" East, with the westerly line of said 20.005 acre and 5.954 acre tract, the easterly line of said 4.859 acre tract, a distance of 485.96 feet to the southeasterly corner of said 5.0268 acre tract;

Thence North 02° 30' 14" East, with the line common to said 5.954 and 5.0268 acre tracts, a distance of 600.00 feet to the TRUE POINT OF BEGINNING, containing 25.8 acres, more or less.

The above description and corresponding map were prepared from documents of record and said description is not intended for transfer.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Heather L. King
Professional Surveyor No. 8307

12/15/20



**FARM LOTS 18 AND 31, QUARTER TOWNSHIP 2, TOWNSHIP 2, RANGE 15
UNITED STATES MILITARY DISTRICT
TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO**



Arrest _____
Clerk, City of New Albany

Heather L. King
Professional Surveyor No. 8307
hking@smht.com

Herman/VenTrust Property Survey Services / 20201169-VS-ANNX-01



ORDINANCE O-12-2021

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 13.193 +/- ACRES OF LAND LOCATED AT 12746 COBBS ROAD FOR AN AREA TO BE KNOWN AS THE "MINK INTERCHANGE EXPANSION ZONING DISTRICT" FROM ITS CURRENT ZONING OF AGRICULTURAL (AG) TO LIMITED GENERAL EMPLOYMENT (L-GE) AS REQUESTED BY MBJ HOLDINGS LLC., c/o AARON UNDERHILL, ESQ.

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

WHEREAS, the Planning Commission and 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.

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

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

- A. A 13.193 ± acre area of land located at 12746 Cobbs Road (PID: 035-107400-09.000) for an area to be known as the "Mink Interchange Expansion Zoning District" from its current zoning of Agricultural District (AG) to Limited General Employment District (L-GE).
- B. The zoning district's limitation text and boundary map are hereby attached and marked Exhibit A.

Section 2. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with Section 121 of the Ohio Revised Code, and further pursuant to Ohio General Assembly 133 – House Bill 404 effective November 22, 2020.

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

CERTIFIED AS ADOPTED this _____ day of _____, 2021.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

Legislation dates:

Prepared: 03/03/2021

Introduced: 03/16/2021

Revised:

Adopted:

Effective:

MINK INTERCHANGE ZONING DISTRICT EXPANSION

LIMITATION (L-GE) TEXT

MARCH 2, 2021

I. SUMMARY:

A. **Introduction:** The applicant, MJB Holdings, LLC, is in contract to purchase 13.193+/- acres of real property located to the north of and adjacent to Cobbs Road and generally to the west of the Mink Street interchange in Licking County. Concurrently with this zoning, the applicant and the property owner are pursuing the annexation of this land to the City. This zoning text will govern the use and development of this property.

The applicant owns property to the north and northwest of and adjacent to the property that is the subject of this application. These adjacent parcels were zoned upon their annexation approximately five years ago into the Mink Interchange Zoning District. That zoning allows two types of uses: Retail and service-related uses which are typically located near a freeway interchange, and GE, General Employment District uses as provided in the Codified Ordinances, with limitations and requirements as set forth in a zoning text. This rezoning is intended to extend only the GE, General Employment use rights from the Mink Interchange Zoning District to the property that is included in the current application, and does not propose to extend the retail and service-related use rights which apply to the previously created zoning district. The development standards contained in this text are meant to serve as an extension of the development standards that currently apply to the adjacent parcels.

II. DEVELOPMENT STANDARDS: Unless otherwise specified in this written text, the development standards of Part Eleven of the Codified Ordinances of the City of New Albany shall apply to this zoning district. Basic development standards are compiled regarding proposed density, site issues, traffic, circulation, landscape, and architectural standards. These component standards ensure consistency and quality throughout the development.

A. **Permitted Uses:** Permitted uses in this zoning district shall include the permitted and conditional uses contained and described in the Codified Ordinances of the City of New Albany, GE, General Employment District, Sections 1153.02 and 1153.03, provided that conditional uses are approved in accordance with Chapter 1115, Conditional Uses. The following uses from these code sections shall be prohibited:

1. Industrial product sales (See Section 1153.03(a)(1));
2. Industrial service (See Section 1153.03(a)(2));
3. Mini-warehouses (See Section 1153.03(a)(4)(c)). For purposes of clarification, this prohibition applies only to such facilities that are made available for rental to the general public.
4. Personal service (See Section 1153.03(b)(2)) and retail product sales and service (See Section 1153.03(b)(3)), except that such uses shall be allowed as accessory uses to a permitted use in this Zoning District;
5. Vehicle services (See Section 1153.03(b)(4));
6. Radio/television broadcast facilities (See Section 1153.03(c)(1)); and
7. Sexually-oriented businesses (See Section 1153.03(c)(3)).
8. Off-premises signs (See Section 1153.03(c)(2)).

B. Setbacks; Lot Coverage:

1. **State Route 161/Cobbs Road:** There shall be a minimum pavement and building setback of 90 feet from the State Route 161 and Cobbs Road right-of-way.
2. **Perimeter Setbacks:** There shall be a minimum pavement and building setback of 50 feet from the western perimeter boundary of this zoning district. There shall be a minimum pavement setback of 25 feet and a minimum building setback of 50 feet from the eastern perimeter boundary of this zoning district. There shall be a minimum pavement and building setback of 25 feet from all other perimeter boundaries of this zoning district.
3. **Elimination of Setbacks:** In the event that a parcel located within this zoning district and an adjacent parcel located outside of this zoning district (a) come under common ownership or control, (b) are zoned to allow compatible non-residential uses, and (c) are combined into a single parcel, then any minimum building, pavement, or landscaping setbacks set forth in this text shall no longer apply with respect to these parcels.
4. **Lot Coverage:** There shall be a maximum lot coverage of 75% in this subarea.

C. Architectural Standards:

1. **Building Height:** The maximum building height for structures shall not exceed 65 feet, subject to Section 1165.03 of the Codified Ordinances.
2. **Service and Loading Areas:** Service areas and loading areas shall be screened in accordance with the Codified Ordinances.
3. **Building Design:**
 - a. Building designs shall not mix architectural elements or ornamentation from different styles.
 - b. Buildings shall be required to employ a comparable use of materials on all elevations.
 - c. The number, location, spacing, and shapes of windows and door openings shall be carefully considered. Primary entrances to buildings shall be made sufficiently prominent that they can be easily identified from a distance.
 - d. For office buildings and complexes, achieving a human or pedestrian scale is of less concern. When achieving such a scale is desired, it may be achieved by careful attention to width of facades, size and spacing of window and door openings, and floor to floor heights on exterior walls.
 - e. All elevations of a building that are visible from a public right-of-way shall receive similar treatment in terms of style, materials, and design so that such elevations are not of a lesser visual character than any other.
 - f. Use of elements such as shutters, cupolas, dormers, and roof balustrades shall be avoided in building designs that are not based on traditional American architectural styles. Such elements may be employed only when they are common

elements of a specific style, and this style shall be replicated in its entirety. When shutters are employed, even if they are non-operable, they must be sized and mounted in a way that gives the appearance of operability.

g. Elements such as meter boxes, utility conduits, roof and wall projections such as vent and exhaust pipes, basement window enclosures, and trash containers shall be designed, located, or screened so as to minimize their visibility and visual impact.

h. Accessory or ancillary buildings, whether attached or detached, shall be of similar design, materials and construction as the nearest primary structure. Fenestration themes that employ windows, panels and piers that are consistent with the architectural vocabulary of the building are encouraged. Accessory structures, generators, storage tanks, trash receptacles or any other similar improvement must be located behind a building façade that does not front in a public right-of-way.

4. Building Form:

a. All building elevations shall be designed to be compatible with each other and to reflect a consistent design approach.

b. Gable or hip roofs shall be avoided unless a building design replicates a traditional American architectural style that employs such roof forms. In non-stylistic contemporary designs, low or flat roofs may be employed. Roof visibility shall be minimized.

5. Materials:

a. Exterior building materials shall be appropriate for contemporary suburban designs and shall avoid overly reflective surfaces. Traditional materials such as, but not limited to, wood, stone, brick, and concrete shall be permitted, and contemporary materials such as, but not limited to, aluminum, metal, glass, stucco, or cementitious fiberboard (e.g., hardiplank or equivalent) shall be permitted on buildings not employing traditional styles. Architectural precast concrete panels and/or poured-in-place concrete tilt-up panels shall be permitted. The use of reflective or mirrored glass shall be prohibited.

b. Prefabricated metal buildings and untreated masonry block structures are prohibited. Notwithstanding the foregoing, ancillary structures built and operated for the purpose of enclosing equipment and which are not occupied by tenants or persons on a regular basis may be constructed using pre-engineered metal.

c. Generally, the quantity of materials selected for a building shall be minimized.

d. Loading docks are not required to have the same degree of finish as a main entry unless they are visible from a public right-of-way.

e. Complete screening of all roof-mounted equipment shall be required on all four sides of buildings with materials that are consistent and harmonious with the building's façade and character. Such screening shall be provided in order to

screen the equipment from off-site view and to buffer sound generated by such equipment.

f. Additional Standards for Uses Not Governed by DGRs: Buildings that are constructed to accommodate certain uses are not governed by the City's Design Guidelines and Requirements (DGRs). For example, buildings that are constructed for the operation of warehousing and/or distribution uses are not subject to the DGRs and can present challenges in meeting the community standard for architectural design. Such buildings are necessarily large and typically include long walls that together form a square or rectangular box. The goal for the development of buildings that are not subject to the DGRs is to balance the practical needs of these buildings with the desire to provide exterior designs that are attractive and complimentary to the architecture that will be found elsewhere in this zoning district.

Architecture by its nature is a subjective medium, meaning that the adoption of strict objective standards in all instances may not provide the best means for achieving appropriate design. In recognition of this fact, the standards set forth herein provide guidelines and suggestions for designing buildings that are not subject to the DGRs in an effort to set expectations for the quality of architecture that will be expected for these structures. On the other hand, these standards are meant to allow for some flexibility to encourage innovative design provided that the spirit and intent of these provisions are met.

In conjunction with an application for a certificate of appropriateness for each building or structure in this subarea that is not subject to or governed by the DGRs, the applicant shall be required to submit to the City illustrations of the proposed exterior design of the building or structure for review and approval by the Design Review Committee contemplated in Section 1144.04(q) of the City Code. In designing such buildings, the user or applicant shall take into account the following, which are intended to set a level of expectation for the quality of design:

- i. Architectural design for all portions of a building or structure that are visible from a public right-of-way (excluding public rights-of-way whose primary purpose is to accommodate truck traffic or service loading areas) shall meet the community standard in terms of quality while taking into account the unique nature of the use(s) that will be found therein.
- ii. Uninterrupted blank wall facades shall be prohibited to the extent that they are visible from a public right-of-way. Design variations on long exterior walls shall be employed in order to create visual interest. Examples of such design variations include, but are not limited to, the use of offsets, recesses and/or projections, banding, windows, and/or reveals; scoring of building facades; color changes; texture or material changes; and variety in building height.
- iii. The use of one or more architectural or design elements may be used to soften the aesthetics of the building, such as but not limited to canopies, porticos, overhangs, arches, outdoor patios, community spaces, or similar devices.

iv. Contemporary exterior designs, while not required, shall be encouraged in order to create architecture that does not look aged or dated even many years after the facility is built.

v. Landscaping and/or the use of existing vegetation shall be utilized where appropriate to enhance the aesthetics of the building and to lessen its visual impact when viewed from public rights-of-way.

D. Access, Parking, Site Circulation, and Traffic Commitments:

1. Right-of-Way: No additional public street right-of-way shall be required to be dedicated to the City from this zoning district.

2. Access Points: The number, locations, and spacing of curbcuts on public rights-of-way shall be determined and approved prior to the issuance of a certificate of appropriateness for each development project in this zoning district. Primary vehicular access to and from this Zoning District shall occur from Innovation Campus Way if property within this Zoning District is combined into a single parcel with adjacent property located to the north or east which has frontage on Innovation Campus Way. In this circumstance, secondary vehicular access to and from this Zoning District may occur from Cobbs Road. Should such a combination of properties not occur, then primary vehicular access to and from this Zoning District shall be from Cobbs Road.

3. Parking and Loading: Parking and loading spaces shall be provided for each use as per Chapter 1167 of the Codified Ordinances of the City of New Albany.

E. Buffering, Landscaping, Open Space, and Screening: A landscaping plan shall be approved as part of the City's review of a certificate of appropriateness application for each portion of this subarea that is proposed for development. The following landscaping requirements shall apply to this Zoning District:

1. Tree Preservation: Standard tree preservation practices will be in place to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line.

2. Screening of Parking: A landscape buffer to screen parking areas shall be located within the pavement setback along all public rights-of-way. This buffer may contain landscape material, mounding, or a combination of both and shall have a minimum height of 4 feet and a minimum opacity of 75%. A four-board white horse fence may be located within or near the right-of-way along Cobbs Road.

3. Stormwater Management: Wet and dry stormwater basins shall conform to the standards set forth in Section 1171.08 of the Codified Ordinances of the City of New Albany.

4. Street Trees: A street tree row shall be established along Cobbs Road at a rate of one tree per 30 feet of road frontage. Street tree locations shall be shown on certificate of appropriateness plans for City review and approval. All street trees that are not installed prior to infrastructure acceptance shall be bonded to guarantee installation.

5. Pedestrian Circulation: An 8-foot-wide asphalt leisure trail shall be provided along the

zoning district's frontage on Cobbs Road unless a fee-in-lieu of constructing the leisure trail is paid to the City after being approved in accordance with relevant procedures in the Codified Ordinances.

6. Minimum On-Site Tree Sizes: Unless otherwise set forth in this zoning text, minimum tree size at installation shall be no less than two and one half (2 ½) inches in caliper for shade trees, six (6) feet in height for evergreen trees, two (2) inches in caliper for ornamental trees, and thirty (30) inches in height for shrubs. Street trees may be grouped or regularly spaced. Minimum street tree size at installation shall be three (3) caliper inches. Caliper shall be measured six (6) inches above grade.

F. Lighting:

1. All parking lot and private driveway lighting shall be cut-off type fixtures and down cast. Parking lot lighting shall be from a controlled source in order to minimize light spilling beyond the boundaries of the site.

2. All parking lot lighting shall be of the same light source type and style. Building, pedestrian, and landscape lighting may be incandescent or metal halide, or may be LED if the LED lighting temperature is at least 4,000 Kelvin and no more than 6,000 Kelvin to ensure that the lighting color is white.

3. All parking lot light poles shall be black or New Albany green and constructed of metal. Light poles shall not exceed 30 feet in height.

4. Lighting details shall be included in the landscape plan which is subject to review and approval by the City Landscape Architect.

5. No permanent colored lights or neon lights shall be used on the exterior of any building.

6. All other lighting on the site shall be in accordance with City Code.

7. Street lighting must meet City standards and specifications.

G. Signage: All signage shall conform to the standards set forth in Chapter 1169 of the Codified Ordinances of the City of New Albany, unless otherwise stated below.

H. Utilities: All new utilities installed solely to serve this Zoning District shall be installed underground.

Legal Description

13.193 ACRES

TO: CITY OF NEW ALBANY

FROM: JERSEY TOWNSHIP

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED	CONDITIONAL
<input checked="checked" type="checkbox"/>	<input type="checkbox"/>
APPROVED BY:	<i>[Signature]</i>
DATE:	11-13-20

Situated in the State of Ohio, County of Licking, Township of Jersey, in Section 14, Quarter Township 3, Township 2, Range 15, United States Military Lands, being part of that 14.510 acre tract of land conveyed to Edward L. Bright and Debbi S. Bright by deed of record in Official Record 318, Page 627, (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 State Route 161 and Mink Street (County Road 41);

Thence North 88° 33' 16" West, with the centerline of said State Route 161, a distance of 1245.01 feet to the southeasterly corner of that 0.337 acre tract conveyed as Parcel 70-WL to the State of Ohio by deed of record in Instrument Number 200703150006591, the southwesterly corner of that 1.488 acre tract conveyed as Parcel 73-WL to the State of Ohio by deed of record in Instrument Number 200805160011426;

Thence North 03° 26' 31" East, with the common line of said 0.337 acre and 1.488 acre tracts, and with the common line of that 0.160 acre tract conveyed as Parcel 70-WDV to Licking County by deed of record in Instrument Number 200703150006591 and that 0.585 acre tract conveyed as Parcel 73-WDV to Licking County by deed of record in Instrument Number 200805160011426, partly with the existing City of New Albany corporation line (as established by Ordinance Number O-13-2016, of record in Instrument Number 201608100016925), a distance of 231.14 feet to a ¼ inch rebar found at the northeasterly corner of said 0.160 acre tract, in the westerly line of that 6.255 acre tract conveyed to Mink Corner Holdings LLC by deed of record in Instrument Number 201406090010252, in the northerly limited access right of way line of Cobbs Road, the TRUE POINT OF BEGINNING for this description.

Thence North 83° 38' 47" West, with said limited access right of way line, a distance of 50.49 feet to a ¼ inch iron pipe found at the northeasterly corner of that 0.627 acre tract conveyed as Parcel 69-WDV to Licking County by deed of record in Instrument Number 200608010022414;

Thence North 86° 33' 33" West, with said limited access right of way line, a distance of 189.99 feet to a ¼ inch iron pipe found at the northwesterly corner of said 0.627 acre tract, in the easterly line of that 5.039 acre tract conveyed to Robert L. Lucas and Sandra M. Lucas, Trustees by deed of record in Instrument Number 201207130015618;

Thence North 03° 28' 28" East, with said easterly line, a distance of 209.84 feet to a ¼ inch iron pipe found at the northeasterly corner of said 5.039 acre tract;

Thence North 86° 33' 03" West, with the northerly line of said 5.039 acre tract, a distance of 100.00 feet to a bent ¼ inch iron pipe found at the southeasterly corner of that 15.894 acre tract conveyed to Mark L. Mayville, Geraldine Y. Mayville, Richard A. Needles and Theresa L. Love by deeds of record in Official Record 417, Page 537, Official Record 417, Page 535, Official Record 416, Page 209, and Deed Book 790, Page 643;

Thence North 03° 28' 41" East, with the easterly line of said 15.894 acre tract, a distance of 1696.67 feet to a ¼ inch iron pipe found in the southerly line of that 162.114 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201508210017779, in the existing City of New Albany corporation line (as established by Ordinance Number O-31-2015, of record in Instrument Number 201601070000270);

13.193 ACRES

-2-

Thence South 86° 37' 29" East, with said southerly line and said corporation line, a distance of 296.14 feet to a ¾ inch iron pipe found at the northwesterly corner of that 16.944 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201511050024177;

Thence South 02° 58' 27" West, with the westerly line of said 16.944 acre, the westerly line of that 37.498 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201603300006016, and said corporation line (passing ¾ inch iron pipe found at 299.69 feet) a total distance of 1400.53 feet to an iron pin set at the southwest corner of said 37.498 acre tract;

Thence South 83° 36' 23" East, with the southerly line of said 37.498 acre tract and said corporation line, a distance of 31.69 feet to a ¾ inch iron pipe found at the northwesterly corner of said 6.255 acre tract;

Thence South 03° 26' 31" West, with the westerly line of said 6.255 acre tract and said corporation line, a distance of 507.32 feet to the TRUE POINT OF BEGINNING, containing 13.193 acres of land, more or less.

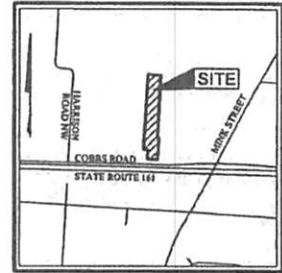
EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk
Professional Surveyor No. 7865

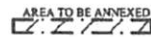
Date

ZONING MAP

SECTION 14, QUARTER TOWNSHIP 3, TOWNSHIP 2, RANGE 15 UNITED STATES MILITARY DISTRICT TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO



LOCATION MAP AND BACKGROUND DRAWING
NOT TO SCALE



PROPOSED CITY OF NEW ALBANY
CORPORATION LINE
EXISTING CITY OF NEW ALBANY
CORPORATION LINE

Contiguity Note:
Total perimeter of annexation area is 4482.67 feet, of which
2335.68 feet is contiguous with the existing City of New Albany
corporation line, giving 49.87% perimeter contiguity.

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

Proposed Annexation
of 13.193 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.

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

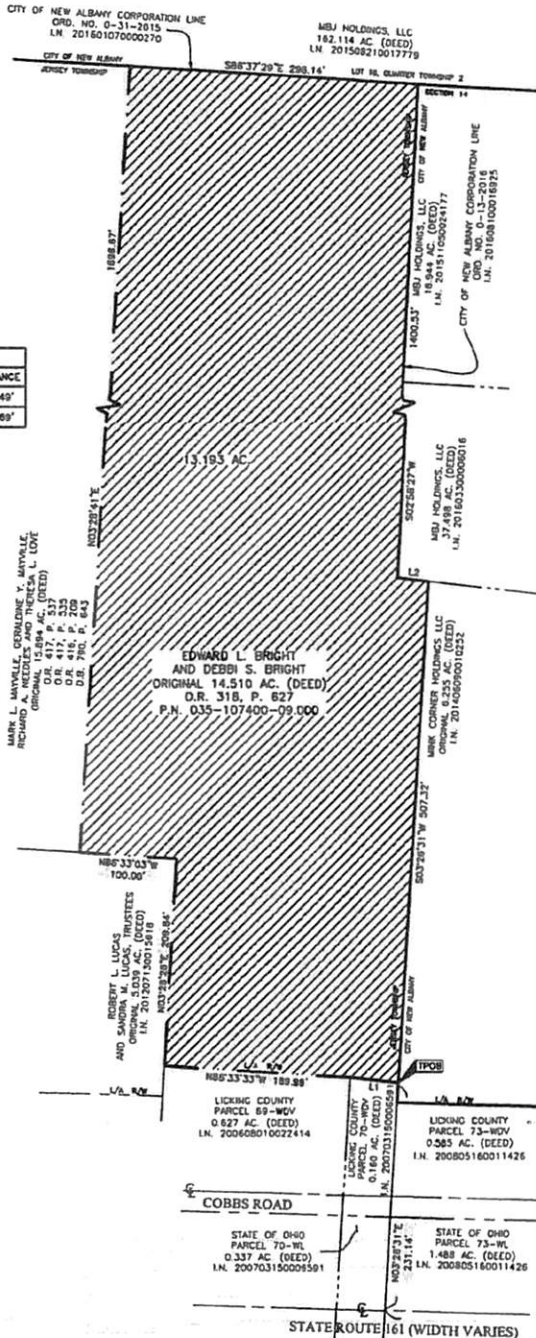
Council for the City of New Albany, Ohio, by ordinance _____ passed _____
20____, and approved by the mayor on _____, 20____, did accept the territory
shown hereon for annexation to the City of New Albany, Ohio, a municipal corporation.

Attest _____
Clerk, City of New Albany

By _____ Date _____
Matthew A. Kirk
Professional Surveyor No. 7855
mkirk@emh.com

EMHT		Date: November 5, 2020
Erikson, Macdonald, Henshaw & Tilton, Inc. Engineers • Surveyors • Planners • Architects 3000 New Albany Road, Columbus, OH 43209 Phone: 614.778.4333 Fax: 614.778.4334 emh.com		Scale: 1" = 80'
		Job No: 2020-1033
		Sheet: 1 of 1
REVISIONS		
MARK	DATE	DESCRIPTION

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N83°38'47"W	50.49'
L2	S83°38'23"E	31.89'





ORDINANCE O-13-2021

AN ORDINANCE TO ACCEPT A 1.633 ACRE CONSERVATION EASEMENT AS REQUESTED BY AMERICAN ELECTRIC POWER COMPANY

WHEREAS, American Electric Power Company has obtained permits from the Ohio EPA and U.S. Army Corps of Engineers that require the protection of certain wetlands and watercourses in the general vicinity of the city of New Albany; and,

WHEREAS, to protect these environmentally sensitive land areas, the permits require them to be encumbered within a conservation easement; and,

WHEREAS, a public entity must be the recipient (grantee) of such easements in order to ensure that the purposes of the easements are fulfilled; and,

WHEREAS, the city will be the recipient (grantee) of conservation easements totaling 1.633 acres; and,

WHEREAS, the city will benefit from this dedication of conservation easement.

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 accept the conservation easement totaling 1.633 acres as described and depicted on Exhibit A.

Section 2. It is hereby found and determined that all formal actions of council concerning and relating to the adoption of this legislation were adopted in an open meeting of council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with Section 121 of the Ohio Revised Code, and further pursuant to Ohio General Assembly 133 – House Bill 404 effective November 22, 2020.

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

CERTIFIED AS ADOPTED this _____ day of _____, 2021.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

Legislation dates:

Prepared: 03/05/2021

Introduced: 03/16/2021

Revised:

Adopted:

Effective:

CONSERVATION EASEMENT AGREEMENT

This Conservation Easement Agreement ("Agreement") is made to be effective on the last date of signature below (the "Effective Date"), by and between **AMERICAN ELECTRIC POWER COMPANY.**, an Ohio corporation having its address at 1 Riverside Plaza, Columbus, Ohio 43215 ("Grantor"), and the **CITY OF NEW ALBANY, OHIO**, an Ohio municipal corporation having its address at 99 W. Main Street, New Albany, Ohio 43054 ("Grantee").

RECITALS:

WHEREAS, Grantor is the sole owner in fee simple of certain real property known as Licking County Auditor's Tax Parcel Number 094-106404-00.002 and being more particularly described in Instrument Number 201904220007371, which is of record with the Recorder's Office, Licking County, Ohio (the "Property"); and

WHEREAS, the Property contains perennial streams, intermittent streams, ephemeral streams, and wetlands under the regulatory jurisdiction of the U.S. Army Corps of Engineers ("USACE"), Huntington District, pursuant to Section 404 of the Clean Water Act (see Preliminary Jurisdictional Determination issued by the U.S. Army Corps of Engineers on February 18, 2020 (LHR-2018-930-SCR-Rhodes Ditch); and

WHEREAS, in order to develop and locate a utility substation ("Station") to serve customers in the New Albany, Ohio area, Grantor purchased the Property from a Developer who, in connection with the initial site preparation and development of the Station on the Property had impacted wetlands under the authority granted by the USACE's Nationwide Permit 39; and

WHEREAS, Grantor's expansion of the Station necessitated filling and modifying portions of a former golf course pond and its ditch outlet, which resulted in the need to obtain an individual 404 permit from the USACE and 401 Water Quality Certification Ohio EPA Number 206843A ("401 WQC") from Ohio EPA ("OEPA"); and

WHEREAS, as a condition of OEPA's issuance of its 401 WQC, OEPA requested compensatory mitigation for the cumulative impacts to wetlands resulting from Grantor's and Developer's combined development efforts on the Property; and

WHEREAS, Grantor and OEPA agree that compensatory mitigation could be identified on the Property and protected in perpetuity through the declaration of a Conservation Easement; and

WHEREAS, Grantor desires to convey to Grantee the right to preserve and protect, in perpetuity, the conservation values of that limited portion of the Property that is generally depicted in **Exhibit A** attached hereto and made a part hereof and is more particularly described in **Exhibit B** attached hereto and made a part hereof (the "**Conservation Easement Area**") encompassing approximately 1.633 Acres; and

NOW THEREFORE, in consideration of the foregoing premises and the mutual promises and covenants contained herein, the parties hereto agree as follows:

AGREEMENT:

1. **Grant of Easement:** Grantor hereby grants and conveys to Grantee an estate, interest, and easement in and to the Conservation Easement Area of the nature and character and to the extent hereinafter expressed (the "**Conservation Easement**"), to be and to constitute a servitude upon that portion of the Property located within the boundaries of the Conservation Easement Area, which estate, interest, and easement will result from the covenants and restrictions set forth herein. To this end and for the purpose of accomplishing the intent of the parties hereto, Grantor covenants with and for the benefit of Grantee, on behalf of Grantor, its successors and assigns, to do and refrain from doing, severally and collectively, upon the Conservation Easement Area, the various acts hereinafter described.

2. **Term of Easement:** The Conservation Easement granted hereunder shall be perpetual to the extent permitted by law and shall have no expiration date

3. **Conservation Values:** The Conservation Easement Area possesses substantial value in conserving and protecting the physical, biological, chemical and overall ecological integrity of the real property that it encompasses and is important in the protection of the existing or designed use of the waters of the State of Ohio pursuant to Section 303 of the Clean Water Act, 33 U.S.C Section 1313 and Section 6111.041 of the Ohio Water Pollution Control Act The specific conservation values (hereinafter "Conservation Values") of the Property have been documented in correspondence dated December 1, 2020 entitled "Response to 401 WQC Application Comments" (Mitigation Plan").

4. **Prohibited Actions:** Any activity on or use of the Conservation Easement Area that is inconsistent with the purposes of the Conservation Easement or detrimental to the Conservation Values expressed herein is strictly prohibited. By way of example, and not of limitation, the following activities and uses are prohibited within the Conservation Easement Area, except as permitted or required by the Permit or Mitigation Plan, or except as set forth, below:

- a. **Division:** Any division or subdivision of the Conservation Easement Area is prohibited;

- b. Commercial Activities: Commercial development or industrial activity on the Covenant Area is prohibited, except as otherwise permitted herein;
- c. Construction: The placement or construction of any new man-made modifications such as buildings, structures, fences, permanent roads and parking lots on the Conservation Easement Area is prohibited, other than overhead and underground electric and communication lines (including temporary access roads and temporary crossings for construction and maintenance activities of said lines);
- d. Cutting and Other Control of Vegetation: Any cutting of trees, ground cover or vegetation, or destroying by means of herbicides or pesticides on the Conservation Easement Area is prohibited, other than the removal or control of invasive and noxious species, the control of vegetation necessary to protect and operate the Station Facilities, and other control activities that are set forth in the revegetation plan approved by the OEPA (**Exhibit C**);
- e. Land Surface Alteration: The removal of soil, sand, gravel, rock, minerals or other materials from the Conservation Easement Area, or doing any act that would alter the topography of the Property shall be prohibited, except as otherwise required for construction or maintenance authorized pursuant to paragraphs c or h of this section;
- f. Dumping: Waste, garbage and unsightly or offensive materials are not permitted and may not be accumulated on the Conservation Easement Area;
- g. Recreational Trails and Vehicles: Recreational uses that disturb or compact the soils or destroy or inhibit growth of vegetation in the Conservation Easement Area are prohibited;
- h. Utilities: Construction of utilities on the Conservation Easement Area shall be prohibited, other than those excepted in part j. "Exceptions" of this Section, or if OEPA has otherwise approved the exception;
- i. Water Courses: Natural water courses and streams and adjacent riparian buffers may not be dredged, straightened, filled, channelized, impeded, diverted or otherwise altered on the Conservation Easement Area, other than as part of activities that are authorized by the Permit;
- j. Exceptions: In addition to any pre-existing encumbrances, Grantor reserves and excepts the right to locate a 350 foot aerial transmission line crossing ("Future Crossing Easement") of the Conservation Easement Area at a location(s) to be determined in the future. In the Future Crossing Easement, AEP would be required to clear vegetation and replant with low growing shrubs within the Future Crossing Easement transmission line corridor, in accordance with the Revegetation Plan set

forth in Exhibit C. The Future Crossing Easement is included in the Conservation Easement Area, with the understanding that clearing/restoration activities occurring in this area would not degrade the ability of the area to fulfill the mitigation requirement;

- k. **Other Activities:** Each and every other activity or construction project which might endanger the natural, scenic, biological, ecological integrity of the Conservation Easement Area shall be prohibited.

5. **Rights of Grantee:** Grantor confers upon Grantee the following rights to perpetually maintain the conservation values of the Conservation Easement Area:

- a. **Right to Enter:** Grantee has the right to enter upon the Conservation Easement Area at reasonable times to monitor or to enforce compliance with this Agreement, provided that such entry shall occur after prior reasonable notice is provided to Grantor and appropriate consideration is given to the reasonable security or safety requirements of Grantor. To the extent reasonably possible, entry shall be made from a public right-of-way. Grantee may not enter upon the Property (other than the Conservation Easement Area) or unreasonably interfere with Grantor's use and quiet enjoyment of the Property. Grantee shall not have the right to permit others to enter the Conservation Easement Area. The general public is not granted access to the Conservation Easement Area or the Property under this Agreement.
- b. **Right to Preserve:** Grantee has the right to prevent any activity on or use of the Conservation Easement Area that is inconsistent with the terms or purposes of this Agreement. Nothing herein, however, is intended to place any restrictions on the use or development of those portions of the Property located outside of the boundaries of the Conservation Easement Area.
- c. **Right to Require Restoration:** Grantee shall have the right to require the restoration of the areas or features of the Conservation Easement Area which are damaged by any activity inconsistent with the requirements of this Agreement. Grantee's rights under this paragraph shall include, but shall not be limited to, the right to initiate any proceedings or actions in law or equity as are necessary to enforce the terms of this Agreement or facilitate the restoration of the Conservation Easement Area.
- d. **Signs:** Grantee shall have the right to place signs within the Conservation Easement Area which identify the land as being protected by the Conservation Easement. The number, size and content of any such signs are subject to the prior approval of the owner of the Conservation Easement

Area, which shall not be unreasonably conditioned, delayed or withheld. Grantee reserves the right to post or clearly mark the boundaries of the Conservation Easement Area at locations that are mutually agreed upon with the owner of the Conservation Easement Area.

Notwithstanding the removal of any real property utilized for a Crossing from the Conservation Easement Area, as contemplated by Section 4.f above, Grantee shall have a license to enter upon any Crossing for the limited purpose of accessing any portion of the remaining Conservation Easement Area as may be necessary to exercise the rights set forth in this Section 5.

6. **Permitted Uses:** Grantor reserves to itself, and to its successors and assigns, with respect to the Conservation Easement Area, all rights accruing from its ownership of the Conservation Easement Area, including the right to engage in or permit or invite others to engage in all uses of the Conservation Easement Area that are not expressly prohibited herein and are not inconsistent with the purposes of this Agreement. Without limiting the generality of the foregoing, the following rights are expressly reserved:

- a. **Right to Convey:** The right to sell, mortgage, bequeath, donate or otherwise convey any or all portions of the Property, including, without limitation, the Conservation Easement Area. Any conveyance shall remain subject to the terms and conditions of this Agreement and the subsequent interest holder shall be bound by the terms and conditions hereof.
- b. **Right to Access:** The right to unimpeded access to the Conservation Easement Area. In addition, vehicular and pedestrian crossings of the Conservation Easement Area shall be permitted, but only if all relevant permits and permissions are first obtained from the Ohio Environmental Protection Agency and/or the U.S. Army Corps of Engineers.
- c. **Use of Property:** Except as provided in the last paragraph of Section 5 above, the portions of the Property located outside of the boundaries of the Conservation Easement Area are not subject to the restrictions of the Conservation Easement created hereunder. Grantor shall be permitted to use and develop all portions of the Property under its ownership which are located outside of the boundaries of the Conservation Easement Area without restriction.

7. **Grantee's Remedies:** In the event of a breach of this Agreement, Grantee shall have the following remedies and shall be subject to the following limitations:

- a. **Delay in Enforcement:** A delay in enforcement shall not be construed as a waiver of Grantee's rights to enforce the terms of this Agreement.

- b. **Acts Beyond Grantor's Control:** Grantee may not bring an action against Grantor for modifications to the Conservation Easement Area which result from causes beyond its control. Examples include, without limitation, unintentional fires, storms, natural earth movement, trespassers, or a party's well-intentioned actions in response to an emergency which result in changes to the Conservation Easement Area. Grantor shall have no responsibility under this Agreement for such unintended modifications. Grantee may, however, bring an action against another party for modifications that impair the conservation values identified in this Agreement.
- c. **Notice and Demand:** If Grantee determines that a person or entity is in violation of the terms of the Conservation Easement or this Agreement, or that a violation is threatened, then it shall provide written notice via certified mail to such person or entity. The written notice shall identify the violation and request corrective action to cure the violation or restore the relevant real property.
- d. **Failure to Act:** If, for a thirty (30) day period after the date of written notice provided pursuant to subparagraph c. above, the person or entity continues violating the terms of the Conservation Easement or this Agreement, or if the person or entity does not abate the violation or begin to implement corrective measures within the foregoing thirty (30) day period requested by Grantee, or fails to continue to diligently cure such violation until finally cured, Grantee shall be permitted to bring an action in law or in equity to enforce the terms of the Conservation Easement or this Agreement and recover any damages for the loss of the conservation values protected hereunder. Grantee is also entitled to bring an action to enjoin the violation through injunctive relief, seek specific performance, declaratory relief, restitution, reimbursement of expenses or an order compelling restoration of the Conservation Easement Area. If a court determines that the person or entity has failed to comply with the terms of the Conservation Easement or this Agreement, then Grantee may seek an order requiring the person or entity to reimburse all reasonable costs and attorneys' fees incurred by Grantee in compelling such compliance.
- e. **Unreasonable Litigation:** If Grantee initiates litigation against Grantor to enforce this Agreement, and if the court determines that the litigation was without reasonable cause or in bad faith, then Grantee is to reimburse such parties' reasonable costs and attorneys' fees incurred in defending the action.
- f. **Grantor's Absence:** If Grantee determines that the terms of the Conservation Easement or the Agreement is, or is expected to be, violated,

then Grantee will make a good faith effort to notify Grantor. If, through reasonable efforts, Grantor cannot be notified, and if Grantee determines that emergency circumstances exist that justify prompt action to mitigate or prevent impairment of the Conservation Easement, then Grantee may pursue its lawful remedies without prior notice and without awaiting a response from Grantor.

- g. **Cumulative Remedies:** The preceding remedies of Grantee are cumulative. Any or all of the remedies may be invoked by Grantee if there is an actual or threatened violation of this Agreement.

8. **Ownership Costs and Liabilities:** Except as otherwise required by this Agreement, in accepting the Conservation Easement, Grantee shall have no liability or other obligation for costs, liabilities, taxes or insurance of any kind related to the Conservation Easement Area. Grantee and its administrators, officers and employees shall have no liability arising from injury or death to any person or from physical damage to any other property located within the Conservation Easement Area or otherwise.

9. **Remediation:** If, at any time, there occurs, or has occurred, a release in, on, or about the Conservation Easement Area of any substance now or hereafter defined, listed, or otherwise classified, and in excess of any amount permitted pursuant to any federal, state, or local law, regulation, or requirement, or in an amount that is hazardous, toxic, polluting, or otherwise contaminating to the air, water, or soil, or in any way harmful or threatening to human health or the environment, then the owner(s) of the Conservation Easement Area shall take all steps necessary to assure its containment and remediation, including any cleanup that may be required, unless the release was caused by Grantee, in which case Grantee shall be responsible therefor.

10. **Cessation of Existence:** If Grantee shall cease to be authorized to acquire and hold conservation easements, then this Agreement shall become vested in another qualified entity that is eligible to acquire and hold a conservation easement under Ohio law, upon the consent of the owner of the Conservation Easement Area and the OEPA and such vesting shall be deemed an assignment pursuant and subject to Section 13 of this Agreement. The owner of the Conservation Easement Area shall execute and deliver such documents and instruments as may be necessary to properly reflect the substitution or replacement of Grantee hereunder.

11. **Termination:** The Conservation Easement may be extinguished only by an unexpected change in condition which causes it to be impossible to fulfill the Conservation Easement's purposes, or by exercise of eminent domain. If subsequent circumstances render the purposes of the Conservation Easement impossible to fulfill, then the Conservation Easement and this Agreement may be partially or entirely terminated only by judicial proceedings initiated by the owner of the Conservation Easement Area or Grantee.

12. **Recordation:** Grantor shall cause this instrument to be recorded in a timely fashion in the Recorder's Office, Licking County, Ohio, and Grantee may re-record it at any time as may be required to preserve its rights in this Agreement.

13. **Assignment:** This Agreement is transferable, but Grantee may assign its rights and obligations hereunder only to an organization mutually agreed to by the fee simple owners of the Conservation Easement Area, OEPA, and the transferee, provided that the organization is a qualified organization at the time of transfer under Section 170(h) of the Internal Revenue Code of 1986, as amended, (or any successor provision then applicable) and authorized to acquire and hold conservation easements under Ohio law. As a condition of such transfer, Grantee shall require that the transferee organization must agree in writing to assume all of Grantee's obligations and duties hereunder and to carry out the conservation purposes that this grant is intended to advance. Grantee agrees to give written notice to the owner(s) of the Conservation Easement Area of a transfer or an assignment at least twenty (20) days prior to the date of such transfer or assignment and to furnish promptly to such owner(s) an executed copy of the assignment and assumption agreement to be recorded by Grantee after the expiration of such 20-day notice period in the Recorder's Office, Licking County, Ohio. The failure of Grantee to give such notice shall not affect the validity of this Agreement nor limit its enforceability in any way.

14. **Notices:** For purposes of this Agreement, notices shall be provided to the parties, by personal delivery or by mailing a written notice via certified mail, return receipt requested, to that party at the address shown at the outset of this Agreement, or with respect to any successors or assigns of Grantor, to the tax mailing address of the relevant party as evidenced in the records of the Office of the Auditor of Licking County, Ohio. Notice is deemed given upon (i) personal delivery or (ii) two days after depositing the properly addressed notice with the U.S. Postal Service.

15. **Severability:** If any portion of this Agreement is determined to be invalid or unenforceable, the remaining provisions of this Agreement will remain in full force and effect.

16. **Successors:** This Agreement and the Conservation Easement created hereunder shall be a covenant running with the land and shall constitute a burden on the Conservation Easement Area and shall run to the benefit of the parties hereto and their respective successors or assigns in interest. All subsequent owners of the Conservation Easement Area shall be bound to all provisions of this Agreement to the same extent as the current parties.

17. **Termination of Rights and Obligations:** A party's rights and obligations under this Agreement shall terminate upon the transfer of its interest in the Conservation Easement Area. Liability for acts or omissions occurring prior to transfer shall survive any such transfer.

18. **Applicable Law:** This Agreement shall be governed by and construed in accordance with the substantive law of the State of Ohio, irrespective of its conflict of law provisions.

19. **“As Is” Condition:** Grantee has examined the Conservation Easement Area and agrees to accept the “AS-IS” condition of the same for purposes of this Agreement.

20. **Site Monitoring:** The Conservation Easement Area shall be inspected by Grantee at a minimum of one time annually.

21. **No Merger:** The Conservation Easement provided under this Agreement is intended to facilitate the perpetual protection of the Conservation Easement Area as provided herein. No easement granted or enjoyed hereunder shall be eliminated through the doctrine of merger as the result of Grantee holding title to and/or having ownership of the Conservation Easement Area.

22. **Notice to OEPA and USACE:** Grantor shall provide notice of the transfer of any interest in the covenant area or the modification of this instrument to OEPA, and the US Army Corps of Engineers at least sixty (60) days prior to the date of such transfer or modification. Grantor’s notice shall include the name, address, and telephone number of the transferee and a copy of this Conservation Easement.

Grantor shall notify OEPA within ten (10) days after each conveyance of an interest in any portion of the Conservation Easement Area. Grantor’s notice shall include the name, address and telephone number of the Transferee, and a copy of the original document that imposed restrictions on the Conservation Easement Area.

[Remainder of this page intentionally left blank; Signature pages to follow]

IN WITNESS WHEREOF, Grantor has set its hand to this Agreement as of the date written below, to be effective as of the Effective Date.

GRANTOR:

AEP OHIO TRANSMISSION COMPANY, INC.,
an Ohio corporation

By: _____

Print Name: _____

Date: _____

STATE OF OHIO
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2020, by _____, the _____ of **AEP Ohio Transmission Company, Inc.**, an Ohio corporation, on behalf of the corporation.

Notary Public

IN WITNESS WHEREOF, Grantee has set its hand to this Agreement as of the date written below, to be effective as of the Effective Date.

GRANTEE:

THE CITY OF NEW ALBANY, OHIO,
an Ohio municipal corporation

By: _____

Name: _____

Title: _____

Date: _____

STATE OF OHIO
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2020, by _____, the _____ of The City of New Albany, Ohio, an Ohio municipal corporation, on behalf of said municipal corporation.

Notary Public

Approved as to Form:

Exhibit A – Depiction of Conservation Easement Area

EXHIBIT "A" PREPARED BY:
CENTRAL SURVEYING CO. LTD
7563 EAST MAIN ST.
REYNOLDSBURG, OHIO 43068
614-864-1100



BY: preliminary
DAVID A. SANFORD, P.S. #8721 01-26-2021

MBJ HOLDINGS, LLC
INST. #201811280025126
242.648 ACRES (DEED)
PID: 094-106404-00.000

AEP OHIO TRANSMISSION
COMPANY, INC.
INST. #201904220007371
27.294 ACRES (DEED)
PID: 094-106404-00.002

AMAZON.COM SERVICES LLC
INST. #202101040000054
98.640 ACRES (DEED)
PID: 094-106404-00.004

MONTAUK INNOVATIONS LLC
INST. #201812130026436
219.255 ACRES (DEED)
PID: 094-106896-00.000

EXHIBIT "A"

LEGEND

- 5/8" REBAR & CAP SET
CENTRAL SURV., CO. LTD.
- 3/4" IRON PIPE/CAP FND
EMHT INC.

—R— PROPERTY LINE

— EASEMENT AREA

CONSERVATION EASEMENT AREA
CONTAINING 1.633± ACRES
(EASEMENT LENGTH = 1355')

LINE	BEARING	DISTANCE
L1	N 63°46'24" W	25.91'
L2	N 41°27'41" E	50.13'
L3	N 85°58'44" E	13.58'
L4	N 08°52'37" E	35.19'
L5	N 34°12'08" E	96.79'
L6	N 21°23'18" W	24.88'
L7	N 36°41'15" E	53.80'
L8	S 76°06'01" E	21.59'
L9	N 36°07'24" E	18.45'
L10	N 12°41'54" E	36.65'
L11	N 42°10'39" E	48.00'
L12	N 66°07'12" E	19.32'
L13	N 37°57'10" E	16.60'
L14	N 01°21'43" W	58.27'
L15	S 77°41'29" E	36.46'
L16	N 38°44'33" E	34.99'
L17	N 02°13'46" E	31.08'
L18	N 47°01'21" E	37.99'
L19	N 17°02'45" W	2.53'
L20	N 01°37'35" W	21.97'
L21	N 17°23'44" E	30.45'
L22	N 00°18'49" W	50.68'
L23	N 43°56'55" E	67.87'
L24	N 63°24'16" E	63.59'
L25	N 35°49'34" E	61.65'
L26	N 30°27'00" E	87.97'
L27	N 27°11'06" W	21.25'
L28	N 27°53'21" W	37.09'
L29	N 02°27'58" E	52.84'
L30	N 06°09'46" E	30.29'
L31	N 08°32'32" E	56.35'
L32	N 05°39'53" W	61.65'
L33	N 30°45'05" E	68.02'
L34	N 34°32'13" E	60.59'
L35	N 35°43'02" E	89.17'
L36	N 76°35'05" E	20.32'
L37	S 59°07'18" E	74.02'
L38	S 24°23'47" W	172.39'
L39	S 19°08'07" W	177.95'
L40	S 08°41'33" W	56.96'
L41	S 34°47'28" W	179.27'
L42	S 33°34'10" W	774.81'

BASIS OF BEARINGS:

BEARINGS ARE BASED ON THE OHIO STATE PLANE
COORDINATE SYSTEM, NAD 83, OHIO SOUTH ZONE.

0' 300' 600' 900'



SCALE IN FEET

SCALE: 1 INCH = 300 FEET

SITUATE:

SITUATED IN THE STATE OF OHIO, COUNTY OF LICKING, CITY OF NEW ALBANY, SECTION 16, TOWNSHIP 2, RANGE 15, UNITED STATES MILITARY DISTRICT, AND BEING PART OF AN ORIGINAL 27.294 ACRE TRACT OF LAND CONVEYED TO AEP OHIO TRANSMISSION COMPANY, INC., AS RECORDED IN INSTRUMENT NUMBER 201812130026436. ALL REFERENCES CONTAINED HEREIN ARE TO LICKING COUNTY RECORDER'S RECORDS, NEWARK, OHIO.

NOTES:

THIS DRAWING IS FOR EASEMENT PURPOSES ONLY AND HAS BEEN COMPILED USING EXISTING PUBLIC RECORDS ALONG WITH FIELD COLLECTED INFORMATION. SUBJECT TO ALL LEGAL STREETS, HIGHWAYS, RIGHT-OF-WAYS, ALLEYS, EASEMENTS, AGREEMENTS AND/OR CONDITIONS OF RECORD, IF ANY.

CONSERVATION EASEMENT AREA

EASEMENT ACROSS THE LANDS OF
AEP OHIO TRANSMISSION COMPANY, INC.
CONTAINING 1.633± ACRES

Drawn By: DS	Checked By: WW
Scale: 1"=300'	Date: 01/26/21
File Name: AEP20210101-CONS-EAS	Drawing Number:
Revisions: -	2021-0101

Exhibit "B"

**Description of a 1.633 Acre Conservation Easement Area
For
AEP Ohio Transmission Company, Inc.**

Situated in the State of Ohio, County of Licking, City of New Albany, Section 16, Township 2, Range 15, United States Military District, and being part of an original 27.294 acre tract of land conveyed to AEP Ohio Transmission Company, Inc., as recorded in Instrument Number 201904220007371. All references contained herein are to the Licking County Recorder's Office, Newark, Ohio, and being shown on Exhibit "A" attached hereto and being made a part thereof and more particularly bounded and described as follows:

Beginning at a 3/4 inch O.D. iron pipe and cap stamped "EMHT INC" found at a southeasterly corner of said 27.294 acre tract, at a southwesterly corner of a 98.640 acre tract of land conveyed to Amazon.com Services LLC, as recorded in Instrument Number 202101040000054, and at a northerly corner of a 219.255 acre tract of land conveyed to Montauk Innovations LLC, as recorded in Instrument Number 201812130026436;

thence, N 63°46'24" W, 25.91 feet with a southerly line of said 27.294 acre tract and a northerly line of said 219.255 acre tract to an iron pin set;

thence, leaving a northerly line of said 219.255 acre tract and running within said 27.294 acre tract the following thirty-six (36) courses:

- 1) N 41°27'41" E, 50.13 feet to an iron pin set;
- 2) N 85°58'44" E, 13.58 feet to an iron pin set;
- 3) N 08°52'37" E, 35.19 feet to a point, passing an iron pin set for reference at 32.15 feet;
- 4) N 34°12'08" E, 96.79 feet to an iron pin set, passing an iron pin set for reference at 2.98 feet;

- 5) N 21°23'18" W, 24.88 feet to an iron pin set;
- 6) N 36°41'15" E, 53.80 feet to a point, passing an iron pin set for reference at 39.44 feet;
- 7) S 76°06'01" E, 21.59 feet to an iron pin set, passing an iron pin set for reference at 2.99 feet;
- 8) N 36°07'24" E, 18.45 feet to an iron pin set;
- 9) N 12°41'54" E, 36.65 feet to an iron pin set;
- 10) N 42°10'39" E, 48.00 feet to an iron pin set;
- 11) N 66°07'12" E, 19.32 feet to an iron pin set;
- 12) N 37°57'10" E, 16.60 feet to an iron pin set;
- 13) N 01°21'43" W, 58.27 feet to an iron pin set;
- 14) S 77°41'29" E, 36.46 feet to an iron pin set;
- 15) N 38°44'33" E, 34.99 feet to an iron pin set;
- 16) N 02°13'46" E, 31.08 feet to an iron pin set;
- 17) N 47°01'21" E, 37.99 feet to an iron pin set;
- 18) N 17°02'45" W, 2.53 feet to an iron pin set;
- 19) N 01°37'35" W, 21.97 feet to an iron pin set;
- 20) N 17°23'44" E, 30.45 feet to an iron pin set;
- 21) N 00°18'49" W, 50.68 feet to an iron pin set;
- 22) N 43°56'55" E, 67.87 feet to an iron pin set;
- 23) N 63°24'16" E, 63.59 feet to an iron pin set;
- 24) N 35°49'34" E, 61.65 feet to an iron pin set;
- 25) N 30°27'00" E, 87.97 feet to an iron pin set;
- 26) N 27°11'06" W, 21.25 feet to an iron pin set;
- 27) N 27°53'21" W, 37.09 feet to an iron pin set;

- 28) N 02°27'58" E, 52.84 feet to an iron pin set;
- 29) N 06°09'46" E, 30.29 feet to an iron pin set;
- 30) N 08°32'32" E, 56.35 feet to an iron pin set;
- 31) N 05°39'53" W, 61.65 feet to an iron pin set;
- 32) N 30°45'05" E, 68.02 feet to an iron pin set;
- 33) N 34°32'13" E, 60.59 feet to an iron pin set;
- 34) N 35°43'02" E, 89.17 feet to an iron pin set;
- 35) N 76°35'05" E, 20.32 feet to an iron pin set;
- 36) S 59°07'18" E, 74.02 feet to an iron pin set on a westerly line of said 98.640 acre tract and on an easterly line of said 27.294 acre tract;

thence, with the westerly lines of said 98.640 acre tract and an the easterly lines of said 27.294 acre tract the following five (5) courses;

- 1) S 24°23'47" W, 172.39 feet to a 3/4 inch O.D. iron pipe and cap stamped "EMHT INC" found;
- 2) S 19°08'07" W, 177.95 feet to a 3/4 inch O.D. iron pipe and cap stamped "EMHT INC" found;
- 3) S 08°41'33" W, 56.96 feet to a 3/4 inch O.D. iron pipe and cap stamped "EMHT INC" found;
- 4) S 34°47'28" W, 179.27 feet to a 3/4 inch O.D. iron pipe and cap stamped "EMHT INC" found;
- 5) S 33°34'10" W, 774.81 feet to the **Point of Beginning** and containing 1.633 acres of land, more or less, being subject to all legal streets, highways, right-of-ways, alleys, easements, agreements and/or conditions of record.

Bearings are based on measurements and computations on the Ohio State Plane Coordinate System, Ohio South Zone, North American Datum 1983.

This document is for easement purposes only and has been compiled using existing public records along with field collected information.

All iron pins set are 5/8 inch diameter iron rebar, 30 inch long, with a yellow plastic cap stamped "Central Surv Co., Ltd."

David A. Sanford, P.S. 8721 01/26/21
Central Surveying Co., Ltd.
7563 East Main Street
Reynoldsburg, OH 43068

Revegetation Plan

All vegetation within the Conservation Easement that has been removed or damaged shall be restored as follows:

- Disturbed areas shall be seeded with the permanent, native grass seed mix specified in the seeding table below;
- Low-growing trees and shrubs will be installed on approximately 10-foot centers throughout the area of disturbance to provide a density of at least 400 stems per acre; and
- Trees and shrubs shall be chosen from the list provided in the planting table below.

SEEDING TABLE

Type	Application Rate
Overseed: Grain Oats or Grain Rye	20 lbs/acre
Permanent Seed: Ernst Eastern Native Habitat & CREP Mix (ERNMX-173) or Equal*	11 lbs/acre

*Subject to availability; only native seed shall be used

PLANTING TABLE

Common Name	Scientific Name
Serviceberry	<i>Amelanchier laevis</i>
Gray dogwood	<i>Cornus racemosa</i>
Red-osier dogwood	<i>Cornus stolonifera</i>
Witchhazel	<i>Hamamelis virginiana</i>
Spicebush	<i>Lindera benzoin</i>
Pussy willow	<i>Salix discolor</i>
Southern arrowwood	<i>Viburnum dentatum</i>
Blackhaw	<i>Viburnum prunifolium</i>



RESOLUTION R-08-2021

A RESOLUTION TO APPROVE AND ADOPT THE CITY OF NEW ALBANY ENGAGE NEW ALBANY STRATEGIC PLAN, AS REQUESTED BY THE CITY OF NEW ALBANY

WHEREAS, Council of the City of New Albany has established a strategic plan to guide land use, infrastructure development and economic impact and to provide guidelines to establish goals, objectives and recommendations related to the development of the city and originally adopted by Resolution R-11-1998 on March 3, 1998; and

WHEREAS, New Albany has updated its strategic plan approximately every five years to respond to changing conditions and priorities that resulted from the city's continued growth; the strategic plan is based on community input and sound planning principles designed to improve quality of life, address community needs, and protect investment for the long term; and

WHEREAS, the Rocky Fork Blacklick Accord panel reviewed and recommended approval of the Engage New Albany strategic plan at their meeting on January 21, 2021; and

WHEREAS, the Parks and Trails Advisory Board reviewed and recommended approval of the Engage New Albany strategic plan at their meeting on February 1, 2021; and

WHEREAS, the Architectural Review Board reviewed and recommended approval of the Engage New Albany strategic plan at their meeting on February 24, 2021; and

WHEREAS, the Planning Commission reviewed and recommended approval of the Engage New Albany strategic plan at their meeting on March 1, 2021.

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 adopts the Engage New Albany strategic plan as presented to the council and which shall be attached hereto as Exhibit A upon adoption.

Section 2. It is hereby found and determined that all formal actions of council concerning and relating to the adoption of this legislation were adopted in an open meeting of 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 of the Ohio Revised Code, and further pursuant to Ohio General Assembly 133 – House Bill 404 effective November 22, 2020.

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

CERTIFIED AS ADOPTED this _____ day of _____, 2021.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchevsky
Law Director

Legislation dates:

Prepared: 02/22/2021

Introduced: 03/02/2021

Revised:

Adopted:

Effective: